



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14TH DAY OF SEPTEMBER, 2005** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Larry Sparks, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1061 Request of Paul Phillips to address Council regarding X-ray, MRI and MD Reports (Communication)	PLACED ON FILE
1062 Request of Carlos Jermaine Richard to address Council regarding a simple prayer (Communication)	PLACED ON FILE
1063 Request of Richard Koenig to address Council regarding a letter from Mayor Potter (Communication)	PLACED ON FILE
1064 Request of Ben Philow to address Council regarding general questions (Communication)	PLACED ON FILE
TIME CERTAINS	
1065 TIME CERTAIN: 9:30 AM – Accept the Sustainable Procurement Strategy FY 2004-2005 Progress Report: A Joint City of Portland and Multnomah County Effort (Report introduced by Mayor Potter) Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman: (Y-5)	ACCEPTED
1066 TIME CERTAIN: 9:45 AM – Appoint the Citizen Campaign Commission members (Resolution introduced by Auditor Blackmer) (Y-4, Commissioner Adams was absent)	36335

September 14, 2005

<p>1067 TIME CERTAIN: 10:00 AM – Direct the Office of Cable Communications and Franchise Management and the Office of Sustainable Development to prepare a proposed renewed franchise agreement with PacifiCorp, dba Pacific Power, in coordination with the City Attorney Office, Transportation and other City bureaus (Resolution introduced by Commissioner Saltzman)</p>	<p align="center">CONTINUED TO OCTOBER 19, 2005 AT 9:30 AM</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Tom Potter</p> <p align="center">Office of Management and Finance – Human Resources</p> <p>*1068 Change the salary range of the nonrepresented classification of Debt Manager (Ordinance) (Y-5)</p>	<p align="center">179573</p>
<p align="center">Office of Management and Finance – Purchasing</p> <p>1069 Authorize an Interagency Agreement with Portland Development Commission for the Workforce Training and Hiring Program and Technical Assistance Program (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 21, 2005 AT 9:30 AM</p>
<p align="center">Police Bureau</p> <p>*1070 Approve an Intergovernmental Agreement between the Port of Portland and the City to allow the Police Bureau to conduct emergency vehicle operations training on Port property (Ordinance) (Y-5)</p>	<p align="center">179574</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p> <p>*1071 Authorize agreement for conveyance of the Anthony Donnerberg property and the Jason Powers property, both of which are in the Johnson Creek floodplain to the Bureau of Environmental Services (Ordinance) (Y-5)</p>	<p align="center">179575</p>
<p>1072 Authorize the Director of the Bureau of Environmental Services to execute revenue generating Private Party Agreements in amounts not to exceed \$50,000 per agreement for the Watershed Revegetation Program (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 21, 2005 AT 9:30 AM</p>
<p>1073 Authorize the Director of the Bureau of Environmental Services to execute revenue generating Intergovernmental Agreements in amounts not to exceed \$100,000 per agreement for the Watershed Revegetation Program (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 21, 2005 AT 9:30 AM</p>

September 14, 2005

<p>1074 Authorize a contract with Inter-Fluve, Inc. and provide for payment for the design of Brownwood Flood Mitigation and Restoration, Project No. 7335 (Second Reading Agenda 1026)</p> <p>(Y-5)</p>	<p align="center">179576</p>
<p>1075 Authorize contract with CH2M Hill, Inc. for professional engineering services for system planning support to update the Bureau of Environmental Services System Plan Project No. 8064 (Second Reading Agenda 1027)</p> <p>(Y-5)</p>	<p align="center">179577</p>
<p>1076 Authorize an Intergovernmental Agreement with Metro for the City to assist in the restoration of native vegetation at the Metro St. John Landfill through the Bureau of Environmental Services' Watershed Revegetation Program (Second Reading Agenda 1028)</p> <p>(Y-5)</p>	<p align="center">179578</p>
<p>1077 Amend Joint Funding Agreement with the U.S. Geological Survey for hydrogeologic technical assistance (Second Reading Agenda 1029; amend Contract No. 34885)</p> <p>(Y-5)</p>	<p align="center">179579</p>
<p>1078 Authorize an Intergovernmental Agreement with Metro to transfer \$40,000 for design and construction of an ecoroof at Metro Headquarters for Environmental Protection Agency Innovative Wet Weather grant program (Second Reading Agenda 1030)</p> <p>(Y-5)</p>	<p align="center">179580</p>
<p align="center">Office of Transportation</p>	
<p>*1079 Grant revocable permit to Kingston Bar & Grill/Portland State University to close SW Morrison Street between SW 20th Place and 20th Avenue and SW 20th Place between SW Yamhill Street and SW Morrison Street from 8:00 a.m. to 8:00 p.m. on 9/17/05, 9/24/05, 10/15/05, 10/22/05, 11/19/05, 11/26/05 and 12/3/05 (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179581</p>
<p>1080 Amend contract with Transcore ITS, Inc. to provide software for the Central Traffic Signal System Replacement Project (Second Reading Agenda 1031; amend Contract No. 34742)</p> <p>(Y-5)</p>	<p align="center">179582</p>
<p>1081 Authorize Intergovernmental Agreement with Rogue Valley Transit District for \$5,000 for use of City CarpoolMatchNW.org website (Second Reading Agenda 1032)</p> <p>(Y-5)</p>	<p align="center">179583</p>
<p>1082 Authorize contract and provide for payment for the Naito Parkway Reconstruction Project (Second Reading Agenda 1033)</p> <p>(Y-5)</p>	<p align="center">179584</p>
<p>1083 Authorize a Lease Agreement with 5 East Side Stories LLC in the vicinity of SE 3rd Avenue and East Burnside Street (Second Reading Agenda 1034)</p> <p>(Y-5)</p>	<p align="center">179585</p>

September 14, 2005

1084 Authorize a Lease Agreement with Artiste Lofts LLC in the vicinity of SE 3rd Avenue and East Burnside Street (Second Reading Agenda 1035) (Y-5)	179586
1085 Authorize renewal of a Lease Agreement with Multnomah County in the vicinity of SE Grand Avenue and SE Hawthorne Blvd (Second Reading Agenda 1036) (Y-5)	179587
Commissioner Dan Saltzman Office of Cable Communications and Franchise Management 1086 Consent to transfer of selected physical assets of Chevron U.S.A., Inc. to Paramount of Oregon, Inc (Second Reading Agenda 1039) (Y-5)	179588
Parks and Recreation 1087 Authorize an Intergovernmental Agreement with Oregon Health and Sciences University and related reciprocal easements for construction and maintenance of two new trails (Second Reading Agenda 1046) (Y-5)	179589
1088 Amend Purchase Order with Dirt Logic LLC to calculate designed earthwork quantities (Second Reading Agenda 1047; amend Purchase Order No. 1027828) (Y-5)	179590
1089 Authorize an agreement with the Friends of Overlook House to maintain and operate the Overlook House Community Center (Second Reading Agenda 1048) (Y-5)	179591
REGULAR AGENDA 1090 Accept bid of Portland Excavating Inc. for the NE 148th Ave L.I.D. Street Improvements Project for \$663,496 (Purchasing Report – Bid No. 104502) Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)	ACCEPTED PREPARE CONTRACT
1091 Accept bid of Robison Construction, Inc. for the South Airport Sanitary Sewer Project Phase I for \$1,149,766 (Purchasing Report – Bid No. 104503) Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)	ACCEPTED PREPARE CONTRACT
1092 Approve order of council for the Augustine L. Calcagno Measure 37 Claim (Order of Council; Claim No. 05-17098 PR) (Y-4; N-1, Adams)	APPROVED

September 14, 2005

<p>1093 Approve a joint City of Portland and Multnomah County public safety system planning and budget process (Resolution introduced by Mayor Potter and Commissioner Adams)</p> <p>(Y-5)</p>	<p align="center">36336</p>
<p align="center">Mayor Tom Potter</p> <p align="center">Office of Management and Finance – Human Resources</p> <p>*1094 Authorize the establishment of a Vacation Donation Program to assist victims of Hurricane Katrina (Ordinance)</p> <p>Motion to accept amendment to add Mercy Corps as an eligible charity to donate to: Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-5)</p> <p>(Y-5)</p>	<p align="center">179592</p> <p align="center">AS AMENDED</p>
<p align="center">Office of Management and Finance – Purchasing</p> <p>1095 Authorize a 3-year price agreement with Wasco County Landfill, Inc. for the transportation and disposal of stormwater sediment (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 21, 2005 AT 9:30 AM</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p> <p>*1096 Authorize use of the Eminent Domain Authority of the City to acquire certain permanent and temporary property interests necessary for completion of the East Side Combined Sewer Overflow Tunnel Project - Alder Shaft Project No. 7594 (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179593</p>
<p align="center">Office of Transportation</p> <p>1097 Vacate a portion of N Hunt Street west of N Albina Avenue subject to certain conditions and reservations (Hearing; Ordinance; VAC-10016)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 21, 2005 AT 9:30 AM</p>
<p>1098 Vacate certain portions of SW Iowa Street between SW 30th Avenue and SW Bertha Blvd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10023)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 21, 2005 AT 9:30 AM</p>
<p align="center">Commissioner Dan Saltzman</p> <p align="center">Office of Cable Communications and Franchise Management</p> <p>1099 Require Comcast Corporation to activate capacity for the reserved public access channel as provided in cable franchise agreements (Ordinance)</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC UTILITIES</p>
<p align="center">Parks and Recreation</p>	

September 14, 2005

***1100** Authorize application to the National Park Service for request for and acceptance of donation of surplus Federal real property for park and recreation purposes (Ordinance)
(Y-5)

179594

Commissioner Erik Sten

Bureau of Housing and Community Development

***1101** Authorize subrecipient contract with Housing Development Center for \$130,000 to provide technical services to non-profit developers of affordable housing and provide for payment (Ordinance)
(Y-5)

179595

At 11:57 a.m., Council recessed.

September 14, 2005

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **14TH DAY OF SEPTEMBER, 2005** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard
and Sten, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees,
Deputy City Attorney; and Larry Sparks, Sergeant at Arms.

1102 TIME CERTAIN: 2:00 PM – Establish registration and reporting requirements for lobbying entities and City officials (Ordinance introduced by Commissioner Adams; add Code Chapter 2.12)	Disposition: CONTINUED TO OCTOBER 5, 2005 AT 9:30 AM
--	---

At 4:15 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

September 14, 2005
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

SEPTEMBER 14, 2005 9:30 AM

Potter: Good morning, everybody. Before we begin the official part of city council, we have a tradition here at city council. We ask our community a question. The question is, how are the children? And the reason we ask that is because in many cultures around the world, in many villages, when people pass each other, they ask each other, instead of how are you, is how are the children. The reason for that is they know that when the children in a community are safe and healthy, the community is safe and healthy. So today we have four experts that are going to talk with us. They're four students from de la salle north catholic high school. We've asked them to come in and speak to council about issues that concern them. So if you folks would come up. Is there enough chairs up there? Good. First thank you for being here. Really, really appreciate it. When you speak, if you'd just tell us your name and then each of you can make a statement. So thank you.

Julius Jones: Hello, council members, mr. Mayor. My name is julius jones. I'm a sophomore at de la salle north catholic. If you really want to know, i'm kind of hungry. That's how i'm doing right about now. I want to talk about why I went to de la salle. I could get up here and say, oh, I knew it would be a great school, but the truth is my mom made me. I was set to go to grant, and then my mom had a change of plans. At first I was very upset and very, very angry, but over time I got over it because of all the nice people that I met at de la salle. Really nice people, really interesting. Since we're a la sallian school, that means we do a lot of service projects. I'm a service ambassador, meaning I coordinate a lot of the service projects we do. As a matter of fact, we're doing a car wash this thursday, a van outreach, where we come downtown and hand out lunches to the homeless. So that means i'm also tired, because I do so many things.

Potter: You're hungry and you're tired.

*******:** Yeah.

Potter: Ok.

Jones: I'm not in a good state. Yeah.

Leonard: And angry. No.

Jones: For my freshman year, I worked out at wilsonville at the xerox corporation, that also made me very angry, because it was so far away. So I struck a deal with the school. If I did a good job -- if I did a good job at xerox, I would get to work downtown. I work downtown now, so I guess I did a good job. I work in the fox tower at u.b.s. financial. We do a lot of -- we do a lot of money things. Of course, we're a brokerage firm -- or financial advisors, or whatever themselves like calling themselves on any given day. They have so many names over there. I can't tell you really what we do, because it's like c.i.a. in there. Well, how the c.i.a.'s supposed to be. Nothing comes in, nothing comes out kind of thing going on. So i'll just tell you about the people. I work for steve expense, a senior partner. He took me to lunch, gave me a pep talk, told me to do a good job, said a few words, but I got the message, and the message is that you only get out of something what you put into it. And that's why I go to de la salle, because I want to give something back to this community so I can get a lot out of it. Thank you.

Adams: Thank you. [applause]

September 14, 2005

Janelle Hartley: Good morning. My name is janelle hartley, a junior at de la salle north catholic. I enjoy running and knitting. I work at tektronix in the marketing and sales department. When I grow up I want to become a nurse practitioner and attend the university of Portland. De la salle has made me a more mature person because I have learned a respectable way to address. De la salle is a small school that has kids with different backgrounds with the same motivations. I'm glad that I attend a school that is willing to help with anything. De la salle is one big happy family and i'm blessed to be a part of it.

Adams: Thank you. [applause]

Kyle Pounder: Hi. My name is kyle pounder, a senior at de la salle. It's my fourth year there. I attended my freshman year, my first year in private school. I attended harriet tubman middle school and beach elementary schools, before coming to de la salle, and so I have a unique perspective of attending both private and public education. So I understand that, mr. Potter, one of your focuses during your term is youth and their education. So I come today to compare my experience between public school and private school. One of the things I noticed when attending public school was that it always seemed that the classes were getting bigger and the schools were -- were growing larger. And so when I attended there the student/teacher ratio continued to increase with budget cuts, and in smaller schools we're on the chopping block for closure and consolidation into larger schools. And so what it did to the teachers is that from being able to teach 18 students and know all of your students, they had 35 and were lucky if they knew all the names in all the successes. With athletics, the price is continuing to rise for students that want to participate in athletics and also be a student owe. Student athletes are shown to have done better. It's becoming more difficult, nearly up to \$200 to participate in a single sport for a single season. And teachers are sort of left where the money that is budgeted to the schools doesn't really come to the teachers. If they don't have supplies that they need, they feel they need to purchase it with their own money. If teachers show their dedication and care for the students because even if they don't have the money, they buy whatever it is that they need to help make the class better. Granted, public schools have tremendous students and tremendous teachers also, it just doesn't seem the way that it's set up and the way that it is working, that even the students that necessarily -- don't necessarily have the drive, they sort of get neglected. So with small -- with smaller classes or with smaller schools, it seems that those students that don't have the drive or necessarily the motivation or maybe feel like they don't belong would then be able to succeed. So having now attended de la salle, the classes are much smaller. They have caring teachers also. I mean, public schools also have caring teachers, but the difference is that the teachers get to know their students and students get to know each other. And so it seems that the best -- one of the better parts about de la salle is that everyone knows each other. So someone doesn't feel left out or lost in the crowd. And so for a student who doesn't necessarily have the drive to succeed, if they're encouraged and welcomed, then they tend to do better. And also, our c.i.p. program, our corporate internship program, provides students the opportunity to get work experience. I work across the street at schwabe, a large law firm here in Portland. I've worked there since my freshman year, and continue there during the summer. So working there provides me the opportunity to learn about law, to possibly pursue the career when I graduate from college, if I choose, but also to gain work experience that many students would not otherwise have. And so i'm not saying that public schools should have each student work, but it seems that it's time for new ideas or new ways to change to help those students who might not necessarily get the help they need.

Potter: Thank you.

Adams: Yeah: [applause]

Bernadette Miller: Good morning. My name is bernadette miller, a junior at de la salle. I work for billing for providence hospital. I'm going to de la salle for two whole years, i've endured the early mornings and late departures, built good habits and learned good etiquette in the workplace,

September 14, 2005

though de la salle is more about the diversity. We have a very diverse atmosphere within our school walls. In the small but populated campus, you'll see on the cafeteria, in the grounds, halls, and most importantly the classroom, it's a mix of races, so much so that it begins to look like neapolitan ice cream or a bag of trail mix. To quote the movie "the outsiders," there's got to be a place with no jobs, just regs, just people." we're ready for careers in any expertise. De la salle has given me a head start in socialism and the game of life. Thank you for your time.

Adams: Thank you.

Potter: Bernadette, I noticed that you want to major in criminal law. Is that as a law or --

Miller: Yes. I want to be a lawyer and then eventually become a judge at the end of my --

Potter: That's too bad. I was hoping you would become a police officer. [laughter] thank you folks very much for being here. And the folks who brought them, we really appreciate your support. We've met a number of young people from de la salle north catholic high school, and everyone has been superb. You're no exception. Thank you very much.

Adams: Thank you very much. [applause]

Potter: These folks here, could they get julius something to eat?

*******:** We do all the time.

Potter: Oh, ok. [laughter] good-bye, folks. City council will come to order. [gavel pounded] Karla, please read the roll call. [roll call taken] [gavel pounded] first going to hear communications. And i've asked some people to come in and talk with us from pica, sponsoring a number of events during this time period, and i'd like to hear them describe what's going on. So thank you for being here.

Victoria Frey: Thank you, mayor Potter. We'd like to take the opportunity to introduce you to our incoming artistic director, mark russell. I've prepared a few facts for you that give you his resume, articles on him, and some of the activities that are happening at t.b.a. I'll pass those out to you.

Mark Russell: It's a pleasure to be here, and to have -- be working for pica, be working for Portland. It was a pleasure my first day to come here as part of t.d.a., to meet the mayor at a support event for the festival, and then to walk down the street and find 6,000 people ready to see in the middle of pioneer square a dance event, which was truly amazing and really exciting. And the festival, which is going on right now, is -- it's incredible. It's doing really well. There's -- it's filled houses. And the art -- i've been impressed with the art and interaction between the audiences. I hope you know that what you have here, which is an amazing opportunity, a great festival, it has an international reputation. I was talking last night to someone from the netherlands that says he's going to bring a bus load of people next year. It has an international/national reputation. It also is, I feel, reflects the nature and the good things about Portland. It's a forward-thinking, global, interactive festival. And that's Portland. And it's been great to be embraced by the people of Portland. I've met so many people. We're looking forward to more collaborations with you. Thanks for supporting us this year. And i'm looking forward to raising the level of -- of what we're doing to even more interaction with the community, more international scope, more partnerships within the arts community. And I just am looking forward to working with you for the next two years. It's a great thing.

Potter: How could people find out more about pica and t.b.a.?

Russell: Well, they can pick up one of our books and come to an event.

Frey: Yeah. Our website is the best place. It's www.pica.org. We have a ticket office at 224 pica, and we've got events all through sunday of this week. We actually start to get a picture of the festival, we start with workshops, professional workshops for -- with the artists in the mornings, then we do salons and discussions in the afternoons, and at pnca, most are at pnca, and they're into artists and just general community, and then we start performances in the evening, late afternoons and evenings. We run nine simultaneous venues with different disciplined performances and have late night cabaret stage and program till 2:00 in the morning.

September 14, 2005

Potter: Great.

Frey: For 10 days -- 11 days this year.

Russell: A lot of people very much involved. It's a great, great opportunity.

Adams: Well, welcome to Portland. We look forward to working with you.

Russell: Thanks. Thank you very much.

Potter: Thank you. It is good to have you here, mark. I was very impressed the other night in our discussion about how you want to accelerate even what you're doing right now and make it even better. We appreciate that. Thank you.

*******:** We will.

Frey: Thank you. Thank you for having us.

Russell: Thanks a lot.

Potter: Communications. Karla, please read item 1061.

Item 1061.

Potter: Thank you for being here, mr. Philips please state your name and you have three minutes.

Paul Phillips: Yes. I'm paul phillips. I'd like to address this death by medicine that I spoke about for just a minute to heed out a warning to every person in the united states, the death by medicine, this is the first link that appears in a google search. I didn't emphasize that 2,147 people to approximately 2,739, is what the math figures up, that in just 180 seconds, four to five people are killed by medical mistakes. And the article, which I read, a paragraph, if you will remember, it says, it is evident that the american medical system is the leading cause of death and injury in the united states. And as i've explained, I was injured at a catholic hospital almost 24 years ago. And before now i'll change the subject to these x-rays, m.r.i. reports. The first page I explained to you in previous conversations, council meetings, I was at the Portland building at the time when I tried to read this first x-ray report, and the only words I can interpret practically is suggestive of remote fracture. That's page number one. In the second page is m.r.i. report done by st. Anthony's hospital in pendleton, Oregon. The cost of this m.r.i., magnetic resonance imagery, was \$2700 for medicare. And if you notice in the upper right hand corner, it says catholic health initiatives. If you remember, i've been speaking about the catholic health association. I guess they haven't heard of that before. And the doctor that had to be a hand surgeon to recommend such an expensive m.r.i. X-ray as well as readings was a doctor steven topper. I seen him at ohsu here in Portland where I had to be transferred in a state vehicle to be brought down here. And the doctor apparently couldn't schedule an m.r.i., x-rays, or the evaluations of that because apparently ohsu -- is my time up?

Potter: Yes.

Phillips: -- doesn't have an m.r.i. Machine. Thank you.

Potter: Please read the next item.

Item 1062.

Potter: Thank you for being here. When you speak, state your name and you have three minutes.

Carlos Jermaine Richard: Yes, sir. Thank you. My name is carlos jermaine richard. Good morning to the honorable mayor and distinguished council members. We'd like to say thank you for all the hard work that you do. I'm pretty sure it's not easy being in the position of a mayor, in the position of a council member. Sometimes your job is easy. Sometimes your job is difficult. Probably most of the time your job is arduous with all the decisions that have to be made, with all of the time that is spent with partners, constituents, stakeholders and community members. We just want to compliment you and say thank you, because we know you're human beings as well. We know that some of the decisions you make, sometime you go home and may groan at night, may have heartache at night. Some people don't agree about what you do all the time, but i'd like to first say thank you again, because it's very hard work, very difficult work, in leading millions of citizens and trying to keep Oregon the best possible place to live in this country. With that, pamphlets pray. Father god, we thank you for this honorable mayor. We thank you for these distinguished

September 14, 2005

commissioners, god, who serve by his side. Father, i'd just ask that you continue to not only protect them, god, but lead them and, father, guide them in every decision that they make, god, concerning the citizens in this state. God, I just thank you again. Strengthen them, god, strengthen their families, god. We just bless you, father, and thank you, lord, that we have a city that would alou, god, this time to come and pray, god, that they know that not only someone is praying for them on the outside, but someone desires to come on the inside and pray for them and their strength as well. We thank you again, god, in jesus' name we pray, amen. Thank you, mayor.

Potter: Thank you. Karla, please read the next item.

Item 1063.

*******:** Good morning, city of Portland, city council, mayor.

Potter: Mr. Koenig, you have three minutes. Please state your name when you testify.

Richard L. Koenig: My name is richard koenig. This is specifically in rebuttal to a letter from the mayor that was addressed to me on the 24th of august. You folks have a copy of the letter in rebuttal. I'd like to continue on from that. In my last visit with city council, mayor Potter was asked a simple question, which required an important answer for everyone who lives in a free society. How does one begin a dialogue with one's elected officials? At a bare minimum, mayor Potter could have taken the opportunity to tell us that he was going to be available at a community forum the following saturday to talk with concerned citizens. Mayor Potter chose not to publicize his appearance and refused to take the time that was granted to him to answer the question. In my ongoing search for how to bring corruption in public office to the attention of the proper authorities, various city employees have made the absurd statement that I am to deal with chief deputy city attorney harry auerbach. This notion is absurd for two reasons. First, without written authorization from the city office, city attorney personnel are prohibited from conferring with anyone other than a city employee. Second, i'm on the record as having committed to securing a fair trial for harry auerbach before sending him to prison for complicit with the Portland police bureau in Oregon -- and organized criminal activity. That means he has a right to remain silent. Everybody knows he has not waived that right and no one can waive it for him. I have made it a point to publicly could you say harry auerbach of criminal conspiracy. I will continue to call for his fair trial before sending him to prison until enough people come down here on a wednesday morning to affect his peaceful arrest. Every week that harry auerbach does not sue me for libel and slander the evidence becomes more compelling that he really is guilty of complicit and felony offenses. Mayor, if you swore truly to protect the rights of the people and limit the power of government as provided in the Oregon and federal constitutions, you will tell us what you intend to do to secure harry auerbach's fair trial. If you do not -- if you did not swear truly, and you wish to collude with harry, then you also have the right to remain silent.

Potter: You know, mr. Koenig, I have to say I normally don't respond to you --

*******:** Thank you.

Potter: -- but I want you to know that I don't appreciate you harassing city employees or threatening them. I want you to know that, that that is intolerable in this building, or the Portland building. Do you understand that?

Koenig: I understand that that's a slanderous allegation. I have never -- I have never sought that.

Potter: Thank you.

Koenig: All I wish to do is dialogue and bring corruption in public office to the attention of the proper authorities. Folks, call this number for a meeting.

Potter: That's it. That's it.

*******:** Thank you.

Potter: Next.

Item 1064.

Potter: Sir, you have three minutes. Please state your name when you testify.

September 14, 2005

Ben Philow: Thank you, sir. My name ben philow. I'm here to share with the good people of Portland and their city commissioners certain facts about Oregon's motor vehicle laws that have been brought to my attention in the recent past. For one, i've been aware that the vehicle code itself is title 59, and itself located in volume 15 of the Oregon revised statutes. The heading of volume 15 is, business regulations, part two. And if the placement of Oregon's motor vehicle laws is under this heading of, business regulations, part two, and if this placement is consistent with article four, section 20, of the Oregon constitution, which states that every act shall embrace but one subject and matters properly connected therewith, then it becomes apparent that our motor vehicle laws can only be applied to commercial use vehicles and those people who are employed to drive them. In fact, at o.r.s.801.305 the word highway is followed, every public road, street, thoroughfare and place, including bridges, viaducts, and other structures within the boundaries of this state, open, used or intended for use by the general public, for vehicles or vehicular traffic as a matter of right. Additionally, in o.r.s., the word license is designed as permission required by law to pursue any commercial activity, trade, occupation, or profession. I frequently use my automobile to travel in Portland, and I have in the past had the unpleasant experience of being compelled to pay traffic citation fines for reasons that I understand have no lawful bearing on me under the vehicle code statutes. To be clear, i'm not an attorney. What I am is a sovereign, flesh and blood member of the general public who reads and considers the laws passed by his representatives. I'm a member of the body politic, which possesses the sole discretion to grant authority to its public servants or remove it from them if necessary. And since public servant accountability is required for a functional representative government I now ask you, the members of Portland's city council, this question -- what law or laws specifically purport to require that members of the general public surrender their natural constitutional and/or statutorily defined right to freedom of movement via use of the public highways to become subject to licensing which also by statutory definition clearly pertains only to traffic of a commercial nature. Thank you.

Potter: Thank you. You're done. You're excused.

*******:** May I get an answer?

Potter: No, you may not.

*******:** Thank you, sir.

Potter: Karla, please call the roll. Do any commissioners wish to pull items from the consent agenda? Does anybody from the audience wish to pull any items? Karla, please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] move to the time certain. Please read the first 9:30 time certain.

Item 1065.

Potter: Good morning, folks.

Jeff Baer: Good morning. I'm jeff baer the acting bureau director for the bureau of purchases. To my left is stacey stack, our sustainable procurement specialist in our office, and has been a key person in helping us put together the sustainable procurement strategy. And to begin, let me first say it's a very good -- very -- it's a pleasure for me to be here this morning to talk about the city's 2005 progress report on our sustainable procurement strategy. And my report this morning will really focus on the city's related accomplishments, but that doesn't diminish in any way Multnomah county's efforts as they've also realized many different accomplishments as well. Perhaps I can have the slide show. By way of brief background, I want to take a moment and discuss about why we pursued the initiative at the beginning. It was prompted by a need to respond to increasing environmental and community concerns, sustainable procurement is seen as a means to integrate environmental, social, and economic factors into the city's procurement decisions, which is a very important aspect of this. We adopted this strategy back in 2002, and this was established as a cooperative effort between Multnomah county and the city of Portland, and which we were able to really leverage our resources together between the city and the county and provide a way to share

September 14, 2005

the results and essentially not duplicate any work. So they really complement each other on our expertise. This has been a strong, successful partnership between these two organizations. Some of the -- in the report, you'll notice that the county took the lead in the employee product work groups, because the city incorporated some of these different areas into our -- into our strategic sourcing initiative. Especially like office supplies and computers and surplus property. This also means that some of the recommendations and results from the report vary a bit between the city and the council as you'll note in the report itself. And another area that we worked on during the past year was to review out the city and county continue to be leaders in this field. These discussions lead to establishing a set of core values, which you'll note is appendix one in the report itself. And I think one of the key areas we thought really was coming back and making sure that the procurement actions that we have are fair, efficient, effective, and economically sound, that really play a significant role, we think, in fostering competition, supporting different sustainable markets, and such. So those are real key area in putting forward those different -- different areas. Slide four, this slide here really talks about some of the recommendations in automotive, switching to diesel, which is -- and maintaining the 20% biodiesel blend. This would be a year in advance of the federal mandate for moving to that. Also, surplus property is another area that -- where we'll be coming back to council here in a few more weeks to recommend some significant change to the purr plus property process, and also to relaunch our internal surplus property website, so that we have a way to reuse those different areas within the city itself. Also a custodial cleaning products, where we issued a request for information a while back ago to issue and come up with some third-party certified products, which is a key area in developing this strategy. What were some of the results? A number of different areas, office supplies was one you've seen before a couple months ago, incorporating different varieties of toner products, sustainable products, also inclusion of minority women/emerging small business as a strategic alliance with office depot. Computers was significant in looking at the electronic waste and utilizing some of the takeback provisions in an r.f.p., which will be coming back to council with some recommendations for awarding of contracts in computers. Also building materials. This was also to help and revise our current boilerplate in the design area where we could incorporate the green building policy and make sure it's consistent - consistently used throughout the city in affecting that change. Some additional accomplishments were the additional purchases of hybrid vehicles that toyota prius. We also are looking at -- that will help to conserve fuel use. We know that's a huge issue right now with the increase of fuel costs. And also to reduce the air pollution. Combined, the city/county used upwards of over -- 545,000 gallons of b-20 blend biodiesel fuel. So in that, we believe, reduced the air particulate matter of 10%. We also issued a request for proposal for recycled fabric to be used on chairs or interior chairs for office. And we also increased the city's use of recycled paper content by about 15%. We also incorporated the sustainability practices in our internal education training area in the city where we train the different buying staff throughout the city in ways that they can look at and incorporate these changes into their procurement practices. What's next? Well, we want to implement some of the recommendations that you see before us. We also want to begin these new work groups. Another coordinated effort between the city and the county, looking at greening contractor diesel fuel use. This will require or look at having those contractors that have trucking involved in them, that they go toward the ultralow sulfur diesel and also to use a biodiesel blend. Also landscaping and herbicide application services, laundry, dry cleaning services, also industrial paints. We need to make sure that the -- these areas are proposed areas, and they're not final. We're still in discussions with final stakeholders to make sure this is the appropriate work plan where us. With that, just want to make sure it's clear this is truly a citywide effort, involving all bureaus, and we're really asking for your support to continue these efforts to continue greening the city, and to pursue these responsible purchasing practices, and to do this will require bureaus to participate in our steering committee and the result will be to reflect more of not just what we're promoting, but

September 14, 2005

also to incorporate and institute this into the city's process. So -- I know this is a wide variety of participants in this, and I just want to thank everybody.

Leonard: How much fuel do we use per year in city vehicles?

Baer: Just fuel alone or diesel --

Leonard: Uh-huh, fuel.

Baer: I'm not sure. Do we know that off hand? I can get that to you.

Leonard: And the mayor and I have actually had a conversation with a manufacturer of biodiesel, so I know that's an exciting technology that doesn't require any hydrocarbons at all. What are we doing to pursue converting to, where practical, 100% biodiesel from vegetable matter? We've adopted the blend you're referring to. It's a petroleum product.

Leonard: I'm asking about exclusively vegetable product.

Baer: 100%?

Leonard: 100%.

*******:** Me to answer?

Baer: Yes.

Stacey Stack: To answer your question, I do not know what fleet has in mind for switching to 100% biodiesel as you suggest. My understanding is that previously -- when they had previous discussions about it, there was some concern over what it would do to the engines, if you put it in currently-used vehicles, because it's not just a 20%, it's 100%. So there's a big difference in performance, they were concerned about, as well as pricing and availability at the time the b-20 was more available. So you'd have to -- we could follow up on that and get a more definitive answers.

Leonard: Or engines designed currently to run without those kinds of problems on biodiesel?

Stack: There are several -- I know there are plenty of biodiesel advocates in the city that are using 100% right now. It's just a matter of -- I understand when you switch from a -- like a number two diesel over to the 100%, there could be some maintenance issues on existing vehicles.

Leonard: I'm talking about, though, as we buy replacement vehicles, if we --

Stack: If you started off right away with 100%, you shouldn't see a lot of change, as far as I know. But again, we would have to follow up on that.

Leonard: I would really like to pursue that, not just because it's better for the environment, it will be, it is cheaper, and makes more sense. Employees, farmers, because they grow the product that creates the biodiesel. I mean, if we have to have a centralized location for our employees to fill up, that's, I think, fine. Or a couple of them, but I think we should set the standard for converting over.

Baer: I'd like that to take that as a recommendation to incorporate into our work plan for the next year, to real review, to see if we can come back with recommendations on how to do that.

Leonard: I was hoping to get something quicker than that.

Baer: We can do that.

Leonard: I know that's upsetting to the bureaucracy, but i'd actually like to get something, that we could, as we're buying vehicles from this point on, could buy --

Baer:

Leonard: Yes.

Potter: My understanding, regional diesel engine, that was invented by mr. Diesel, was invented to run on that.

Leonard: I could give you my whole --

Adams: Look at the time.

Leonard: I will refrain from that, if you can commit to me that we will do our best to divorce ourselves from those that sell hydrocarbons, by plunging ahead on this technology.

Adams: Hear, hear to commissioner Leonard's --

September 14, 2005

Potter: Yeah. I think that's a great idea. And also, until such time, you know, as we perfect that system, I also would like to see greater use of hybrid vehicles within the city fleet. I'm going to be talking to the bureaus under my direction to see what we can do to make that happen. I know that a lot of the staff cars in the police bureau, I've seen them go down the street, and it takes several minutes for them to get by. I'd like to see something that's more economical.

Leonard: What do you drive, mayor?

Potter: Pardon?

Leonard: What do you drive?

Potter: My city car is a hybrid and my private car is a hybrid.

Leonard: Oh, so you're setting an example?

Potter: Kind of like you and bicycling.

Leonard: Yeah.

Adams: Mutual admiration society is now closed.

Leonard: We worked this out.

Potter: Any questions for these folks? Thank you. And Susan --

Adams: I assume Susan is opposing this.

Leonard: Yes, stick up for the oil companies. How dare us malign oil companies?

*******:** We should start off by challenging Randy to challenge the water bureau to be the first pilot for 100% biodiesel.

Leonard: Be careful what you ask of me, because this afternoon there's a memo coming out.

*******:** We're ready.

Adams: Took your bet and raised it.

Leonard: Excellent.

Potter: I heard the gauntlet.

Leonard: We're there.

Susan Anderson: Susan Anderson, director of the office of sustainable development. The coolest part of this for me is for the past five years O.S.D. has been the one pushing and pestering and working with the other bureaus, and now we get to step back. Jeff and his staff have really taken this on over the past -- and Sue before him -- but Jeff has taken this on, and along with Stacey, and pushed this forward. We now realize that it's not just what we do as a city that makes it sustainable, it's really what we buy that can make a difference. The county has been a great partner on this. They've worked really hard to make really consistent guidelines and the importance of that is that that sends a consistent message to the marketplace that there are particular products and services that we want to buy and that -- that creates a more consistent demand, and in that case then makes a lot more different sources and products available, not just for the city, but for other businesses and for other governments throughout Oregon. In the coming months, one of the bureau innovation projects, number 18, is the sustainable government partnership, integrated in with this, so I wanted to thank Jeff for his leadership, and thank Stacy who used to work with us, and then they stole her, which was great, because they got all knowledge and information, and it's a great partnership. And the county has been a great partner along with us. So I look forward to your memo.

Leonard: This afternoon.

Potter: Thank you, Susan.

Leonard: I'm composing it as we sit here in my mind.

Potter: Is there anyone that's signed up to testify on this issue?

Moore: We have Amy Joslin.

Amy Joslin: Thank you. Amy Joslin, sustainability manager for Multnomah County. And I'm really here just to thank you for your continued partnership and support for this effort. On September 8, we brought forward our progress report to the Multnomah County Board, and they continue to support this effort as well. So we're really looking forward to partnering with you in the

September 14, 2005

coming year. We've seen staff efficiencies in terms of reducing the duplication of effort between the two agencies. There's good examples. Like for example our green cleaning resolution that we brought forward recently. We were able to benefit from some work the city had done in terms of evaluating available third-party certified products. And similarly, when we complete our bid, we're hoping that, you know, to make that available to the city to use as well. So there's great examples, where we've been able to, in working together, hopefully reduce the amount of staff time. And it's a more productive relationship. There's also an example where we've been able to take advantage of some joint grant funding opportunities, for example we're taking a look at whether or not we might be able to apply for some retrofit devices for our diesel vehicles to help with the pollution control. And it's created some friendly competition. For example, you've standardized on your hybrid fleets, and we're now looking forward to bringing a vehicle purchasing policy forward to our board as well, hoping that maybe now with commissioner Leonard that we'll be able to pain bring in b-100. We supported b-20 for several years, and it's been a valuable experience for us. So that could be fun, too.

Leonard: Uh-huh.

Joslin: Generally I just wanted to come and thank you today for your continued support. We really look forward to continuing to work with the city on this, and we think it's been a valuable relationship. So thank you.

Potter: Thank you very much for being here.

Adams: Thank you.

Potter: Is that the only person signed up?

Moore: Yes, it is.

Potter: Is there anyone who wishes to testify on this matter that didn't sign up? Ok, I need a motion to accept the report.

Leonard: Move to accept the report.

Saltzman: Second.

Potter: Karla, please call the roll.

Adams: Well, I just wanted to laud jeff, your team, and all the previous work from o.s.d. Also, sue. I have a long history with the purchasing department here in the city and am very happy to see the spirit of innovation that we started years ago continuing, and continuing in new and different ways. So this is great. I look forward to doing everything I can do as the commissioner in charge of transportation, with its own operations, b.e.s., and everything else to provide a market for the b-100 vegetable oil-fueled cars. Aye.

Leonard: I was just commenting to somebody last week that there's -- that there's a silver lining to the cost of gasoline, and that we'll finally incentivize industry and people to look for other ways to transport themselves. One of them, that I was talking about, was this biodiesel program that the mayor and I were privy to in a discussion we had with the manufacturer that was -- that I frankly was not aware of the -- of the advance in the technology to the level that it is. And it is just as susan said, it's a matter of availability, and it's a matter of making sure that we set an example. So I take susan's challenge, and i'm actually thinking can be a lot of fun to try to turn our fleet over to exclusively hybrids and biodiesel vehicles. There's no reason why the city shouldn't be doing that and setting the example. I'm already thinking of depot stations strategically located throughout the city that maybe we could even allow private individuals to buy from to incent sunrise people to switch over to. Be careful what you wish for. Aye.

Saltzman: This is an advance of our procurement strategy since we started this in 2000. It's evolved, become more specific, and has really become more opportunistic, too. It's great, the whole biodiesel fuel, the 100% recycled paper, postconsumer wastepaper, recycling computer hardware, all these things have evolved into very specific efforts that are very exciting. And it is the power of our purse that can influence so much of what we do and how we shape a better planet for all of us to

September 14, 2005

live on. And by Multnomah county and the city of Portland joining together and through the efforts of the bureau innovation project, you know, we need to bring on some of the other governments, large government purchasers as well, i'm thinking like ohsu for instance and metro, if we can get them all on board, too, keck really influence the market in a very favorable way so that we won't have to necessarily pay cost premiums to get environmentally sound products. And all too often that still is the case, although in many products, though, they are now cost competitive. But this is great work. I want to thank jeff and stacey and the county for the partnership and sustainable development office and the council for, you know, having the continued support and enthusiasm for these procurement strategies. Aye.

Sten: Well, this is very exciting. It's not just that it's great policy and great movement, it's really good work both bureaus to keep working on the details. I greatly appreciate that. This stuff is very significant. I think we do because it's good for the bottom line and our citizens like it, and all the things that are basically local in nature. As recently as this sunday, a columnist in the "new york times" argued using Portland as an example that the president is wrong in his argument that we can't take on global warming because it would wreck the economy, and that's a quote from the president.

So anytime you think that these things -- we can do them just because they're good, because they have no resonance, it's not true. There's enormous attention being paid, and I think what we're trying to do is be one of many places, I think, in this country that shows there's a different path, not only the right thing to do, it's economically smart and sustainable. I also believe while our city government is a leader, we can also lead because our citizens are out ahead of us. As a user of the internet, I think commissioner Leonard, there's a big discussion group of biodiesel users in Portland who all collaborate and conspire as to how to get it. And so -- these are all private citizens that have -- that use their own cars and have set this thing up. So actually I think there will be enormous support if you were able to find some more places to sell it, because it's actually not easy to get. There's a place out in linnton, I think, and a few other spots, but it's actually -- our citizens are already doing it, which will probably be no surprise to anyone. Great work. I vote aye.

Potter: Commissioner, i'm sure you should have told randy about the website. You know, biodiesel is part of all of this, but it's right down to the fabric of our chairs and how we use paper products. I think this is a wonderful direction for our community. As commissioner Sten pointed out, this isn't about something that's going to cost us more. I think in the long run it's going to save, not just our environment, but save us lots of money. Last year about \$4 billion left the state in petroleum money, going to petroleum companies and the exporting countries. I'd love to see that \$4 billion stay in Oregon. You talk about economic development. That would be a tremendous boon to the state of Oregon to keep that \$4 billion here, and we could grow our own fuels right here in Oregon, and this company that commissioner Leonard and I met with are doing just that. They'll be using farmers in umatilla county to raise the grain product and transport it by the river, down to the river, to Portland, where it's processed into biodiesel fuel. So I think it's a -- it's a great opportunity. And obviously at some point we have to recognize that there will be the end of petroleum products in the world, and we need to figure out after oil what we do. I think it's good to think long-term and begin to take those steps that will reduce that. So again, jeff and susan and folks from the county, thank you so much for what you do. I think what you're doing is setting the stage for the future. So I vote aye. [gavel pounded] please read the next time certain.

Item 1066.

Gary Blackmer: Good morning, members of council. I'm gary blackmer, Portland city auditor. Before you have a resolution to appoint seven members to our first citizen campaign commission. This is a group of citizens who are going to advise my office and ultimately advise city council at the end of the election cycle on what improvements need to be made in ensuring that our public campaign financing system succeeds. So we went through a process of recruiting applicants for the positions went through the written applications, I worked with your office to

September 14, 2005

come up with the committee, and went through interviews. We had excellent individuals from our community that came forward. Five members are here today, and i'd like to introduce them after I kind of go through the two members who couldn't attend because of other business commitments. Andrew linehan works for p.p.m. Energy, wind power, as a matter of fact, continuing the theme of good energy. He's former president of the laurelhurst neighborhood association and city club president as well. In addition len orowitz is a native plant nursery energy in our community, and has been a long-term supporter of public campaign financing on the personal side. Our first meeting is scheduled for monday, september 19, at 5:30 p.m. It's in my offices. We'll introduce them to the rules we've drafted. And also, one of their first tasks is a process put together for our hearings officers that will hear decisions made regarding campaign financing if a candidate wants to appeal a ruling that my office makes. So those are two key elements of it. So I wanted to make sure the public understood that these are public meetings. And if they want to attend, they're welcome to. So I believe we have five of our members here. We are appointing four of the members to four-year terms and three of the members to two-year terms in this first go-round, because they will be four-year terms after that, but we wanted to make sure we had continuity in terms of the committee so that when the two years is up, these members can reapply for a four-year term or new members can come on, so we'll be able to assure that we carry some members over from one election cycle to another. I'd like to introduce them to you. Maybe if you have words of wisdom you'd like to share with them, feel free to do so.

Potter: First, thank you all for being on this commission. It's a very important commission. There will be a lot of public scrutiny through the media and other means, including local radio talk shows about the efficacy of having a public finance campaign here in Portland. So what you do is very important. You're in many respects blazing a new trail. And I appreciate that you would take time from your busy schedules to be here today, and also to serve on that board. So do any of you care to make some comments?

*****: I appreciate the opportunity. I think it's exciting that you've taken the leadership and this effort to do something new. It's exciting to be a part of it. I just want to thank you for showing that leadership as elected politicians.

Stan Baumhofer: Yes. I would add the same comments. I'm glad I came this morning. I learned something new every time I visit city council. I learned that a bicycle is a hybrid vehicle. That's encouraging. And also, it's been 25 years since I frequented these halls on a daily basis. It's amazing how the routine is the same, and you still take the same abuse from our citizens. Hopefully the public financing approach will reduce, eliminate, some of that mystery, some of that fearful intimidation that you're not being fair. Thank you.

Christine Mason: I'm kristi mason. I'm glad to be here today. Many people I know think campaign finance reform is a big yawn, and i'm excited to be on the commission to work with people who don't think that. And I commend the city council for taking this bold step and passing this resolution and this system. While people think it's a yawn, most people I talk to are concerned about big money in politics, and that's what we're hear to try and address. So thank you.

Potter: Thank you.

Jared Spencer: My name is jared spencer. Particularly one thing that I think is great about this city is its openness, citizens can come and speak before the council. I think to take a step to further open citizens and their interaction with their local government is a wonderful thing. I commend the mayor and I commend the council members for taking an additional step in doing so. I think that this -- this public financing, the campaign, is an important step. And all the more shows how Portland is a national model in so many different ways for interacting with its citizens and representing the people in which -- which are important to represent. So I thank you.

Jessica Sweeney: My name is jessica sweeney. And thank you for giving me the opportunity to help Portland be one of the first cities in the country to spearhead a voter-owned election ordinance.

September 14, 2005

I really appreciate the opportunity to serve the citizens. And I think it's really, really important. I've been watching with growing concern the influence of money in the political process, and i'm honored to have an opportunity to do something about it. And be a part of that. So thank you.

Potter: Thank you. Comments from our commissioners to the folks?

Sten: I'll comment when I vote.

Potter: Ok.

Saltzman: Question for mr. Baumhofer. You have an interesting resume. A couple service activities caught my attention I have to ask about. You're the chairman and life member of the I don't know how to say no committee. What is that?

Baumhofer: Yes. That's one of the more truthful organizations I belong to.

Saltzman: What do they -- what do they do?

Baumhofer: They say yes to every volunteer opportunity that's offered.

Saltzman: It's a volunteer-related organization?

Baumhofer: Yes. I had to take time from my volunteer job this morning to be here.

Saltzman: I see.

Baumhofer: At good samaritan hospital.

Saltzman: And then you were also treasurer of the clean rivers committee ballot measure.

Baumhofer: Yes.

Saltzman: When was that?

Baumhofer: That's before your time.

Saltzman: Yeah, yeah.

Baumhofer: But it was during the time when lloyd anderson was on the -- on the council and connie mccready, and had to do with cleaning the willamette and columbia rivers in our vicinity here.

Saltzman: So it was on the city ballot?

Baumhofer: Yes. It was a city initiative.

Saltzman: Did it pass?

Baumhofer: Yes.

Saltzman: Good, great. Ok, thank you.

Potter: Thank you all for your willingness to serve. I think you'll have an interesting time. Thank you for being here.

*******:** Thanks for the opportunity.

Potter: Is there anybody signed up to testify?

Moore: No one signed up.

Potter: Is there anybody here who wishes to testify who did not sign up? Ok, please read the roll call.

Saltzman: Well, congratulations to the seven of you. I think you'll have interesting trail blazing work ahead, trail blazing and probably fine-tuning work that will evolve as you begin your tenures, but we're happy to see you. It looks like a good cross-section of citizens. I want to commend the auditor and his office for coming up with a good cross-section of our citizens to serve on this important function. Aye.

Sten: Well, this is a great day. I want to commend each of you and thank you for digging in. I also want to thank auditor blackmer and his staff -- I was involved in getting this thing going, but they've done an amazing amount of work that I clearly was not capable of to make a system. I'm very, very pleased with it. The debate around public financed elections is already having positive repercussions, even with people who don't agree with it, because it's getting people talking about it.

One of the things about sort of topics, exactly like the role of donations in politics is that you get system unanimous opinion that there's a problem there, but then people are just kind oaf owe it's almost like -- there are just certain things you can't do anything about, and that's one of those things.

September 14, 2005

Clearly that's not the case, but it takes some willingness to try something different, to do something that will need to be refined and changed over time and to say we're going to address the issue, even though there's not a clear model at a municipal level on how to do that. This has worked very, very well in arizona and maine, not without steps that had to be changed and fixed, but clearly something can be done and we can offer another approach. I think it will be a dynamic election cycle. I look forward also to the citizens seeing what they think. Once people have a chance to experience this, I think they're going to like it. I think they're going to -- it's going to open up and spark a sense of optimism and civic pride instead of cynicism and resignation which has happened in the political arena so many times. The reason people don't vote is tied to the fact that they don't think they influence the elections. Clearly anybody can influence the elections with a candidacy, a \$5 contribution, anything. I think what's so important about the citizens commission is that ultimately you will be in charge of this program. And it's very, very important that candidates, including incumbents, who will make decisions, whether to participate or not, it's a similar system, which is part of what very exciting about it, will need to be in the arena and let the commission be administering this program. You will become the voices and faces of a new way of thinking about civic participation. So it's very exciting to see all of you here. I look forward to it. Aye.

Potter: Well, I too applaud these folks willing to come in and sit on the commission. I hope out of all of this effort that we do see more diversity in our candidates and ensure that people who don't have connections can have the ability to run for public office and succeed. So i'm really looking forward to watching democracy in action. I'd like to thank commissioner Sten and auditor blackmer for your efforts to make this thing work. Thank you very much. I vote aye.

Leonard: This usually doesn't happen, me get to speak last. Interesting strategy, step out of the room and then come in at the last. It's fun. I didn't support the original ordinance, but not because I don't agree with its goals. I do. I consider this part of that -- that new program to be fundamental to its successful operation. I'm of the opinion that the election process that's currently used creates a perception of a problem. And I think it's important to deal with the perception of the problem. I do think, however, that the key to having people represent us that have integrity is found within the person and not the system that produces the person. So this group of people that will be monitoring that election to me is fundamental, and is a good idea whether we have publicly-financed campaigns or not. I actually like just the idea of having maybe a group of people who would monitor an election to make sure everybody's playing by the rules, whether they're these rules, state rules, or other city rules that lay out how elections should be conduct. I think that by itself will produce a higher quality election. And hold candidates' feet to the fire as they enter into the madness that is known as a political campaign. So I appreciate you serving on this board. It's very important. Aye.

Potter: Thank you. Please read the 10:00 a.m. Time certain.

Item 1067.

Saltzman: I'd request this be set over until october 19 in order to accommodate the schedule of some of the pacificorp -- or pacific power employees or managers that wanted to be here for this session.

Potter: Any objection from the commissioners? Fine. Please set it over until october 19. Move to the regular agenda. Karla, please read item 1090.

Item 1090.

Potter: Commissioner Adams.

Adams: Jeff.

Jeff Baer: My name is jeff baer, the acting director for the bureau of purchases. We recommend an award of this contract to Portland excavating incorporated for the amount of \$663,496.50. One of the areas you might note is that they did not have a very significant portion of their contract awarded to minority women or emerging small businesses, primarily because they had identified

September 14, 2005

that they're going to be self-performing almost the entire project themselves. So just to make note of that. With that i'll stop and address any questions you might have.

Potter: Commissioners, any questions for jeff? Thank you, jeff.

*******:** Thank you.

Potter: Is anyone signed up to testify on this? Well, we'll find out when Karla gets back.

Leonard: I discovered who's running the city just now.

Potter: Was there ever a question, randy?

Leonard: Well, I wondered.

Moore: Sorry.

Potter: Karla, is anybody signed up to testify on item 1090?

Moore: No one signed up.

Potter: Need a motion to accept the report.

Leonard: So moved.

Saltzman: Second.

Potter: Please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 1091.

Item 1091.

Jeff Baer: Good morning, mayor Potter, members of city council. I'm jeff baer, acting director of the bureau of purchases. Here you have another recommendation to award a contract for the south airport sanitary sewer project for b.e.s. in the amount of \$1.1 million for robson construction. They do not have a large portion for minority women or emerging small business. Primarily because they've elected to perform most all of the work in the project themselves. Let me stop there. Any questions you might have.

Potter: I had a question, jeff. You know, this is a fairly sizable contract. You said it was like 94% they'll be doing themselves?

Baer: Yeah. It's roughly that, yes.

Potter: That's still a sizable amount of money. How come there's no participation from minority women or emerging small businesses?

Baer: Part of our good faith effort program we identify in the bid document the different divisions of work that we request them to consider for opportunities to subcontract out the -- to minority women or emerging small business, and they have the opportunity at that point to identify whether or not they're going to self-perform the work with their own internal work force or if they decide they need to subcontract out, then they have to go through what we call our good faith effort program to seek out subbids from minority women and emerging small business contractors. In this case they decided that they were simply going to perform the majority of the work, or 94% of the work, roughly, with their own internal work force.

Potter: Other questions from commissioners? Thank you.

Baer: Thank you.

Potter: Is there anyone signed up to testify on this?

Moore: I didn't have a sign-up sheet.

Potter: Is there anyone here who wishes to testify on this matter? I need a motion to accept the report.

Leonard: So moved.

Saltzman: Second.

Potter: Please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 1092.

Item 1092.

September 14, 2005

Potter: This is a vote only. The order of the council today would be finalizing or confirming our decision from august 24 to approve the measure 37 claim of augustine and lorraine calcagno. Please call the roll.

Adams: No. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye.

Item 1093.

Potter: Please read item 1093.

Adams: We're strangely ahead of schedule here, so our folks haven't arrived yet. Could we come back to this?

Potter: Sure. Please read item 1094.

Item 1094.

Potter: Staff?

Anna Kanwit: Mayor, commissioners, i'm anna Kanwit the operations manager, bureau of human resources. The ordinance before you would authorize for a short period of time employees to donate the cash equivalent of unused vacation hours to assist in disaster relief efforts in the aftermath of hurricane katrina. Under the program outlined in the ordinance, employees would be allowed to donate up to 40 hours of vacation or 50% of their balance, whichever is less. The ordinance is written that the program would expire november 2 or at least two pay periods after the time that we're able to accept the donations. B.t.s. is working on an electronic form to do that. We expect that to be done rather quickly assuming the program is adopted. The program, also the directions, the mayor's office does designate to charities the discussion was that it would be an administrative -- well, difficult to have sort of unlimited charities that we would allow employees to donate to. The ordinance does designate those as the red cross and the northwest medical teams, both of whom are working on hurricane katrina relief efforts, although if there are additional charities the council wishes to add the ordinance can be amended to add those today. There is a cost associated with the ordinance, because currently employees do not receive a cash value of their unused vacation hours until they leave city employment, so it's not a budgeted item for bureaus. We looked at, to get sort of a really guesstimate of what the potential cost would be, that if, you know, every one of our 5,000-plus full-time employees donated one hour of vacation, it would be approximately \$162,000 that would be donated. The good news is the i.r.s. Has issued a ruling similar to what they did after 9/11, stating that this type of program, if the vacation hours are donated to the hurricane katrina relief efforts would not be considered as income to employees, meaning that whatever's donated actually goes to the charities. It would not be reduced by payroll taxes, etc., etc., which actually would have taken a pretty large bite out of the amount that was donated. I think that's all. Are there any questions?

Potter: Questions from the commissioners?

Adams: It's great.

Saltzman: Well, this is great. I guess i'm -- I guess I would like to consider adding mercy corps in addition to red cross and northwest medical teams as one of the eligible charities to donate to. I guess I would make that motion.

Leonard: Second.

Potter: A motion and a second. And this is to amend the ordinance to include mercy corps?

Saltzman: Right. I mean red cross or northwest medical teams are the two. This would make three eligible charities.

Potter: Karla, please call the vote on the amendment.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] any further questions for anna? Anna, thank you for putting this together so quickly. I'm very impressed about how fast you folks worked on this.

Kanwit: Thanks. Appreciate that.

September 14, 2005

Potter: Did anybody sign up to testify?

Moore: No one signed up.

Potter: Ok. Please call the roll.

Adams: In addition to the mayor, the mayor's office and anna, i'd like to thank the i.r.s. For allowing us to do this. Aye.

Leonard: I too appreciate anna working on this and getting it done so quick, but want point out the two employees in the city whose idea this was from the water bureau, mike stir and perry hopkins, who i'm learning are the -- this is not just an aberration, this is an example of some really great ideas that them. They're not just an emergency relief issues of which they have others that we're working on as well, but in the future of the bureau and how it operates. So I really appreciate their suggestion on this, and -- and the mayor for jumping right on this and making it happen. Aye.

Saltzman: Well, I too want to appreciate -- thank anna and the mayor's office for taking the lead, and again for those two excellent employees for coming up with this idea. I'm sure that the generous hearts of many Portland employees will open and take advantage of this and help the victims of hurricane katrina. Aye.

Sten: Yeah. Again, I share everyone's thanks. This is terrific. It's just one of -- I think one more thing that this community can do to help. I greatly appreciate everyone setting it up. Aye.

Potter: And, you know, I wrote a letter to the community the other day telling them how much I appreciated them stepping up to the plate on this issue. Our city employees have done a -- they've been volunteering, not just vacation time, but also to go to new orleans and other parts of the south to help out with the recovery. And we've had quite a few people actually volunteer to go there and stay for periods of time. So I think it's a good indication that this community, in times of crisis, really responds in a very positive way. And i'm just pleased to be part of this great community. Aye. [gavel pounded] did you wish to return to the --

Adams: I think we need to -- can we wait six more minutes?

Potter: Ok. Please read the next item.

Item 1095.

Jeff Baer: Busy day for procurement. Good morning, mayor Potter, members of city council. Jeff baer with the bureau of purchases. I have an ordinance before you to authorize a three-year price agreement with wasco county landfill out of the dalles. This is for the transportation and disposal of stormwater sediment for the bureau of environmental services. One of the things that -- just to note -- point out is that this is a three-year price agreement, however it is basically an annual agreement with options for renewal. So depending on the level of need that bureau of environmental services has, we can reduce it and it is on a unit basis. So depending on how much they utilize the services will reflect the actual cost. It's estimated to cost approximately \$250,000 a year based on historical usage.

Leonard: How do we transport the sediments there?

Baer: It's done by trucking. That's why one of the things that we've also explored as far as kind of your issue earlier with the requirement for utilizing a biodiesel blend. We are having some discussions with some of those contractors. That was one of the areas noted in our sustainable work plan, was to look at areas like this, where we have a trucking component involved, and to require the contractor to utilize a biodiesel blend. And also to help reduce the environmental impact because of that. And I would like to pursue the -- you know, the continued effort on a complete 100%.

Leonard: That's not -- that's a great answer, but that wasn't the reason I was asking. The reason I was asking, is because i've had discussions, as I think other members of the council have, with the port of Portland and kind of the controversy surrounding the dredging of terminal four, and their desire to reintroduce that -- those contaminated dredgings back into the river at terminal four and cover them. One of the things I asked them to look at was doing just what you're doing --

September 14, 2005

transporting them to arlington. And they indicated to me that it was impractical to do that. I'm just wondering if that is as accurate as -- because I noticed other members of the community are also beginning to raise concerns about the contaminants at terminal four, covering them as port is proposing to do, versus taking it to arlington, which as I understand is a national depository.

Baer: I'm no expert on wastewater process, but we could certainly ask those at the columbia wastewater treatment, to see if it's a similar process used for what comes dredged out of the willamette, I think you said.

Leonard: It is, at terminal four. I would appreciate, if I -- i'm sorry?

Saltzman: You're talking about hazardous waste. I guess this is not hazardous waste. This is not going to arlington.

Baer: It's treated waste.

Leonard: It is going to arlington, isn't it?

Baer: It's the wasco landfill out of the dalles.

Leonard: I'm sorry.

Saltzman: I mean, your point is a good one. I just wanted to make sure, there's a distinction here.

Leonard: I thought it was the same. It isn't the same landfill?

Baer: I'm not sure which one is in arlington.

Leonard: But it's not wasco? Is it different? It is. Ok.

Baer: I don't know.

Leonard: But I mean they've got to be fairly close together. I mean --

Saltzman: Yeah. Your point about can sediment from the river be transported to an eastern Oregon landfill is an appropriate question, but --

Leonard: But arlington is -- you can't take contaminants to any landfill, they have to go to arlington because it's lined and --

Saltzman: If it's hazardous waste.

Leonard: If it's hazardous waste.

Baer: That's beyond my expertise.

Potter: Did you enjoy the discussion?

Baer: Yes, very much.

Potter: Good.

Saltzman: This may be beyond your expertise, too, but I wanted to verify that we do in fact presumably test this waste, the sediment from the stormwater system to make sure. In fact, it is not hazardous waste.

Baer: My understanding is there are very stringent federal and state rules on transporting and treating the material before it can be transported. So yeah.

Potter: Good questions. Thank you, jeff.

Baer: Thank you.

Potter: Is there anybody signed up to testify?

Moore: I didn't have a sign-up sheet for this.

Potter: Ok. Is anyone here who wishes to testify on this matter? Ok, this moves to a second reading. We will return to item 1093. Please read item 1093.

Item 1093. [interruption in broadcast]

Adams: We want to continuously look for public efficiencies. Council item 1093 is responsive to that call for seeking continuous improvement in local government. We all tired of the current level of crime we are experiencing, and we need more effective and more of public safety. Citizens don't care about whether or not it is a county or a city service. In fact, I most often time hear the conversation of jurisdiction mentioned only when they're confused about who is responsible for what. The current overlap and gaps in our city and county public safety system do not serve well those who work in it. And I know morale is low. Today's resolution puts in motion a process to

September 14, 2005

jointly design and budget a new public safety system according to the citizens priorities and to emphasize developing a balanced, effective, and efficient crime prevention law enforcement system. I've spoken to many people in this room, and beyond, about this initiative. The feedback has inevitably been it's a great idea. I'm supportive. It needs to happen. And in these budgetary times what used to be a good idea has become an imperative idea when you look at the future of the county's resources and perhaps our own. Many at this dais aren't sure whether it will truly happen. We here starting a new public safety partnership, and it will take the best work of all of us to make it happen. This is hard work. And if this kind of work had been easy it would have been done already. And it would have happened long ago. We must find savings and use those savings to make a system that is more effective. And this is a system that we currently spend over \$350 million on already. We're going to use whatever topic or whatever title you want to call it, we're going to be using a zero-based budgeting approach. We will ask for citizens, for their input on to priorities and direction. We'll give them the opportunity to help us design a new public safety system. We will also design an effective system by researching the best practices, use the knowledge base within our stakeholder ranks, and the city and county, and beyond. We will identify what exists, the gaps, and what's the most effective form of delivery. And we will make a new system that is measurable. This emerging information -- this is really a two-year project. And so in the next budget cycle the emerging information will be invaluable as we make a budget decisions in the spring. In the second fiscal year, we will forward with a complete budgeting partnership, pooling our resources and funding to operate the most effective and efficient system we can possibly support. I couldn't think of a better time in the city's history to do this, because of the level of cooperation that exists between the cities and the county, and this does include the invite vacation for participation from the other cities and the county, an also the fact that we have, as the mayor, a former police chief. And a partner for him in this effort, who i'd like to invite up to testify, if it's ok with you, mayor, is chair diane linn and commissioner naito and jim from the citizen crime commission. You kind of have to move the chairs over, I think.

*****: Good morning, mayor, city council. Thank you so much for having us here today. I do want to take just one moment and reflect about the incredible partnership we have experienced in the last --

Potter: Could you state your name?

Diane Linn: Sorry. We don't do that at the county in the same way. Thank you for reminding me. Diane linn, Multnomah county chair. I would like to again thank you, mayor, and the rest of the city council, and all the people at the city of Portland. The community leaders have worked so closely with us on the katrina tragedy response. As you talked about earlier, we've really turned transitioned Washington high school into a welcome center for people who have found their way to our community. I'm just -- you know, I continue to be overwhelmed. My heart is very full around the people who have stepped up to welcome them to the community. I think we have strengthened our relationships. I think commissioner Adams is absolutely right. At this point in time, in the face of tragedy, and it's incumbent upon us to build on those relationships and that partnership to serve our own community better going forward. This is a wonderful opportunity to do just that. I appreciated all of you coming over to our building and participating in a joint session with the board of county commissioners, city council, to talk about both the katrina response, but also begin very important conversations on this joint budgeting question, on how to coordinate the local governmental levies that we're all going to need to decide together, which are -- which are going to represent the best community priorities. And we'll be hearing more about the school funding element of that going forward. Again, I think between the mayor and I and others, commissioner naito, we all agree that at least quarterly meetings between us would be very productive use of all of our time, and I think we haven't been begun to explore yet what we could be doing together going forward. Again, we were very excited about that. I'm here in support of the resolution. I want to

September 14, 2005

thank commissioner sam Adams for his leadership. He caught me at an event, even before he was sworn in, with the idea to get my commitment and pledge to this idea of joint budgeting for public safety. We do have the resources between these two jurisdictions to protect this community, to quit releasing people once the police bureau personnel arrest people and hold them in jail cells and manage them through the system in ways that are more effective than what we're doing today. Between us, we should be able to figure out how best to apply the resources, to make that system work. My sense is we're still going to have a gap as it results to the wapato jail facility, and we really need your help in standing with us to figure out with our county sheriff how that facility should be used as an asset in the public safety system, and together we can figure out how best to open the beds there, especially for the treatment opportunities for meth addicts in this community, and that's something i'm very much looking forward to being a part of, I hope is part of the conversation. We will work very hard at the county, as we have been, to work with you, morning, noon, night, to bring this opportunity to fruition. And I want to thank you again for your willingness to work so closely with us. I really believe we can all do this together. It is about keeping people safe in the community where they work, play, go to school. We have a joint responsibility and I look forward to working with all of you. Thank you.

Lisa Naito: For the record, my name is lisa naito, Multnomah county commissioner. I want to thank, mayor, and members of the council. I'm here to support the resolution. I'd like to acknowledge the leadership of commissioner sam Adams and also from the county, commissioner serena cruz, and the crime commission, for all working together to push this through to make it happen. I support the idea of us working together. I think we can do a better job. And I think we all recognize that public safety is a very inclusive concept. It can begin with early childhood interventions in terms of prevention, protecting children from abuse and neglect, and early interventions with youth and gangs to help them lead a life that is free of crime. On the public safety system side, it includes law enforcement, prosecution, and although a lot of people don't like to think so it includes defense as we learned painfully when the state cut indigent defense funds, and we had to disproportionately cut our caseloads. It includes our court system. It includes sanctions, including jails, community sanctions and supervision, and the treatment and change agents that make people able to change their lives, including drug and alcohol treatment, effective solutions for people with mental illness, housing for both offenders and also victim services. So our joint planning and budgeting together, I believe, will lead into a safer community for all of us and when we implement what works and what the research shows is effective that will improve our public safety for our community. So thank you again, commissioner Adams, and I support the resolution.

Adams: Thank you.

Jim Jeddloh: My name is jim jedlow, chairman of the citizens crime commission. I'm feeling uncomfortable today, because most of the time I come here i'm booed by now. It's a little unusual.

Adams: Still have 2:59 to get booed.

Jeddloh: What commissioner Adams brought this to our attention, we were quickly reminded of a similar project the crime commission put together back in 1993 called public safety 2000, which at that particular point in time the wolf was at the door with dwindling resources and ever-increasing appetite for public safety money with measure 5 coming online. We put together a process that basically came forward with a number of good ideas involving consolidation of public safety services between the city and county, privatization in certain areas, and a number of other cost-saving issues as well. What we quickly found out in going through that process, that the -- the issues in public safety 2000 were quickly derailed primarily around issues involving turf, turf between wood village and gresham, gresham and Multnomah county, Multnomah county and the city of Portland, and so forth and so on. So most of the bang for the buck in that particular work product was lost. In conversations with commissioner Adams, he promised me that those issues

September 14, 2005

would not be on the table this time, and so that what we're really looking at is an implementation study about how to get the efficiencies put forth and not an issue around study. So with that promise, and that assurance from commissioner Adams, the crime commission enthusiastically supports this resolution, and not only do we enthusiastically support it, we'll be sitting at the table to make sure the implementation goes forward in a way that we think is appropriate. When we're convinced that the implementation is the key, we'll be a financial partner in this issue as well. So that's where the crime commission stands on this particular issue. The fundamental issue that it was alluded to today earlier is that we have too many bad guys being chased by too few good guys. Once we have the opportunity to catch them we've got no place to put them. But what I see, sitting on the crime commission, we keep doing the same thing over and over and over again, hoping for a different result. That's part of the issue. Now hopefully we can do something different and get a much result for the citizens of Multnomah county and the city of Portland. So I want to thank all of you who are going to be supporting for this issue and this resolution. It's been a long time in coming. We look forward to working with both of you on this very important topic. Thank you.

Adams: Thank you, folks. Thank you for the participation of the crime commission in this effort. Next we have willy brown, district attorney mike shrunk and sheriff giusto.

Potter: Thank you folks for being here. Please state your name when you testify.

Mike Shrunk: Mike shrunk, district attorney. Mr. Mayor, members of the council, thank you for having us. Let me just cast my vote, for what it's worth, in favor of the resolution. It makes abundant good sense. It's long overdue. It was one of the things, during the campaign, that sam came around and talked to some of us about. I guess I would -- would argue that we have got to reach out, we've got to do outreach to the eastern cities in the county on this, too. It makes little sense. But this is a heck of a start. I was really pleased last week or week before when I saw the 10 of you, five from the county and five from the city, sitting at the same roster and discussing the business of the community. That's very, very important. This is a great step. I'm the district attorney for all of Multnomah county, as the sheriff is for all of Multnomah county. And we look at problems, but we also are not blind, if you pardon the expression, to the 800-pound gorilla, and when that 800-pound gorilla budget is out of sync with everyone else, or we're out of sync with the Portland police bureau, it creates havoc. Mr. Mayor, you know from working your way up through the ranks of the police department how important it is that we work hand in hand. And I want to compliment you for attending the local public safety coordinating council, lisa and sam, and the others who attended that, and tried to work together. But I think budgeting, the joint budgeting, and taking cognizance of what else goes on in the system is going to make for a healthier, safer, and more better community. Thank you.

Adams: Thank you.

Bernie Guisto: Thank you. I'm bernie giusto, Multnomah county sheriff. Thank you for my invite vacation to be here. Just after commissioner Adams was elected, he came to me to talk about this process. And I was intrigued by the idea that we're going to approach it again. I mean, again and again. But I assured him, listening to his enthusiasm for this -- this particular process that he was committed to not letting turf or politics deter him from -- and deter this body -- from accomplishing what is an important goal. The most important piece the sheriff represents is the two words that -- that have plagued us for a long time -- jail beds. And the availability or not availability, not availability of jail beds, make a huge difference to how effective the Portland bureau is, gresham police department, Multnomah county sheriff's office, the d.a. The hydraulics are probably maybe less understood in terms of what it means when we know that the average officer on the street arrests 36 people a year. That's good. It's good if in fact we can get that arrested person to a judge, to services, help with mental health. It's bad if in fact the system's so out of balance that we have 30 more police officers making 36 more arrests, just to find them grinding through the system 20 and 30 an 40 times, creating a criminal culture in our community that may be more our fault than some

September 14, 2005

of their faults. What I hope to get out of this process is an honest discussion. And my commitment as Multnomah county sheriff's office, you have our full engagement in the process. If the answers aren't always the best, that's not the issue any longer, it's really whether or not the overall system serves the best interest of this county, and the counties around us, by the way. So i'm pleased to be here in support of the resolution and looking to being a full partner in discussions, and whatever we can to facilitate the process, as well as the outcome, please let me know. Thank you.

Willie Brown: Mr. Mayor, commissioners, thank you very much for doing this. I've had this conversation with several of you at different times, and the sheriff as well, and mike schrunk, how about how valuable it would be to hold folks responsible for their actions. In moving forward with this, it seems to me that it is totally correct in what you're doing, looking at a bigger bang for the buck. As you hear from citizens, how important it is for them and the crime that's being committed daily, I think this is a great alternative to begin to work. And I encourage you also to take a look, when we talk about adults, we talk about the youth side of that as well, because there's agencies out there that are suffering, that need to have help as well. So I want to thank you and you'll be hearing from our director at the northeast coalition of neighborhoods. So i'll stop now. Thanks.

Potter: Thank you, folks.

*******:** Thank you.

Adams: Ok. Next we have dave boyer, tim grewe and erin hubert.

Potter: Thank you for being here. When you testify, please state your name.

Erin Hubert: Good morning. I'm erin hubert, vice-chair of the crime commission, rookie testifier.

Adams: We'll be gentle.

Hubert: Thank you. I was unable to attend the meeting, commissioner Adams, when you were there on this important matter, so i'm glad to be here today talking about. This absolutely marries with the mission and beliefs of the crime commission, this whole resolution. All the concerns and frustrations that have resulted from an unbalanced system of obviously taking a -- have obviously taken a huge toll. We're hoping and expect that the city and county can work together to develop a framework that leads to a safety system with a full budget process that pools all the resources for future fiscal years. Getting the best of each taxpayer dollar obviously is what we all want for public safety. It's critical. We expect the city and Multnomah county to involve the stakeholders in the process. We expect an intergovernmental agreement to be entered into to accomplish the goals set forth. Balance of prevention, enforcement, incarceration, supervision and treatment, obviously, are all needed. And the joint planning and budgeting process will help in identifying these important issues. And we expect it to be a resolution and a nonbinding city policy. Thank you very much.

Dave Boyer: Good morning, mayor, members of the council. I'm dave boyer, the director of county management and chief financial officer for the county. And with the increasing demands on all levels of government, I believe it's really in the best interest of the community to work together to develop a public safety system that considers input from the stakeholders and from the community to develop a public safety system that is based on measurable indicators of success. In order to do this, we need to work together to develop the factors and the strategies that lead to this desired outcome. Multnomah county has just completed the priority-based budgeting, gathering input from the citizens, and we feel that it really helped our commissioners to rank and prioritize the various programs of the county as they -- had to make the difficult budgeting decisions this last year. I will say this is not an easy process to go through, but I believe the effort put forward into a joint policy -- process will benefit the community and i'm pleased to be a part of this, along with our budget team from Multnomah county, to assist in accomplishing this factor. Thank you very much.

Tim Grewe: Good morning. Tim grewe, chief administrative officer for the city of Portland. I don't think I need to convince this council at all that even as our economy improves we remain

September 14, 2005

challenged in just finding the resources to support continuing service levels in our basic service areas. As a result, this council in its last budget process took a new approach to budgeting, and one I think you will agree had successful results in the end in terms of applying efficiencies to help shore up our basic services. I think this is yet another example of another new approach that can bring into alignment an entire system and allocate resources in a way that helped that system work as a system versus as separate parts. And as dave said, we will be challenged going through this process for many of our employees this will be a learning process. There will be new tools that they have to receive training in. There will be new interactions with people that they are accustomed to working for. The benefits will far outweigh the added effort that the system requires, particularly if we learn better how our public safety system can work in sync rather than independent parts. So I wanted to convey to you that my office, your budget office, stand fully prepared to do everything that's possible to make this work. I am hopeful that as we go through this multi-year budgeting process that we can discover tools that we can apply elsewhere in the city to the same end, trying to find efficiencies to provide dollars to continue critical basic services. So i'm glad to be part of this process. Thank you.

Potter: Thank you folks.

*******:** Nice to see all of you.

Adams: Good to see you. Then we have judy shipwreck and john canda and mary carroll. Did you want to speak? No. Ok. Thank serena for us.

Potter: Is anybody signed up to testify?

Adams: Is there anyone signed up to testify? [inaudible] that's what I have.

Judy Shiprack: I'm judy shiprack, the director of local public safety coordinating council. You know, we've been setting policy with a multijurisdictional interdisciplinary approach for nearly 10 years and this is a such great for the city of Portland and Multnomah county leadership to take the next step and put the budget where the policy is. So any way that the local public safety coordinating council can be of assistance, please let us know.

Potter: Thank you.

John Canada: I'm executive director of the northeast coalition and cochair of the gang violence task force. We're here this morning also in support of the resolution. We know that it's -- it's always necessary for these types of collaborations, and i'm sure that through history of the city of Portland and Multnomah county, there has always been good working relationships. My question to you, somewhat rhetorical, though, is why does it take a crisis to make us work together, to pull us together? Because we always know that there are -- there are times and there are going to be times when, like what we experienced, all of us last week, that we're going to have to pull together and pool our resources. Though we're in support of this resolution, one caution from the community side, and that is that when people think of public safety, I think the comments of commissioner Adams are true, they don't necessarily make the distinction of who's funding the resources. What they do know, they just need help. We at the northeast coalition, and across the city of Portland, try to help citizens engage, not only with each other, but with the city resources and county's resources as well. Youth violence, and not just youth violence, but gang violence, historically, for whatever reason, when you think about public safety, have been left out of the major funding streams. Recently the mayor -- and we thank you, mayor -- for convening a group of service providers on august 30 to talk about this very issue. We have some information for you, and we'll be coming back to you very soon with our findings. But as you listen to the community testimony about their priorities, if those of you are here remember the gang summit that mayor katz had in 2003, in november, one of the astonishing things that we heard from one of the district attorneys was that 50% of the gang homicides in the city of Portland were unsolved. And he was wondering why they were unsolved. The answer, in my mind, is pretty simple. The fear of retaliation and the fear of continued crime. Many of the few days that we see today -- feuds we see today from incidents that

September 14, 2005

occurred many years ago. Some of those people have been incarcerated, but they eventually come back to the communities. And so that would be my comment to you, that when you think of public safety please don't just think of enforcement, prosecution, and incarceration, but those of us who were on the side of prevention and intervention want to be at the table, are willing to be at the table.

Some of my staff are here today, some of the outreach workers, who should be in schools right now, but I thought it important that they come and you all have the opportunity to see who they are.

We're very few in number. And if it's true that the Portland police bureau are supposed to have one officer per 1,000 people, that means that if the city of Portland and Multnomah county have, at its most, on my way down here, did some very quick math, though I wasn't a very good student in school, have about 20 outreach workers that cover the city of Portland and Multnomah county.

That means that the caseloads that we have are extremely tremendous. And there's not a lot of work we can do at those levels. So again, we're in support of your resolution, but just urge you to consider prevention and intervention as it includes gang-related individuals as part of the top priorities. Thank you.

Potter: John, could you have your folks that you work with on gang intervention strategies to stand up?

Canada: Yes, sir. They're sitting in the back. Would you stand. On the left is tonya dickens, the program manager for the youth gangs outreach program to. Her left is ron, our latino gang outreach specialist for the youth gangs program. To his left is jermaine atherton, who is the program manager for our new approaches to community outreach program.

Potter: Thank you folks for what you do. Thank you, john.

*******:** Thank you, sir.

Adams: Thank you. That's it.

Potter: Karla, are there folks signed up to testify on this?

Moore: Nobody signed up.

Potter: Is there anyone here who wishes to testify on this matter? Karla, please call the roll -- whoops, excuse me.

Jimmy Brown: I snuck in. Good morning, council. I'm jimmy brown, the director of the office of neighborhood involvement. I would just simply like to weigh in on this for just a few moments. I've had the unique opportunity within my career to work in the city, in the county, and back in the city. And in that 31 years of service i've had the opportunity to sit in both chambers and here discussions about need to build collaborative budgeting processes. So after 31 years we have a resolution that says we're going to do that. And I applaud you. Last night I had an opportunity to go into a neighborhood association meeting, not in east Portland, and happened to listen to an interchange between a citizen, neighborhood resident, and the neighborhood officer. And that citizen simply asked the question, if I see lots of folks driving to people's houses -- to a person's house and people run in and out of their cars and they run in for a to you minutes and come back out to their car, they get in their car and go away, and I see that regularly happen, and if I call you people up and ask you to come over and do something about that house, what will you do? When will you essentially, as he was saying, when will you bust that house? And the officer responded that the process to determine if there is a drug activity within a particular area or neighborhood or house is a lengthy process. It just doesn't happen overnight. And I say that to say to you that getting on the path to building a budget that looks at the public safety continuum across the county, as this the first step, it's a lengthy process, because there are educational pieces that have to occur across everyone's system, within the city and within the county, and most importantly I think there's an educating process that needs to occur within the community and at the community's level, because it's quite clear to me that although we know that there's a system, a public safety system, across the city and the county, not everyone understands what that system is about. So I think it would behoove us to, as we go through this type of process, make sure that we engage the

September 14, 2005

community in the discussions, make sure we promote what the roles are all those involved in the system, both the law enforcement, the prosecution, the detention and the prevention and intervention efforts within that system.

Potter: Thank you. Anybody else here to wishes to testify? Let's call the vote.

Adams: I just want to underscore thanks also to the staff that have worked on this, and there have been many staff that have worked on it, on both the county side and city side. On the city side, maria rubio from the mayor's office, charlie mckinney on the county side, the chair staff -- a number of people in the chair's office. Mary carroll in commissioner cruz's office, but my biggest thanks goes to my own senior policy director, jane ames, who has worked on this tirelessly. Thank you very much. It's a pleasure to work with you every day aye.

Leonard: I probably haven't said this enough publicly how much I appreciate having commissioner Adams on the council, because I love working with a person who's brimming with ideas and works so hard to implement them. Some of them I embrace tighter than others, this being an example of one that I embrace very tight. I just can't say enough, how much I appreciate him doing this. This is excellent work. I was glad that the ordinance was changed a little to not excluded the fire bureau, because i've actually talked with the sheriff in the past about the duplication of services, and on the -- on the river, between the sheriff's office and the fire bureau. And it's really something we can't tolerate anymore. At one time I know it made sense. We were just asked, why did we do this in lean times. Well, I could take an hour to explain to you why that is. There's a lot of self-preservation, self-interest, and good arguments to come, in flush times that don't stand up to the light of day when you don't have the money. I've always thought opportunities exist when you have tight budgets to do things, that you otherwise can't do, this being one of them. We can also do a better job in the city. The mayor and I are recently working on an effort that replicates an initiative that my office and others worked on a little over a year ago to coordinate county and city agencies to target drug houses and apartments that had for -- I think one on northwest Portland that for 15 years been a blight for the Portland police bureau to deal with. Constant calls, victimization of mentally challenged folks that lived there that the county was spending money on. So we worked with the county, brought in those folks, brought in people from all over the city, people that even didn't know they had anything to do with housing, an we told the owner, we are picking on you. And we will pick you on you until you quit ok'ing selling drugs here and abusing mentally handicapped people, or you move or sell the building. He chose to sell the building. That came from a great police officer, that I can't say enough of, officer jeff myers. Actually said so much nice about him, I got him in trouble with his command in the past, but he's an outstanding police officer who thinks like that, and I love working with people like jeff and sam who come up with these ideas that are so timely and will do so much to save us money but also have a better system. Because as jimmy said, this is a huge, broader issue than just the police or corrections issue. This is a livability issue. I'm sorry, i'm going on and on about this, but I have a lot of thoughts. I met yesterday with a board member from elders in action, 74-year-old wonderful woman who was terrified living in her house. She lives next to a guy that intimidates her, because they likes to grow flowers, do things in her yard, she grows things in order to survive. She enjoys nascar, and put up cars on a block. It caused a police officer to show up. He liked nascar, kind of sympathized with the guy, maybe you need to get along with it. That's not acceptable to me. People need to feel safe in their homes, not just from criminal violence, but from that kind of intimidation as well. And we need to be a community that has the resources to deal with stuff like that. And not have a 74-year-old woman living by herself afraid to go out in her backyard. And stuff like that just really upsets me. I want to do something about that. I'm supportive of this resolution and appreciate sam's work. Aye.

Saltzman: I'm supportive of this, too, and appreciate the commissioner's work on this. Having served on both the city and county, i've always thought we need to have, and perhaps it's the engineer in me, but what we really need, and perhaps the ideal of this process, is the grand formula

September 14, 2005

or grand equation that would say for every officer on the street you have so much capacity upstream in terms of corrections officers, deputy district attorneys, parole and probation officers, youth gang outreach workers. So it's all driven from the officer on the street first, and then you build the capacity to make sure our system truly functions. If we can pool our money, the collective budgets of the two city and the county, to fund that equation regardless of where those positions reside in terms of whether it's a county employee or city employee, then we really will have achieved success. And we will truly have a more functioning and efficient public safety system. I'm hopeful that's where this will take us in this effort. So I'm pleased to vote aye.

Sten: I don't think there's much to add at this point. I'm also very excited. These are big issues. It takes a lot of work actually to get to the position to be able to start talking about doing something. And commissioner Adams has been relentless in moving this forward.

Leonard: That's a good way to describe him in general.

Sten: He's had good partners at the county, and it's good to see the grassroots support as well. I heard that message. So I'll just be very brief. I look forward to doing whatever I can do to help this succeed. Aye.

Potter: You know, most of these issues that come before council require a champion because all of us have our different areas. Commissioner Adams took up this particular issue, and he really was relentless and that's what was needed, and I really appreciate, Sam, your leadership on that. It's just been tremendous. Having been associated with what people have called a criminal justice system for many decades, I can tell you, a, it does address some criminal issues, but as to whether it's a justice system I've always had doubts. I've always thought of what we call a criminal justice system as sort of a collection of parts rather than a system. The thing I knew that was lacking from having -- making it a system was the fact that we didn't really coordinate and collaborate. I know that budgets are really the expression of policy, and that really is a final word, is where we put our money is where things happen. So I think this is an excellent first step in creating a public safety system in Multnomah county. I say public safety as opposed to criminal justice, because I think John Canda and others have pointed out very clearly, it's not just about arresting people. It's really about solving problems in our community. And whatever mechanisms do that, whether it's drug treatment, mental health, or just a roof over their heads, sometimes makes the difference. And so I don't believe that everybody needs to be locked up. I just believe that every problem should be solved. And that requires a community. I want to make sure, as this process moves forward, that we have all of the components that it really takes to create a healthy, safe community involved in this process. And I heard very clearly my shrink advising us that we need to talk with east county, the communities out there, because they're very much a part of this process, too, and they receive the services from the county through the district attorney and other -- the sheriff. So I want to make sure that this is a real partnership, and that as we move forward on this that it provides the opportunity to create a real system of justice in our community. And that we are known as a community who cares, a community who solves problems, and a community who doesn't just have to wait for the emergencies to come together, but we can do it in good times and bad. So I think this is a wonderful beginning. I know there's going to be some bumps in the road, but my commitment -- and I think the commitment of this council -- is to work through those bumps so that the citizens are better served, they're part of the system, and ultimately our community is safer for the efforts. I wholeheartedly endorse this and vote yes. [gavel pounded] thank you folks for coming in to testify today, too. Karla, please read the next item.

Item 1096.

Patty Nelson: Hello, mayor, and commissioners. I'm Patty Nelson with B.E.S. I'm an engineer working on the Willamette C.S.O. program. Before you you have an ordinance that will authorize us to proceed with acquiring property rights for construction of our Alder Street shaft as part of the east

September 14, 2005

side c.s.o. Program under the eminent domain authority granted by the city. If there's any questions, I can answer them.

Adams: Is this a friendly or unfriendly condemnation?

Nelson: It's friendly. It's not condemnation. Eminent domain under o.r.s. Is a process that will allow us to make an offer to the property owner, proceed with negotiations. If we need to it does give us the right to proceed with court proceedings, but --

Adams: You're starting friendly?

Nelson: We've been working with the property owners throughout the project.

Potter: Yeah. And I think eminent domain has a much larger and I think a more constructive definition than just the right to condemnation.

*****: Right.

Potter: So we had this discussion several months ago within some of the bureaus about the use of language on these, and we prefer them to use a broader, more constructive phrase, than just the power to condemn.

*****: Uh-huh.

Adams: I stand corrected.

Potter: Any other questions from the city council members?

Saltzman: What's on this property?

Nelson: We are constructing one of the large tunnel shafts --

Saltzman: What's on the property.

Adams: It's the hilton hotel.

*****: Yeah. [laughter] actually it is --

Adams: Is that a problem, commissioner?

Leonard: So, I thought it was p.g.e.

Nelson: Actually we will be demoing a building to construct the shaft. It's the corno's building on martin luther king boulevard.

Leonard: The old --

Nelson: The building with the fruit --

Leonard: That's going away?

Nelson: That's going away.

Leonard: Oh, my god. That's a landmark.

Saltzman: Are we going to save the fruit?

Leonard: I actually have a picture of it in my house.

Adams: Really?

Leonard: Yeah.

Adams: Says a lot about your taste in art.

Leonard: Well, excuse me.

Nelson: So we have a location for the fruit now, mr. Leonard's front yard?

Leonard: It would fit in with the reputation I have with my neighbors.

Saltzman: In all seriousness, we should preserve the fruit. They're a part of the city landscape and have a certain historical significance.

Leonard: Absolutely.

Nelson: I'll note that.

Adams: We will save the fruit.

Leonard: Apparently not at your house, because they're not tasteful.

Potter: Any other good questions from the commissioners?

Adams: Just bad ones.

Potter: Ok, thank you very much. Is there anyone signed up to testify on this?

Moore: I didn't have a sign-up sheet.

September 14, 2005

Potter: Anybody here who wishes to testify on this matter? Ok, I think this moves to a second reading.

Moore: This is an emergency. We can take a vote.

Potter: Oh, emergency. Excuse me.

Adams: I just want to thank the good people, patty, linda and others who have worked on this. Aye.

Leonard: Save the fruit. Aye.

Saltzman: Save the fruit. Aye.

Sten: Aye.

Potter: Aye. [gavel pounded] please read the next item, Karla.

Item 1097 and 1098.

Potter: Are any of these tied together?

Adams: Are these tied together? I don't think so.

Steve Planchon: Good morning. My name is steve, with me is linda, birth with the rightaway acquisition group with the office of transportation here to talk about two street vacation items on your agenda. And for those of you who are -- who participated in street vacation processes in the past, you'll notice this is slightly varied from the past. What we're attempting to do is bring them the whole matter before you at one time so it goes faster for the petitioner rather than having a public hearing and having you direct us to craft an ordinance and coming back to you again.

Potter: Excuse me, just a minute. Is the second item, 1098, also related to this?

*******:** It is. I was going to suggest that you read that.

Potter: Go ahead and read that.

Moore: Ok, 1098.

Potter: Please proceed.

Planchon: Ok. With that i'd like to start -- or linda would like to start with the first item.

Linda Birth: Hi. Linda birth, office of transportation. The first vacation on the agenda is a request to vacate a small dead end piece of north hunt, north of the columbia river, east -- just east of i-5. It's approximately 9,000 square feet in area. If approved, will facilitate redevelopment of this unused portion of right-of-way. The property owner owns both pieces of property on either side of this small piece of right-of-way. The packet contains the engineering report, recommending approval of the street vacation subject to certain approvals and reservations. As steve just explained, we would have you adopt -- so staff recommends that you approve the street vacation -- the petition, subject to the conditions and reservations, by accepting the engineer's report and then passing the ordinance to vacate the right-of-way.

Potter: Questions? Thank you folks.

*******:** Thank you.

Planchon: We had one other item, which was iowa street. Linda just read the first. If I could --

Potter: Oh, please cover that.

Planchon: We're covering both at the same time. Iowa street is essentially the same verbiage that you just heard from linda. It's a different street. It's iowa street between southeast -- southwest 30th and bertha boulevard. There's a map in your packet. The packet includes the commissioner's report, planning report. Barry is here, the petitioner, sitting patiently waiting for this to come up with consideration. He doesn't intend to testify, unless you have questions, but I wanted to acknowledge his presence.

Saltzman: On this latter one, I know that the parks bureau is working with citizens in southwest and citizens throughout the city for the red electric trail, pedestrian footpath that would travel from the willamette river to the edge of the city limits, and connect up to the tualatin valley park system.

Birth: Right.

September 14, 2005

Saltzman: This kind of looks like it's in that area where we're looking at potential right-of-way. Do we know whether in fact this is the red electric trail alignment or not?

Birth: I'm not entirely sure. I know Riley is here with parks, but I don't know how much he knows about that project. I know just enough to be dangerous about that project, but I can also tell you that we notified the parks bureau about the vacation request, and they have recommended approval.

They did not express any objections. But we can certainly, you know, reconfirm that, but --

Saltzman: This is the first reading today?

*****: This would be the first reading.

*****: This is the first reading.

Saltzman: Ok. If you would, confirm that with the red electric trail folks over there.

Birth: I'll make sure, yeah.

Saltzman: Thank you.

Adams: Thank you, Linda. Thank you, Steve, for your good work.

Birth: Thank you, Sam. Thank you, Council.

Potter: Is anyone signed up to testify?

Moore: No one signed up.

Potter: Is there anyone who wish to testify on these matters? Ok, both items, 1097 and 1098, will move to a second reading. Please read item 1099.

Item 1099.

Potter: Commissioner Saltzman.

Saltzman: Thank you, Mr. Mayor. The franchise agreement with Comcast that we have requires the establishment of a ninth public access channel, and this resolution basically is in support of that effort, or this ordinance I should say. We -- the thinking by the cable regulatory commission is that this ninth channel would actually sort of be a "tv guide" channel for other public access channels, so people could go to one channel and find out what's playing on the various public access channel at one time, so those that like to watch city council could know when we broadcast.

Leonard: No.

Saltzman: There are many sleepless people that watch us.

Adams: Your mom.

Saltzman: They'll know what time to set their v.c.r.'s.

Leonard: Commissioner Saltzman's mom is noticing that we don't have our jackets on.

Adams: I know, she berates me -- well, not berates me, but --

Saltzman: We're in discussion with Comcast about the notion of putting the "tv guide" channel into the real "tv guide" channel on your cable system, too, so it would be combined in one place, but those discussions are not -- have not come to fruition yet, but are ongoing, but in the meantime it's our recommendation to go ahead and establish the ninth public access channel as per the Comcast franchise agreement.

Potter: So without any disagreement, we'll go ahead and continue this until September 28.

Moore: I believe that is the correct date. Is that correct promise, September 28? Yes, they're going to continue it to September 28.

Potter: Ok.

Saltzman: Oh, ok.

Potter: Please read item 1100.

Item 1100.

Saltzman: Mr. Mayor, members of the Council, this is a great opportunity we have to acquire some property from the federal government that would add to our North Park blocks in Portland. And Riley Whitcomb here is to give us a quick overview of this exciting opportunity we have to add some park land right in the city of Portland.

September 14, 2005

Riley Whitcomb: Mayor, city council, just to -- i'm riley whitcomb with city parks. I'm the property acquisition manager for parks. This is an opportunity that was presented to us back in june by the federal government, the general services administration owns these two parcels of land here.

They've notified the city that -- that they were planning on surplussing this parcel, an existing parking lot that serves this building. We talked to mayor Potter about the possibility of making an application for that, basically expressing interest. That's what the first step is. He agreed to do that, so we initiated those steps, sent the letter in, and then this is basically follow-up of that, where we put together an application. It's not actually to the general services administration. It goes to the national parks service who runs a program called federal lands to parks. This would be a donation that we would get, if we're successful with our application. It represents conservatively a \$2 million piece of real estate, helps us to be able to extend the north park blocks. Just to give more context here, this is broadway here. This is the central post office. This had been actually the post office when it was -- when it first moved from downtown. It's now the -- I believe the i.n.s., immigration service is in that location. The thing that's sort of interests -- the history of this is that captain couch donated these as parkland, not this, but the city always considered this sort of a park. This is kind of like where the swamp started. And tanner springs was down here, it's a lowland. It was filled in later. In 1920, our -- our information still showed that this was a designated to be a park. Never developed as such. Never developed as such. But in 1951 -- or in 1920 it went to the feds. Then in 1951 the street was actually vacated here and went to the two properties. So that's that.

Adams: I remember in 1993 sitting in a room with g.s.a. regional administrator and mayor katz asking them to give -- mayor katz asking them to give us this property. This is great news.

Whitcomb: This is also a photo of -- this is of the property from the -- from the post office looking back at the park. And then this is a -- a more detailed shot, aerial, if you will, of the subject property.

Saltzman: How long did the process take for us to find out from the national park service about their decision?

Whitcomb: We've prepared the application, which was submitted with the packet. We've -- we sent it ahead of them to review. They basically -- I mean, I think we would know within a week.

Saltzman: Oh, good.

Whitcomb: So it would move fairly quickly.

Saltzman: That's lightning speed.

Whitcomb: I think that's one of the reasons that we're actually requesting this to be heard as an emergency, because it seems that there's some other announcement pending that we really are not supposed to know about. I think it may have something to do with the other piece of property. I don't know. Any questions?

Potter: When will we know more about the financial strategy for building the park?

Whitcomb: Right. We've been working with p.d.c. on that, with the Portland development commission. We have five years to develop the park after we actually acquire it. We don't know when the actual date of acquisition might be because they're still using it to serve as a parking lot for the federal building. We would anticipate, though, that we'd start planning within two to three years. So we would begin to know more likely what our actual requirement would be for that. In our past experience, it looks like the financial commitment to construct would be somewhere between \$1 million an \$2 million for a block like this. And I think that would be a conservative development, not -- nothing lavish, more of a public space for gathering, for opportunities to, you know, have small concerts, family gatherings, that sort of thing.

Potter: Other questions? Thank you. Is there anyone signed up to testify on this?

Moore: No one signed up.

Potter: Ok. Is there anyone who wishes to speak to this matter that hasn't signed up? Please read the roll call.

September 14, 2005

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 1101.

Item 1101.

Sten: Mayor, there's no issue with this. We would typically put on consent, but that didn't happen. It provides technical assistance to housing developers in town.

Potter: Ok. Is there anyone signed up to testify on this?

Moore: I didn't have a sign-up sheet.

Potter: Ok. Please read the roll call.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] last item for the morning. We're recessed until 2:00 p.m. this afternoon. [gavel pounded]

At 11:57 a.m., Council recessed.

September 14, 2005

SEPTEMBER 14, 2005 2:00 PM

* * * [Roll call]

Potter: Commissioner Adams.

Moore: I'll read the agenda item.

Item 1102.

Adams: Council and gathered guests, this is Mary Jo Markle, an analyst in my office. We have a power point presentation that we've worked out very -- choreographed very careful together. Like Ginger Rodgers and Fred Astaire, I'm playing the role of Ginger Rodgers. We're going to -- [laughter] we're going to go through, and as consumer a friendly a way as possible what this does. And then we'll have public testimony, and answer questions and address comments. Those comments and also from the city council. So this is item number 1202 as Karla said, proposal to register lobbying entities, and it -- what you have before you is the result of the input from a lot of different people. The policy purpose is to increase the transparency of city government decision making by requiring lobbying entities to register their existence, disclose who's authorized to lobby on their behalf, and to regularly report when, how, and when lobbying occurred. The desired results of course of any effort to make government decision making more transparent is to increase public trust, accountability, and enhanced fairness in public decision making, both the perception and the reality of it. It also, registering lobbying entities will help make clear individuals who are representing their own point of view versus individuals who represent the aggregate views of a group, and a group can be a business, an organization, what have you. Why is this policy needed? Well, as most people know, state public records, open public meeting laws, campaign finance, and economic interest reporting requirements and disclosure requirements, they highlight and provide the public some behind-the-scenes glimpse of activities of city government decision making. But what's missing is a requirement that city lobbying entities must register their existence and regularly disclose their lobbying activities. What's also -- we've also found that this missing requirement has benefitted other government who's have established a system for registering and reporting lobbying efforts. Seattle, King County, Seattle, San Francisco, New York, San Diego, Metro, States of Oregon, Wisconsin, others, including the federal government itself. Portland city commissioners, and why this is needed we think as well, Portland city commissioners possess a uniquely powerful combination of legislative, executive, and quasi judicial authority. That is unusual. City officials in the public often, and another reason is that city officials in the public often do not know who is representing which lobbying entity, or themselves when they are making communications with city officials.

Mary Jo Markle: What Sam alluded to in the previous slide and something we had to address when we were looking at this is Portland has a unique structure and workings and decision-making processes, so that was something we had to consider when we were trying to craft this system.

Adams: What we brought for you initially back in the spring was a system of -- proposed system of registering lobbyist and requiring reporting that was largely based on the state system. And it was a simpler ordinance, but we actually found that it required more complexity on behalf of those people that would have to register under it. So what you'll see here in this new approach is that we have simplified it for those people that are actually engaged in lobbying, we put the onus of the reporting and keeping track of things on the entities that are sponsoring the actual lobbying people, the lobbying effort. This is -- we're here in front of you today, since we last met on this issue, after having I think seven or eight public meetings. We've sent drafts of this out, a good amount of time, and why don't you highlight anything else --

Markle: And meeting with individual commissioners and kind of -- in terms of getting this process and figuring out how to solve the complexities or address the complexity of Portland, we wanted to keep everyone in the loop as much as possible and get everyone's feedback as much as possible, in

September 14, 2005

terms of what would best benefit Portland. Just to start, this is a starting point for where we began when we started this public process. Kind of trying to look at the relationships themselves. In order to sort of understand what lobbying looks like from the various sources, and the top box you'll see is an individual talking to city government. And that's not the focus of this system. We believe that's citizen activism and that is not lobbying in the sense we're considering lobbying. However, when you have -- if you look at this whole second column, the representative column, when these people represent other viewpoints and there's -- that's where the complexity arises. If you look at the various rows we have here, is this individual -- this individual would represent a number of various separate interests, so when they walk into city hall, you don't necessarily know what hat they're wearing. And the following one is just an entity that represents a person that represents just one entity, and the following circle is a number of individuals who represent one entity, and then the following one is a number of individuals who represent a number of entities that are associated. So this is just a complexity of what we started with.

Adams: So you have the first sort of sum rise, the first one is person western representing many clients, the second one could be a staff person dedicated to a single client, the third line would be like the city club or an organization that has many people authorized to represent a point of view on a particular issue. Chris Smith as you'll hear from is authorized to represent the city club on some issues, but not all issues, and sometimes Chris, and this is great, is in here representing his own point of view. So it isn't always clear, and then the water users coalition is a group that meets with the utility commissioners, and they have a number of different individuals and a number of different lobbying entities as part of a coalition as Mary Jo said. So this is a complex environment, and so the policy that we had to write to try to address it tends to be more complex as well.

Leonard: Could I ask on that point, I appreciated your memo on the difference -- different reasons for not following the state, definition -- the attraction to me of that standard is that it's just very simple but clear, it says if you lobby more than 24 hours, I believe, of session, or is it a quarter? Every six months? Then you shall register as a lobbyist. It doesn't differentiate why you're there, and you could actually -- there are people who go down because they have a single thing they're concerned about as an individual, private citizen, they have no financial interest, they have to register, whether you're representing a neighborhood or not doesn't matter. The result is that you end up having this complete picture of whoever it is that's in the capitol spending more than 24 hours every six months. Again, I appreciated the memo to try to distinguish -- distinguish between the two, but it didn't get to that point for me.

Markle: I think when you're talking about complexity, really what you're talking about is more detail as well. What our system, what we are asking for reporting is reporting of dates and types of communication and with who, and you lose all that at the state level. There's not that detail in the reporting. In addition to that, the reporting --

Leonard: On that point, were you concerned that by requiring that you also set the stage for somebody to violate that so that we're going to have maybe even unwittingly a number of people who violate --

Adams: There's a lot about -- because there isn't another city government in the United States that's a commission form of government, where the decision makers have the kind of powers that we have, that's why this six-month testing before we get into -- before this really, really has bite to it is so important. I mean, I wouldn't support going forward without that period of testing. I can tell you what we have before you today will change as a result of our experience of six months, but we kind of have to get that six months of experience under our belt. So whether it's 16 or 24 or five or zero in terms of hours exempt -- reporting requirements kick in. We have to have some experience --

Leonard: That part I actually don't have an issue with, the number of hours. It's just the -- what you end up reporting, what is a meeting, what's -- I just fear knowing myself, and just kind of how -

September 14, 2005

- to keep current records that this is much more detailed -- we do financial interest forms, elected officials, once a year, and --

Markle: Are you talking about yourself, if you were a lobbying entity?

Leonard: Correct.

Markle: This is the trial six-month period where we're not going to be having fines, to see how this does. I do think what makes this system so unique when comparing it to other systems is the detail.

And that's what's going to tell you what -- you'll find a lot of people when you talk to -- and I talked to a number of different people in different cities, what they would like to change in their own lobbying registration systems, and a lot of them comes down to, it's not informative enough. So that would give you that detail and the information.

Leonard: It would, and I want to be clear i'm not disputing that, i'm also saying the more requirements we have the more opportunity for people to violate it. And I foresee us to have well meaning folks get into trouble.

Adams: The sweet spot, in terms of the required detailing, we've given it our best guess, we've made it more -- the detail more because we heard it from citizens that they would like to have some useful information. We've heard from other folks that would like to change their own ordinances, and you'll probably hear from lobbyists in the crowd today that it's too much. We gave it our best effort. We made an informed proposal, and after that we just kind of have to give it a test drive.

Potter: What did you find at the other cities, sam, in terms of -- they've been doing it for a while, what are the strengths and weaknesses you found in other cities? And did we incorporate those into snow showers.

Adams: One of the weaknesses was the detail. Another weakness was what I call sort of the point of purchase. That in other cities, I could be a lobbyist testifying here at city council, but you wouldn't know necessarily who i'm lobbying on behalf. So this requests a declaration, so I would say -- sam Adams, i'm here on behalf of the business association. That's sort of -- because a lot of the lobbying systems in place are all after the fact, the information comes after the fact. That's one thing during issues as they're being discussed that other communities wish that they had. So we included that as well. If you've got this sheet, you can get a sense of of --

Potter: That would be in your council book.

Markle: The difficulty in, when you talk to the different jurisdictions, you have to keep in mind the limitation that's each jurisdiction faces. In Oregon we have our own limitations we have to work with, I think everyone, if ke could -- we could have a universal system, it would be ideal. There are different state laws to keep in mind in terms of considering strength and weaknesses, but I feel we've incorporated what we can into our model.

Leonard: These other cities, did they have any exclusions for reporting?

Markle: Particular -- I asked about a collective bargaining particularly. A lot of the -- this is what we're talking about when you think of the constraints of other sis temperatures. Some other cities limit theirs to paid lobbyists. That makes their system clearer, so they don't have to think about neighborhood associations or citizen activists, things like that. But there were some exemptions for collective bargaining in king county, king county, they don't focus on entities, they focus on individuals, and they have an exemption for their citizen activists, as we do as well. And then in terms of collective bargaining, I think king county is the only one that specifies it. But that's where you get the uniqueness of the Portland system. Some other cities, they don't focus on administrative, because they don't have --

Adams: That's the biggest difference. Most of the other folks, because they have a separate executive branch and a legislative branch and a judicial branch, they only are looking at legislative decisions, or legislative processes.

Markle: They didn't really have to think about collective bargaining particularly.

September 14, 2005

Adams: Unless there are any more questions, we'll run through sort of the highlights of what's in the ordinance. Is that all right?

*******:** Yeah.

Markle: We're going to run through the outline here. Some important definitions. We've defined a lobbying entity this, is what our system is based on. If you remember that diagram with the dots and the people, instead of focussing on the people, which is what a lot of systems focus on, we focus on the actual dots themselves.

Adams: This is -- wisconsin has this approach on their state level, so it's not that it's never been tried, it's the wisconsin approach.

Markle: The lobby entity we define as any individual, business association corporation, partnership, association, club, company, business trust, organization, or other group who authorizes to lobby on its behalf. And then we say a lobbyist is any individual, paid or unpaid, no is authorized to represent a lobbying entity. And the authorization is the key part there as well. We define lobbying as activities intended to influence the official actions of city officials, including time spent preparing all communications to city officials, time spent preparing for meetings and discussions with the city officials, and this also includes public testimony, because we do believe this is where decisions are made.

Adams: Unlike the lobbying and other venues, I just want to underscore, this is where decisions are actually made on legislative issues, and on some of the key administrative issues that we've said have to come to the city council.

Markle: Reporting requirements for lobbying entities. We are asking a lobby entity -- a lobbying entity is encouraged to register at the beginning of the year when it -- however, it must register once it has achieved 16 hours. These thresholds we've come up with, these time frames, are really -- we want to try to have an idea of what is a lobbying effort, what is a significant lobbying effort. And from our communications and our talks with the public, we felt 16 hours would be -- that's something we'll look at in a six-month period, to see if 16 hours is appropriate.

Adams: King county and chicago do not have any threshold at all. So it's not unheard of to have no threshold all the way up to a higher threshold that you can see on the matrix.

Markle: When you -- when a lobbying entity registers, they provide their name. The contact information. The names of the individuals, the individual entity that will be responsible for the paperwork. And the names and the contact information of the lobbyist who's are going to speak on their behalf.

Adams: And this is different than the state and to what degree, mary jo?

Markle: This part is fairly similar to the state, even down to the authorizing lobbyists. But where we differ is when we get down to the actual reporting. The reporting aspect of this.

Adams: This is the information we would collect when a lobbying entity registers.

Markle: Then for reporting requirements, lobbying entity will register at the beginning of the year. However, they only report for the quarter that they spend more than 16 hours in. When they report, they'll report a specific issue that is of interest to them during the previous quarter, the list of city officials they contacted via email or letter or phone, and the dates of those contacts. The list of city officials the lobby entity met with regarding those issues and the dates of the meetings. A reasonable estimate of the amount of money spent by the lobbying entity for the lobbying effort, if that amount is over \$1,000. This is to address -- when you're nonprofits you don't spend a great deal of money lobbying. We want to try to find what a significant amount of loining is in terms of the financial and hourly threshold. Then the list of city officials that the lobby entities spent more than \$25 for lobbying expenses. We have some exemptions, these are groups that are exempt.

Adams: Lobbying entities who do not spend more than 16 hours, as we've already noted, collective hours, lobbying in any of the four calendar quarters. The news media that do not exceed their normal business activity. And I might as well now sort of put in the obvious note, sort of like the

September 14, 2005

phrase normal business activity, and reasonable, and some of these other phrases. Folks rightfully asked a lot of questions about what's reasonable, what's normal, things like that, and like every ordinance we consider up here, it's the -- it's good faith, and the six months we're going to be able to fine tune that if need be, but we also I think a useful sort of analogy is, you know, when you fill out your i.r.s. Forms and you have to make a decision whether an exemption or credit is eligible to you.

So there is always with this a certain amount of judgment, and as you read through it, i'm sure everyone in the room can think of ways to get out from under it. And that's, we just need to have some experience of that. We -- those of us that have worked at the state also know there are ways to get out from under it if you work really hard at it, and I don't know that any piece of legislation or draft ordinance could necessarily capture all three. Or capture those kinds of folks with that kind of malicious intent. So goodwill is involved with that.

Leonard: Maybe I could ask you a question on this. I could envision the league of women voters would hit that threshold and wouldn't have to register with us. I could also envision that some of the most high profile named developers around Portland would not hit that threshold. So we actually have this phenomena where we're asking for the league of women voters to submit a lot of information or else, and others who are people whose names come up in conversation often as I think most the public thinks they're in here all the time influencing us do not.

Adams: Personally, I would love to have it like chicago and king county, where it's zero threshold.

Leonard: That's where I was getting at.

Adams: I didn't think I had political path to go that direction.

Leonard: You mean this is a political process?

Adams: We're sitting in city hall, aren't we?

Leonard: Then the other point I was going to raise was -- now i'm reluctant to raise this. I think it's important to talk about. Neighborhood associations.

Adams: That's just on the bullet I was about to read. Lobbying entities who satisfy all three of the following -- comply with state public meetings laws or with the office of neighborhood involvement standards, which are the Portland city code 3.96.020 g, and are nonprofit and formerly recognized by the united states. By the city of Portland.

Potter: Break it down.

Adams: Break it down, sam, break it down. It's been a long day. What does that mean? For instance, right now, neighborhood business associations are recognized by the city of Portland. Many of them are formally nonprofits but they do not choose to comply with the first bullet of the neighborhood involvement standards or state public meetings laws. There are some neighborhood associations -- all neighborhood associations have to comply with 3.9.06.020 g.

Potter: What about swirl?

Adams: Swirl is a good question.

*****: [inaudible]

Potter: Do they comply with public meeting laws?

*****: [inaudible]

Potter: They are nonprofits but not formally recognized by the city -- they are formally recognized? They are not?

*****: [inaudible]

Potter: So they would not qualify.

Adams: They would not qualify now, no. So we -- we'll put the swirl issue in the bin item box to discuss.

Leonard: Where i'm getting at is trying to be as intellectually consistent in this proposal as possible, because I just -- I don't know that it's my nature so much as it's my experience as if mistakes can happen, they will happen. So I approach issues like this, which by the way, many

September 14, 2005

things in here that are standalone, I would cosponsor with you in a heart beat, prohibiting council people from lobbying for a year, I introduced a bill like that in the legislature, absolutely great thing. And certainly the thrust of what you're getting at here is a very important thing. So I laud you for that. I just want to make sure, a couple times i've voted for things against my better judgment and then later had that thrown back in my face, if you had voted for that, why are you now being critical? So i'm worried what we may end up doing is set up some circumstances that cause problems unwittingly. One of which is the neighborhood association exemption. I think at first blush most of us, initial reaction, of course the neighborhood associations should be exempt.

They're citizen groups, they're doing what they should be doing. When you understand that process a little better, there are some issues for which some within neighborhood associations are extremely passionate about one thing or debating now is in linton, should we have ana housing development in an industrial area or not? The only reason we're having the debate is because of a very passionate small group of people from linton who feel strongly about it. I guess the question I have about that is, we're all spending a lot of time on that, meeting with folks on that issue. We have to report the business interests that have a position on that, those that are lobbying the other way forcefully do not have to report. Choose give a complete picture to the public about how we reach our decisions? That's misleading to think that only those that are paid lobbyists to come in and talk to bus that are influencing how i'm deciding that issue. Frankly, the discomfort level comes from the intense lobbying activity from the proponents of the housing project, which you could argue raises property values and there's some financial interests there as well. It's a good community thing to talk about, but -- I just philosophically am having a hard time saying why one side would not have to report their activities and the other would on that issue.

Adams: It's a great question, one that was -- took up a lot of time in each of our public meetings, and in our own private conversations. The public policy that -- it doesn't explicitly -- the public policy reason is, and then in the last meeting we had a suggestion came up to improve upon what's in this draft, that I would like to pursue in the next six months. The public policy reason was that they have to adhere by these open meetings laws, they have to adhere by the the records public records because they are recognized by the city, they have sort of a different status in the community legally. I think and otherwise. Land use decisions they have some legal status as a type of stakeholder. So we thought, I thought that that was initially, anyway, enough to put them in a different category. Now, but I also at the same time was uncomfortable saying that neighborhood associations are exempt. In other words, I wanted it based upon behavior, in other words, that they're open, that they're nonprofit, they're not a for profit, and that we formally recognize them. All of which, they could lose that status for whatever reason, depending on how they acted. So that was the reason that they are treated the way they are in this draft. By the -- at the last meeting, which was two weeks ago, the legitimate complaint came up from other stakeholders that they can never find out what neighborhood associations are doing. That even though they have pages on the city's website, they're not populated with the agendas or with the meeting minutes. And that if we're going to -- there's the difference between complying with the law and making it user friendly to find out what neighborhood associations are doing. So on the cover resolution, we have item seven, that during the same six months that we will -- that the city recognized neighborhood associations and business districts, which abide by disclosure standards referenced in the city code will make every effort to post meeting agenda and minutes in a centralized location easy for public access. There has been a suggestion to make that mandatory. The reason that I didn't feel personally comfortable making it mandatory is that that was just two weeks ago, that this very good idea was offered up, and I haven't -- I condition feel like I could make it out to the neighborhoods and fully vet it. And I didn't want to surprise them, so I wrote it in here. We wrote it in here as that the -- we will assist them in doing it, and it would be my expectation we would get that done in the next six months.

September 14, 2005

Potter: Can I take -- I take it from a different angle. One of the things Portland is known for is civic engagement. We have an office designed to elicit neighborhoods' opinions. We have committees around small businesses. We have economic development plans that we work with the Portland business alliance on. It seems like -- the transparency I think has a competing value here about civic engagement. How do we ensure that not only do we keep the kind of civic engagement we have but increase it. And I -- so kind of different from where Randy is going, I want to make sure that we actually have more folks feel like they have access to government. I think that is one of the transparency issues too, when you engage people in the business of government, that that transparency occurs because there are people there watching, much like they did with our budgeting process. The very process of us going through that in a very public way instead of behind closed doors, makes a big difference to a lot of communities. So how do we balance the issue of transparency, and I am extremely supportive of ensuring we are a transparent government entity. How do we make sure we balance that against the issue of civic engagement?

Adams: That gets us to the next slide, which --

Potter: Did I help you with your segue?

Adams: Thank you, mayor. Lobbying does not include time spent by an individual representing his or her own opinion. Again, this is really trying to separate someone representing, advocating their own popo volcano versus Sam representing 10 people's aggregate opinions behind me. Time spent participating in a city council created board, committee, working group, or commission. This will make us a little more disciplined, but actually having the resolution go through the council, creating them. And by the way, that is state requirements anyway. I haven't always been the best at it over the years, and this will us require -- will require us to be better at it. Time spent acting as a city official in an official capacity. When I go over to JPAC at Metro to advocate on the city's behalf or transportation funding, or Rex comes over here to advocate you all for the city's position on JPAC-related transportation funding, he's acting in his official elected capacity, he would not have to do that. Time spent bidding on a competitively bid contract.

Potter: Could I go back to that one? Time spent acting as a city official in an official capacity. So if I go talk to the Portland business alliance, it doesn't count? But if they come and talk to me it does?

Adams: Correct. Unless you go as Tom Potter, if you go as Mayor Potter, then that does not count.

Potter: I don't have any off hours where that happens.

Adams: This is intended to -- this is intended to capture and to improve the transparency of decision making sessions, city government. We don't have jurisdiction over Metro. They have their own -- they have their own process, and whatever reporting process the Portland business alliance have, we don't have jurisdiction to regulate that at this time under this proposal. So lobbying does not include time spent bidding on a competitively bid process. But if one of our contractors comes to me and there's a bid open, even though they've made a bid for that, the fact they've come to me, they have to report that. Time spent bidding -- time spent participating in the collective bargaining process. This exemption was not what I brought to you earlier, and I thought it was a good point, and there are other jurisdictions as Mary Jo mentioned, that also make this common sense exception.

Potter: I just want to make sure, this would include labor and management committees?

Adams: Correct. And grievances, and all those processes that are in the collective bargaining agreements already. And remember, we create the labor management committee, so it's actually two safeguards. One in the contracts, and two, because we create them, they're exempt just for that reason alone.

Markle: In is a reporting requirement of city officials. This aspect is also what I found to be a much different from other systems, there are some systems that have a dig of -- degree of of much

September 14, 2005

reporting requirements, but we are asking -- city officials are -- is defined as elected officials, staff of elected officials, bureau directors, appointed to a city board or commission. Specific city -- we specify the planning commission, the Portland development commission, the design commission, and the fire -- police and fire boards.

Adams: Just so we're clear on that point, so if somebody lobbies those particular groups, it is considered lobbying and the entity that sponsored their work would have to report it. So if someone is lobbying the Portland development commission, we will know under this process.

Markle: We're asking city officials to report would be whenever they receive a gift that is more than \$25, that's dual reporting, so the lobbying entity report that's as well. City official will also report when they ask for and receive a donation to the city.

Adams: This is the len bernstein memorial clause. [laughter] he very rightfully said, you know, we get hit up by elected officials for contributions to official city business. Not campaign contribution, but help underwrite or sponsor all the set of outreach we all do, and whether or not they say yes to us from their point of view sometimes can have a bearing on whether or not they're going to be seen in a good light or not. So I thought it was a very fair and good inclusion, and one that does not exist in any other system that we found.

Markle: We're asking elected officials and bureau managers to publish their schedules on the website that will be designed for this lobbying disclosure, unless there's determined to be a safety threat.

Potter: This is the entire -- our entire calendar. Not just those that involve possible lobbying.

Markle: It would just be for the public calendar, for your official business.

Adams: For instance, there's a lot of things on my calendar because we all work almost all the time. I only -- what I put up on my website now is only the official business, not my doctor's appointments or an occasional social private event. Which I would really rather not talk more about.

Leonard: That's the part we're interested in, though. We don't care about that other stuff.

Adams: Declaration of lobbyists, I mentioned that before. This actually -- I don't know exactly who came up with the idea from the community, it's a great idea, but when I went to your individual offices, this seemed to have a lot of universal support from everybody, it's not always easy for us or our staff to figure out. Which individual has which hat on at a particular moment.

*******:** I think that was amanda fritz that said it first. That is unique across the board. When I called and talked to people in other systems, I was like, how do you all know who's speaking and do you know during conversations if they're lobbying -- lobbyists, and they said no, but that would be a good add.

Adams: Today we would hope a friendly request from anybody today, that they would practice that declaration.

Markle: For one year after employment with the city, city employees may not be authorized lobbyists for any subject matter that they worked on substantially as employees for the city.

Adams: Penalties and enforcement, there is a \$500 fine for each violation, the enforcement is as similar to cee's complaints to spot audits. The auditor will direct the city attorney's office to seek fines for violators through circuit court.

Markle: We talked about this a little bit, but in terms of the comparison, if you'll look at the chart, the next slide does the chart on the big screen, but not very well. The aspects of our system that are unique to Portland is as I mentioned, the declaration of authorized lobbyists, so prior to their communication, they state who they represent. And publishing of calendars by elected officials and bureau managers was also unique to Portland. Detailed reporting that provides dates, topics, and with whom the lobby entity communicated. Anywhere -- any of the systems I looked at did not have this degree of detail that is beneficial for disclosure. And then how Portland is different than most, we focus on entities as opposed to individuals, and we mention how wisconsin does

September 14, 2005

something similar at the state level. And then sophisticated webpage where information can be accessed and submitted, I think one of the key aspects to what we're proposing is this website and having this information readily available to the public in terms of what does go on.

Adams: And two others that probably meet -- could be included on the page is the prohibition on lobbying for a year, and then also the only additional reporting this will require much of us as elected officials in addition to the calendar would be when we ask a lobbying entity for a contribution for an official cause. An official function. Like sponsoring a form or sponsoring a task force.

Markle: And this next slide is very small version of this chart, but there are some extra charts over there behind Karla, if you'd like to pick one up. And then the last part of this is the six-month test.

Adams: The six-month test. No fines, this allows us to do that trial run, the test drive. How appropriate are the thresholds, enforcement, how would it work if we were going to enforce the detail of reporting requirements, are they too much, too little, useful, not, overall effectiveness of the policy. And in addition to that, as I said before, within the test period, it's our expectation that we would provide the assistance necessary to neighborhood associations to be able to post their -- both their agenda and their minutes of their meetings. And that concludes our presentation. Any questions?

Leonard: Just to clarify what I was attempting to say on the neighborhood association exemption. I actually agree with the mayor, but my point is philosophically, I can't get my arms around why we -- I don't mean to pick on the league, but why would we require the league of women voters to register but neighborhood associations not? How do you philosophically explain that? I can't. And then the other thing would be, I'm just wondering out loud about what -- I think most people, yourself included, are not concerned about, or there's not a public perception of a problem with the league or neighborhood associations, or the league of -- the Oregon environmental council and so on, it's paid lobbyists. Are there communities that you looked at that just require reporting from paid lobbyists? Is it irrational just to say, let's just call this what it is and --

Adams: Actually it started out on the register and reporting for paid lobbyists, and because we have such a robust tradition of citizen involvement, what became very evident was that if you only covered paid lobbyists, almost -- you would be creating a major loophole. And the loophole is that almost every paid lobbyist is attached to a nonprofit or for-profit business that either has a boards of directors or what have you.

Leonard: Except that you're requiring them to report -- declare who they represent.

Adams: Right. But what it means is there's a good way to not show your fingerprints on your work lobbying city hall s. To send in scott andrews, who is your volunteer chair of the board, and -- instead of the good staff at the p.b.a . It's just too big of a loophole. Because we're administrative quasi judicial, legislative all in one package, that's the way -- that's why I'm proposed it the way I v I dug into this issue more after running as a candidate on paid lobbyists, why I've changed my own mind in terms of wanting to close that loophole.

Leonard: Since you mentioned scott's name, let's say for example scott, maybe he meets with people here 16 hours a quarter, he doesn't with me, I may have met with him once or twice since I've been here, so I counted -- I'm having a hard time getting my arms around the league is going to submit registration and with all these disclosures, but scott anders I guess would never will. I would think most people shall whether it's true or not, perceive that scott has a lot of influence here.

Adams: If the council's wishes, especially for the trial period, to have everyone to report all contacts and then we can decide after six months whether we should have any threshold for reporting, so there are two separate but related issues you raise. One is who's considered a lobbyist that has to report, and who's not. And then if you're considered a lobbyists, how much activity of lobbying do you have to engage in before you have to report. So those are two related issues. First

September 14, 2005

you qualify under the draft ordinance as a lobbyist, and then when you do qualify, what is the trigger for having to actually report. So if p.b.a. Does not bring in a lot of people during a quarter, not 16 hours, they show up with two people, spend an hour with you, that's two hours of lobbying. If the league of women voters comes in with five people and spends 5½ hours with you, it does trigger it. So the threshold of 16, which is less than the 24 the state has, is as arbitrary as anything else. Because there are some cities, like Chicago, that has zero. If you're a lobbyist, if you qualify under the definition of a lobbyist and you come in and lobby, you report.

Leonard: I actually think that makes sense.

Adams: That's definitely part of what the council can consider.

Potter: Shall we get to the public?

Adams: Absolute limit.

Potter: Shall we go -- .

Adams: We haven't -- these are people that have been actively involved. We haven't necessarily cleared anything what they're going to say.

Leonard: Did they lobby you to get on this list?

Adams: They lobbied me to get on this list, yes. Chris Smith, Amanda Fritz, and Norm.

Chris Smith: Chris Smith, 2343 Pettygrove Street.

Potter: I just want to make sure, is this a three-minute limit?

Smith: I might go a little over that.

Adams: Can you try to keep it to three minutes?

Smith: I'll keep it brief. Chris Smith. For practice, I am not authorized by any organization to be here today, so I'm speaking on my own behalf, though certainly my testimony is influenced by my activity with the city club, with neighborhood associations, with Portland streetcar, both the board and the citizens advisory committee. And I think an important point to bring out, in the stakeholders discussion, we discussed the time for that disclosure should not be counted towards your three minutes. I've watched the evolution --

Potter: Trying to cover it all, aren't you?

Smith: I've watched the evolution of this. In the first version, I was here testifying with quite a few concerns that in fact this would have a chilling effect on citizen participation in Portland. I am delighted that Commissioner Adams has been more than open to listening to those concerns, working very hard to address them. I really look at the policy and what we're trying to achieve. And Mary Jo has been tremendous to work with. I want to thank the commissioner and Mary Jo. Talking first from my city club hat, city club has no position on this ordinance, but as the person at city club on the advocacy board who would have to figure out how to implement it, I have a lot of thoughts of my own. City club rank also at the thought being lobbyists. We think we advocate for the general interests. We understand lobbying is a legal definition, and we've moved past that issue. But I should highlight it was there. I think the transition from tracking individualizing to tracking organizations and their authorized spokespersons is a very good one. I was asked to get something in the record by the executive director at city club, so I'm going to that right now. In that distinction, if I come down here and say, I'm authorized on behalf of city club to testify about voter owned elections, to pick an example, then I'm a lobbyist. If a city club member says I'm a city club member, and I support city club's position, but that member has not been authorized, that is not a lobbyist. Is that correct?

Adams: That is correct. That is the only way we could figure out how to do this given the realities of Portland's political culture.

Smith: Right. From a reporting burden point of view, that's very important. We ask members to do a lot of things that we can't follow whether they do that or not, and it's important to be able to distinguish the activities of our authorized reps. To speak to a couple of issues that were brought up in the council discussion, the threshold, at city club we'll probably simply assume we'll pass the

September 14, 2005

16-hour threshold. We won't bother to report it. We'll assume we have reporting. I would think it would be a good policy to have a zero threshold. I don't think the 16 hours represents any magic point. I would be happy to see no threshold. On the neighborhood issue, i'd like to help new your thought process, commissioner Leonard. I really see the philosophy thinned as sort of capturing the maximum new information which the minimum reporting burden. So I think the fact that we ask for example to have actually contact activities reported greatly increase the amount of information available, even though it increases the reporting burden, but we think you're going to learn more. At the same time, we ask that the list of city officials be paired -- pared back, because originally I thought as a member of the citizen advisory for streetcars it would be a lobbiabale official. So we asked that to be pared back to what we thought mattered to hear about.

Adams: And it was.

Smith: It was. We appreciate that. I think with respect to neighborhoods, from my point of view, I don't think i'd get a lot of new information by reading the lobbying reports from neighborhood associations, soy think putting a reporting burden on them might even take as much as a full-time staff person in each coalition just to handle the paperwork. I don't think the benefit is there, whereas the responsibility for the folks that we are really aiming this toward won't be worth it. While on a policy level you might say a negotiation isn't different policy wise o. A practical side, there is a distinction there that you can make. Thank you.

Adams: And chris, you've been great in attending almost all the meetings, and I appreciate it. And you're no shrinking violet, that's for sure.

Leonard: Just to follow up on that, the point -- i'm just responding to the point of interest to create transparency and how we make decisions. Each individual group I assure you will get up here and make a reasoned argument why it should not apply to them. I understand that. I've made my own argument that shouldn't apply to me. It's a lot of extra work and it's burdensome. I get that. The point is if you're trying to have transparency and you want to be intellectually honest about it, how we make decision here, at least how I make decisions, is at least equally influenced by neighborhood impact, if not more so on any given issue that we deal with. The point not being that that's an aspersion towards those that come in to lobby, quite the contrary. I totally agree with the mayor, that I am thrilled that people come in on their own time without being paid to make sure I understand their point of view. But the point is, if we want the greater public to be able to see how we make decisions, that's an important part of how I make a decision. And for them to be able to access that and say, ok, he met with chris smith for x amount of hours on parking structures --

Smith: If I could respond to that and use -- I won't pick an example of nwda, but to take the linton example, I get an email from pat wagner twice a week, as do any number of citywide email lists --

Leonard: Is that all?

Smith: Nobody is unaware of pat wagner's position. I haven't heard anything from the private interests that may be interested in developing that. So I would be interested to read their disclosure statements.

Leonard: You know that because you're a neighborhood activist. I will tell you my neighbor at scott doesn't know who pat wagner is and has no clue about what's going on in linton. But potentially could be very interested and would find out by being able to access this reporting mechanism. Not -- pat is a terribly effective lobbyist.

Smith: Activist.

Leonard: Thank you. Activist for her neighborhood. But the point is, it is very impactful on the -- on what we decide here. And my point isn't to pick on pat, it's, if you are going to have transparency, that is how we make decisions.

Smith: I just think you wouldn't have to dig very far to find out what pat's up to. It's out there --

Leonard: You wouldn't, but believe me, the typical citizen in Portland would.

September 14, 2005

Amanda Fritz: I'm amanda fritz, i'm not representing anybody. I want to comment that the process was excellent. It was particularly wonderful to have people face-to-face, and in meetings. It would have been nice to have a few in the evening so more citizen cso have participated. But we did have multiple meetings u. You kept us updated on changes, posted them on the blogs. I also was interested in a discussion that was on the Portland community log, which I want to give kudos to christopher, resulted in a change in the exemption for neighborhood associations, because he noticed that since they weren't previously protected by public meeting laws, that need to be changed. But that had to be brought back into a real life meeting for that to be changed. So there's different ways to communicate with people and we need to be including people in lots of different ways. And I do trust the commissioner hostel me this will help. So i'm in support of the overall purpose, and that six-month trial, particularly people state hog they represent and which gifts they -- what gifts you receive. I would suggest you need to go to zero for gifts received, a \$25 -- i've never had a \$25 in my entire life, I don't think. If you're getting a splendid lunch paid by a lobbyist, that should be reported. When I was on the planning commission I didn't even take a cup of coffee from anybody because I wanted to be sure nobody was influencing any of my decisions. From my perspective, the simple answer to your concern, commissioner Leonard s. For the council to report who you are influenced by. It's too much burden for volunteers to be reporting their efforts which may not be successful. My proposal at the beginning was for council at the end of a significant vote, for you to publish a short paragraph of who influenced you, who you spoke with, and why you voted the way you did. And that would be the ultimate transparency, for to you say not only who contacted you, but what was successful that. Would be really helpful to me as a citizen activist to know what's working and what's not. When you're asking neighborhood associations in particular, neighborhood associations are different. We are different in Portland and neighborhood associations are differentl are a dined kind of entity in Portland. So there's no apology for treating them differently, they are different. They're there, they're not government entities, they're there to help citizens participate. And they shouldn't be given burden that's we don't fund. I really object to this substitute testimony which says neighborhood associations shall post their agendas and minutes. Please dedicate some funding to help us do that. Our neighborhood association's minutes are in writing, submitted to the southwest neighborhood office in handwriting. So if you want them posted, somebody is going to have to scan them, transcript them, and we don't have a volunteer to do that. And you can't tell volunteers what to do, especially when you've just had an entire public process on neighborhood involvement, what the standards are, and then the council is going to come in and say, by the way, you may not have discussed this in the past three years, but this is an additional thing we're expecting you to do or you can't be recognized. The final thing i'd like to comment on is the posting of calendars. My understanding is the latest version says you're going to post your calendars at the end of the quarter. Is that correct?

Adams: I believe so, yes.

Fritz: That really doesn't help me. If people are lobbying you in january, the vote is in january, it doesn't help to find out in march who came in and influenced your decision. So if you warn neighborhood associations to publish their agenda in a timely manner, you ought to be publishing your calendar at least at the end of the week, when you post -- when you give your public calendar to "the Oregonian" for the next week, you could post your previous week's calendar so at least we knew, we could see if there was a stream of interest coming in on a particular interest, people in the community could see, maybe we get to get ourselves in there a -- too. Otherwise, make the neighborhood associations post quarterly. If all you want to do is see after the fact what happened, have some kind after once a year thing we would post our calendars.

Leonard: I suppose I don't understand if we're really exempting neighborhood associations, we don't just say that. Current definition, I just heard that swirl has to lobby. I don't get playing with definitions instead of just saying what you intend to do.

September 14, 2005

Fritz: I think swirl is still a nonprofit, even though it's not a f01ctremendous. There are other -- watershed council is not a lobbying entity, it's formally recognized bite city, it's a nonprofit and it complies with open meeting laws.

Adams: If you could comment on the swirl issue, linly.

Linly Rees, Office of the City Attorney: I think they would qualify.

Adams: This is a first reading so we'll have time to look into that detail. They're an anomaly among neighborhoods.

Leonard: I guess i'm just saying outside, just in general i've always had an issue with how people try to define something, because they know what they're trying to do. So they write this deliver city's more than 350,000, somewhat north of the 45th parallel, but south of the columbia river, we're not going to tell you who it is, but it's Portland -- .

Adams: As the clever person that drafted this clause, the reason that I didn't say exempt neighborhoods is that I wanted to keep the own us on nonprofit status, I wanted to keep it on open meet cans, and I warned to keep it on still the city recognizes them. We still have the ability to recognize them or not. Therefore affecting their status. So actually I wrote it not just saying neighborhood associations, because I want to do -- fulfill my responsibility in terms of quality control for all of our operations. Not content control over neighborhoods, but at least that they're offering the service that we ll pay for, maybe not enough, but help pay for in terms of citizen involvement at a very grass-roots level. So that's why it was written in this sort of as you say, somewhat deliver way.

Sten: I just want to -- I get this point, and i'm willing to debate it when it's time for amendments, but I want to hear the wide range. It seems like we're spending -- I don't want to hear every person's detailed opinion of whether neighborhood associations fits or not. I get it. I want to make sure I hear the other points too.

Fritz: On the -- thank you, commissioner Sten, and the other point is that the reason for all this language is because it's not -- it's the -- the burden is on the citizens to report rather than on council to detail what influenced you. That would be another way to go, which would be much simpler.

Adams: Thank you.

Norm Turrill: I am norman terrell, speaking on behalf of the league of women voters of Portland. I'm delighted that we've been example here today. You'll see when we eventually get to reporting how much -- how little influence we actually bring to bear on the city council. The league is pleased to offer its support for lobby reform proposals before you today. The league works at all levels of government to increase citizen access, to information, and protect the citizen's right to know. We support lobbying disclosure reform to provide information on the pressures exerted on the policy making process. Open government -- government that is open, transparent, and accessible is more likely to engender public trust. Furthermore, the registration and reporting program will increase networking opportunities among community activists, and potentially could lead to increased citizen participation. Many elements of this proposal are still subject to debate and discussion. We believe, however, that it is improved significantly since it came before you in march, and deserves adoption at this time. We are especially pleased that there is a requirement for a six-month review. This is a complex system that will benefit from a test run. We are not sure that one review in six months will be enough, however, and encourage the council to provide perhaps for another check-in in 18 months from now. Finally, we'd like to commend commissioner Adams for the unusual approach he took to refining his original proposal. The regular conversations he held with interested parties at the table allowed everyone the opportunity to understand the various points of view and incorporate changes accordingly. Thank you for the opportunity to hear our opinion.

Adams: Thank you very much.if I could call three more. Bonnie mcknight, robert king, and gwen baldwin.

September 14, 2005

Bonnie McKnight: Mayor Potter, members of the will council, bonnie mcknight, 1617 northeast 140th. I am chair and cochair of the russell neighborhood association, and coordinate the citywide land use group among other things. While I speak for none of those bodies, I do believe I speak for a number of members of those bodies in appreciating what commissioner Adams has brought forth. Nine months is kind of an ominous number. And may not be much more pain-free. But I appreciate the fact you stuck with this as a campaign promise, you needed to do. And I especially appreciate that you had a staff person you could give 15 iterations of this to and get number 16. So I appreciate --

Adams: She's very good.

*******:** And exhausted, no doubt.

Adams: Yes.

McKnight: I think the process you've used as other people have said, have been great. I also think the way that you finally ended up not requiring neighborhood associations to jump through one more hoop to do what many neighborhood associations people believe is already an extra effort on their part, was very important. I appreciate somebody who has worked for nonprofits most of my life, I appreciate the fact you didn't require them to say there were -- they were lobbyists, because as a financial person, that gets the i.r.s. All excite and they don't understand neighborhood associations, let alone a nonprofit that lobbies. So if you leave that language off and don't require that, that's great. The discussion about disclosure of neighborhood agendas, I truly support that. That would be a gift. I think most neighborhood associations are struggling within the existing resources to reach more people. Most of us can't even mail to everybody in our neighborhood once a year. I think two things need to be done to build neighborhood association membership, and this does both. It -- especially if you add the publication of agendas. Amanda's got a real problem, and i'm sure a number of neighborhoods do, because most neighborhood associations are staffed by their own members. And so the burden of agendas and minute taking is done by volunteers, which makes it a little more uncertain sometimes. So there may be impacts. The other point of this is that the best hope you can give to neighborhoods is for people that we deal with to believe that involvement makes a difference. And I think by having this open, disclosed, in public view, it's a perfect message to people, real message, not an abstract message, but a real message. The other thing to respond just briefly to commissioner Leonard's comment, if -- I heard it. If commissioners wish to do more, if they wish to disclose who from neighborhoods comes, I don't see anything here to prevent that. And i'd suggest that would be a great thing for each commissioner to do as well. Thank you.

Adams: Gwen?

Gwenn Baldwin: My name is gwenn baldwin, i'm president of baldwin consulting. I'm here today representing myself, although I do have clients from time to time who have matters that come before council. I believe we're all here today in support of disclosure and transparency and government. It's a concept that can offer a window into who gets involved in policy making and on what issues. I do want to thank commissioner Adams and his staff especially mary jo, for widely distributing drafts to get feedback and being open to many suggested changes. This has been a long process, and his commitment is commendable. Not only his, but also my fellow stakeholders who attended all the meetings and offered ideas. The overarching purpose of this ordinance is to disclose the participants of lobbying and the strength of their effort without stigma or distinction in the content of free speech. This is a worthy cause and one that I fully support. However, I am concerned about two aspects of the ordinance that is before us. First, it does create a complex and complicated system, and I recognize commissioner Adams is attempting to create a reporting system that is broader than others currently used in Oregon and other municipalities. I think there has to be an assessment, however, as to whether the additional complexity and burdens are worth it or whether a similar pleasure system is a better place to start. Second, the ordinance contains

September 14, 2005

exemptions that set up inconsistency and inequality, both in general and within the ordinance. If we truly want to disclose what influences public policy making, then a simple time threshold of whatever time is determined, and a definition of the lobbying should apply to everyone. Within the code language there are also inconsistencies. The language currently contains exemptions from registering and reporting for certain city approved organizations based on their compliance with open meetings and public record laws. Even if they do actually lobby, what everyone would call lobbying for more than 16 hours. Most organization that's fit the exemption probably never see the inside of city hall enough to qualify for a 16-hour exemption, but there are those that do. The rationale, however, is that these groups already provide a degree of transparency on their activities through agendas and minutes available to the public. Realistically this doesn't happen enough. Not only are meeting with city council members not tracked at all, but frankly, these are volunteer run organization that's understandably don't have the staff or might have a very hard time keeping up with maintaining a website with just the minutes and disseminating them at a regular basis. There's language in the ordinance and exhibit a, chapter 2.12 that would direct the office of neighborhood involvement and the bureau of technology services to provide and maintain an easy-to-use website so that the only thing a qualifying organization would have to do is upload a word document in a few clicks. The information would be available to the public and a centralized website would be linked to the auditor's website. The other inbound consistency is the current inclusion of public testimony and what would be reported. If the rationale is that things are already public and already open, then logically public testimony should be excluded. It's part of public meet can. Those with concerns separating out testimony would be a hassle would certainly choose to include it if they wanted to. Nothing prevents more disclosure. A copy of these amendments are suggested amendments have been handed to the clerk and I hope you will adopt them. Thank you very much.

Robert King: Robert king, i'm not a lobbyist, just for the record. I'm a police department.

Adams: You're an educator.

King: Thank you very much. I'll have to put that in the exemption list. Initially the ordinance raised real concerns for us, because we really don't want a barrier or documenting process between us and you. We just think as your employees that the relationship we have is -- and the communication we have is really critical to helping us get the work done. However, over a period of time and through discussion we came to understand what the object was and what the needs was, and sort of the principle was that was at hand this, transparency. And we worked in the various meetings and there was some tension in the meetings, I noticed, and there was a little heat, a little conflict, and you know, I think that's -- it's actually healthy and good and productive. So long as it's done respectfully, and I think most or less it was, and we came through all of that. And what we really did I think finally arrive at was -- arrive at was kind of an exemption for the union generally to be able to come in on the matters that relate to the collective bargaining, so the wages and benefits, the grievances, all the things that relate directly to employment, and there's language in this ordinance that keeps us from having to say we're lobbyist and document. But if we were to go outside of that and have some issue that wasn't related to our employment status f. We wanted a variance on sidewalk construction or some other unrelated matter, then we like other people would lobby. So we -- thanks for -- very much for the process, and discussion, and the openness to the amendments, and we think that ultimately it will be fine, and that the six months I think will also be good to see it sort of all work out.

Adams: I want to thank you publicly. There's a point in this when robert called me on my cell phone and we were having a particularly challenging day on this issue and I just screamed at him and -- very inappropriate, I apologized to you in private, and I apologize to you in public, i've been very constructive in participating, as has everybody, but again, I want to thank you and glenn gwen and everybody, and bonny, thank you.

September 14, 2005

Leonard: You're used to getting screamed at, though, Robert, right?

King: I am. Usually by you, though. [laughter]

Potter: When you testify, please state your name.

Chuck Moffit: Good afternoon, more than and commissioners. My name is Chuck Moffit, I am executive vice-president of AFSCME Local 189. I'm here on behalf of our local. We are pleased to have been heavily involved in the process of evaluating and critiquing Commissioner Adams' proposed lobbying regulation. We acknowledge and thank him for designing the process to be inclusive and open to all stakeholders. We also applaud the worthy goals of this ordinance and we are pleased to support all efforts to bring transparency to city government. Throughout the process Commissioner Adams made one thing very clear to labor. Despite current language of the section 2.12.020 f5, which we believe is undog, the intention relating to the collective bargaining process was to exclude from this ordinance all activities relating to administration or enforcement of the collectively bargained agreement, for example, correspondence and meetings involved -- involving imposition of discipline, protected and concerted activity, and correspondence and meet cans regarding grievances. Subject to the understanding that the current language is intended to and does exempt that category of activity and more, we are very pleased to support this effort of Commissioner Adams.

Adams: Thank you for your efforts.

John Bradley: John Bradley, I reside at 2350 Northwest Johnson, I am here today to speak as an individual citizen in favor of the lobbyist ordinance. During the past few years, I have been involved in several lobbying heavy projects concerning my neighborhood, p.g.e. Park, the Northwest District Plan, and of late, the Uptown Tower. It is my firm belief that had this ordinance been in place at the time of these projects, that these processes would become more streamlined, more transparent, and more democratic. For most neighborhood people who want to be involved, time is a limiting element. Who do I speak to? Who will be speaking against my point of view? Who do they know? Who are they? Who is part of their I.L.C.? How many meetings should I set up? All of the answers to these questions take time to find out, time is what a lot of us do not have. This ordinance will help guide us with these questions, level the playing field, and identify key players. After all, all this ordinance really does is establish a roster of players here in Portland. Just like a baseball roster. It allows every one to participate more fully, and understand the game better. And I urge you to please support this. A couple of other additions. I agree with Amanda, I would really like to see a weekly publication of contacts from the commissioners. I think that is very important. And lastly, if it really is an intellectual sticking problem or philosophic problem concerning the neighborhood associations -- organizationing, I think the amount of information that this ordinance will generate and its importance to the neighborhood association more than makes up for any inconvenience. Thank you.

Cameron Vaughn-Tyler: Good afternoon. My name is Cameron Vaughn-Tyler, I represent the Portland Business Alliance. As a person who has occasion to appear before council, I have no objection to registering my activity and the activity of the employees of the Portland Business Alliance. When we meet with or appear before council. The Portland Business Alliance has been at the table since the gypping regarding the crafting of the proposed lobbyist registration. We have made several recommendations and thank you to Commissioner Adams, those have been accepted, and other participants representing the organizations have also agreed with some of the changes we've made. It is everyone's wish to make reporting easy for organizations, individuals, the office of the auditor and for the council members. What I do object to is the need to register Portland Business Alliance members who might appear before council or have meet cans with council as if they too were lobbyists. Our members are not lobbyists. They are volunteers, just like the members of countless organizations, business associations, and neighborhood associations throughout the city. It is not unusual for us to be called on -- called upon by the mayor or other commissioners to

September 14, 2005

Speak on behalf of a specific issue or to be called in to provide expertise or opinions from the business community. Is that lobbying by them? If so, I'm afraid the burdening of registering everyone may outweigh their civic spirit in some instance. I'd like to echo Ms. Baldwin's words about opinion testimony. There's no greater transparency than coming here and testifying before you and being on television and also having all the words that I'm saying being recorded for anyone who wishes to go and look them up. It was our hope that Commissioner Adams would adopt the current state policy for lobbying which is a prudent system that works and one that most everyone understands. If that is not to be, however, then we offer some new language on section 2.12.030, which I've handed out to each of you, which is under registration for lobbying entities, it's on page 3, and I've highlighted it in yellow. We hope you will consider changing the current language with what we have proposed, and the language change would require the names, addresses, email, website, and telephone numbers of all lobbyists who are employed by or otherwise compensated to lobby on behalf of the lobbying entity. I commend Commissioner Adams and Mary Jo for all their incredible work and for honoring your commitment to transparency to city government to all of the citizens. And I feel that you're trying to do the right thing, but there's some specific details of this proposal which we feel go beyond what is necessary.

Adams: I appreciate the comments, just so you and I are clear, the net effect of the highlighted, changing the highlight would be that we would be requiring the register and reporting of paid lobbyists.

Vaughn-Tyler: Those who are compensated or employed by that organization. You mentioned Scott Anderson, he is the chairman of our board. He is quite frankly a rarity in this building, and I don't think that was fair to use him as an example. And we have lots of people who come in just out of the goodness of their heart and want to lobby on behalf of their own personal interests, and I don't think we should have to register them as well. I'm glad to come in here and say always up front who I represent, and of course you know that.

Leonard: To address your concern that wasn't fair, that's the point I was making. Do you understand? The reason we used Scott was just the point you made. He's recognized as a leader, but he's rarely in the building. So it seems a little bit -- not to have a person that really actually would never meet the threshold for --

Vaughn-Tyler: Actually, if -- I think the occasion would arise that if Scott were in the building on behalf of Portland Business Alliance business, I would be with him or Sandra, or a number of employees of the Portland Business Alliance, and I would report that. I would report the activity that went on, who we met with and what we were meeting with. But to have to write down so and so came and met on a business issue, or was asked to come in or talk about the Business Alliance, or business community --

Adams: A couple of thoughts, just so you understand what my thought process was. One is, as chair of the board of the Portland Business Alliance, you work for him. And if he doesn't speak for the organization, I don't know who does. I think under state corporate laws as an officer and the chair, he holds a special position within the organization. So whether or not he's compensated, he certainly gets close to being an authorized representative of the organization. I can't fashion -- one of the interesting things about -- the reason why I gathered all different kinds of lobbyists around the table for this is to get people to think outside their own experience. I had to fashion an approach policy that would work for a system and for the city. And I can't count on a policy that every volume fear authorized -- volunteer authorized lobbyist for an entity is going to have a paid staff person with them that. Would create a loophole the size of a major ocean going vessel. So I think there was a lot of learning, I certainly learned a lot during the investigation over these past months, and the reason why I landed where I was is because we have so many organizations that have both paid and unpaid, and then just unpaid. And that -- although I've -- you've been a very constructive partner as has the Portland Business Alliance in this process, very constructive, but I

September 14, 2005

need to fashion a policy that's going to work beyond just the here and now. So that's the I don't know I --

Leonard: What happens if a member of the business alliance comes in, a prominent member, who owns another business, and says, comes in and says, I am not here representing the Portland business ally answer i'm here representing x business, which I own. And i'm concerned about the business income tax, i'm going to lobby about that. And represents that he's representing his company. Does the business alliance then become responsible to report that?

Adams: No. But --

Leonard: How --

Adams: Let me break that down, because this -- this is -- even without the commission form of government this, is a complex issue. If he's coming in as the owner of a business, and under state and federal law businesses are considered entities, lobbying entities, then he report if he's there advocating on behalf of the business. If simply because he's a member of the Portland business alliance they get to choose who's authorized to speak on their behalf. We didn't know any other way to do it. If you don't do it that way, you're at the state of Oregon model. Which means every single person in this room that came in has to file paperwork.

Leonard: That's kind of my point. What i'm saying is, if you have a member of the business alliance who understands these new requirement and goes to great pains to make sure they say, I am not here for the business alliance, I own x jewelry store and i'm here because I own x jewelry store, and starts lobbying us on precisely the issues you've identified as alliance, isn't that a technical way to avoid -- and you don't go over the 16 hours, they never have to report. So how are we -- I guess i'm just getting back to the point, how is that -- I would think most people are more interested in those kinds of activities than the league or neighborhoods or anything else. Yet I see what appears to be a clear way to avoid the lobbying requirement just off the top of my head

Adams: And that is true no matter what system you put in place. Some - -

Leonard: That individual over a certain amount of hours you have to register.

Adams: Well even if you had zero threshold and you were in the state legislature and you said I'm here representing myself. I don't care that I'm on the board of directors of xyz corporation and I'm pushing for a law that would help that company. I'm here to represent myself. There's that generic concern and a good concern to anything and that's where the enforcement and the monitoring comes in. Where someone could make a complaint saying you know what this person really is trying to void - -

Leonard: That's not true in the legislature. I mean the state system requires any individual that's in the building more than so many hours every six to register. You don't have to that's my point.

Adams: Sure. Well that was the first approach we brought to council and there seemed to be pretty universal disdain for it because it means that every single person from the city club who's authorized to lobby from that particular committee would have to file their own paperwork. And that's why we went to the Wisconsin model. Where the city club keeps track of who's authorized to lobby on their behalf and they have to report it. So that is a distinction. That's the explanation.

Sten: I think speaking to cameron's point with the business alliance I don't think it's a reasonable proposition that your officers aren't regularly lobbying for you. I mean I just I talk to those folks all the time and they almost always lobby and they also almost always have a surprisingly similar language they use when they happen to talk about issues that are in front of the councilmen. There tends to be things that would appear to be enormous coincidence or talking points, so it would make sense for the alliance-type groups, not just the alliance, to figure out on a regular basis, I guess quarterly, which people really are -- the more you can say, hey, look, our president does talk to people, so he's on the list authorized to represent us, we keep track of that, I think that in some sort of -- I don't know, there's not a reasonable test in there, but to the extent there's a sense those are the folks in meetings, figuring out to address an issue, that's how you avoid trying to say all the

September 14, 2005

members automatically lobby before us. Some of this has to be common sense. I mean, one of the things that kind of comes through all of this is you're never going to get everything right, but -- it could be any other group, but the president of the board doesn't know the talking points and doesn't take advantage of when he goes to lunch with me to mention them isn't realistic. I mean, that's a lobbying event.

Adams: I just want to be clear and we'll move to another panel. By mentioning scott, it's no way meant any offense whatsoever.

Vaughn-Tyler: Oh, I understand.

Adams: Just like I was mentioning lent, there's no offense meant whatsoever.

Vaughn-Tyler: Can I respond in one respect?

Sten: Sure that was a question. What do you think of that what I just said?

Vaughn-Tyler: My response to what you just said is any large organization that puts out a call to action uses talking points for their members so they understand what the topic is and what the concerns are so they can look at them and use their own language or use that, as I said, talking points, hence you're going to get language from everyone that's going to sound the same. I don't know that that's the fairest argument.

Sten: I just don't know what could be more clearly lobbying than paid staff suggesting what to say to elected officials. I mean --

Vaughn-Tyler: And I know that other groups do that.

Adams: Sometimes when we get into the discussions in the public meetings, is this is whether or not you have to register as a lobbyist and report. That's all. It's not saying you can't do anything. It just means that we have to make these conversations more transparent to the public. It's not a prohibition. The fact that scott would qualify as a lobbyist under reasonable common sense assumptions doesn't mean he's a bad person, doesn't mean he's prohibited from doing anything. It just means that there's a reporting and disclosure and register attached to it. Let's go to our next panel, if that's ok with you, mayor.

Potter: Thank you, folks.

Adams: Thank you very much. Mary anne schwab, sam chase, lynn bergstein. We're almost done. Almost. Sam?

Sam Chase: Thank you. Hello. I'm sam chase. I live on northwest johnson. I'm a representative of the community development network, affordable housing now, and also a board member for the coalition for a livable future. The community development network is an organization of 20 nonprofit members and another 20 organizational members that are private government sector organizations. Affordable housing now is a coalition of more than 40 nonprofit and other organizations throughout the region, and the coalition for livable future is an organization of 60 nonprofit organizations that range from affordable housing issues to environmental advocacy, transportation issues. Some of the things that we -- we were mildly involved in this process, and attended some meetings, and came and talked about some of the issues that we were concerned about that I think the council's very familiar with. We've had rallies where we've had folks in front of city hall, the issues we generally work with council on are how are programs and policies implemented, and also the need for resources for affordable housing. And we've had rallies where we put out notices and people show up at those rallies. We don't know who those folks are. When we first took a look at this language it seemed if you came to this rally you needed to be registered. That was never really the intent, but we worked with commissioner Adams' office. You know, it's my understanding we won't be in that situation here. We've had notices out before that say, you know, this is a good time to write to the city hall with your thoughts about affordable housing. Again, you know, we spend the time and energy, and we can report on those activities, but we can't report on the folks that are out there responding to those, which I think everybody agrees makes sense. So we're pretty happy that -- that seems to have been developed that way. I think some of

September 14, 2005

cameron's comments are ones that would be similar to the issues we'd have in our organization, but I also think that, you know, my understanding is that we're going to go through this process and we'll start the reporting and learn a whole lot as we go and we're going to make it work. So, you know, I think there are three general recommendations I have. One is to -- let's -- you know, I mentioned all our nonprofit organizational members. They need trainings. I can't do that training for them. So some clear, complete trainings I think would be really helpful. Process at the end to review and see how things are working and really understand that and be flexible enough to make some adjustments. And finally, I do think the 16-hour requirement is really helpful. We have all of those nonprofit organizations that might have pretty minor, you know, input and a commission, the bureau of housing, doing their work of their organizations in their communities, it's helpful if they don't have to do that paperwork, if we're do it and they're not doing it for smaller interactions, I think that's very helpful.

Adams: Thanks, Mary Ann.

Mary Ann Schwab: My name is mary ann schwab. As a longtime southeast advocate living in the southeast sunnyside neighborhood, serving on many boards and committees, I support the city council's efforts to preserve the integrity of its decision making processes to ensure transparency, responsibility and accountability. When the city of Portland elected officials make decisions for citizens, whether it's economic, housing, whatever, we're in this together. I agree with commissioner sam Adams, that lobbying entities who engage in efforts to influence city officials should -- I change that word to make it must -- report their lobbying efforts to be public, thus to ensure that, again, transparency, responsibility, and accountability are maintained and encouraged the open government process to avoid even the appearance of favoritism is what I felt, as a member of the afriend group with p.d.c. I don't want that to ever happen in our city again. And I strongly suggest, and support, keeping all your calendars available to us, so that as a neighborhood activist, if I see so-and-so is coming in, and I can work the strategy. Right now in southeast we're strategizing trying to keep two officers on their bicycles from laurelhurst park over to clinton street, from 48th down to the river. So if somebody's changing that, we kind of need to know that. And finally, as -- and I can speak to my own neighborhood, the sunnyside neighborhood association, we are trying to be open to the public. We have a hot line phone number. We have a webpage, www.sunnysideneighborhood.com. What we don't have is the technology to link up our minutes and agendas with the city's support system. We need some help with that. We're all volunteers. Many of our families block captains now. They take the minutes. They take the agendas. We do what we can to get them processed and over to southeast uplift in a timely manner. But we're missing that technical technology. And for us to support you, i'm hoping that as sam Adams referenced earlier, that they will find a way to help us make that happen. Thank you.

Len Bergstein: Mr. Mayor and members of the city council, my name is len bergstein, 805 southwest broadway. I'm a husband, father, taxpayer and lobbyist. I'm pleased to testify on your proposed ordinance regulating lobbying entities. I believe in public disclosure, government accountability and transparency. I don't feel it restricts my ability to represent my clients' interest. I commend the council and commissioner sam Adams and his staff for making this a priority and for allowing people to comment on the measure before it was presented today. The ordinance before you attempts to set up a system that alerts everybody to the interaction between public officials and the individuals attempting to shape official actions by the city. I think there are at least three areas in the ordinance that could be refined in order to get the desired results. First, definitions should be clear and carefully drawn so that all parties are on notice about the rules of the game. In this regard, on page two, the definition of official action flunks that test. The phrase that may be the subject of action by the city is overbroad and lacks clarity, especially when it's read together or linked with section 212030-e, on page four, the section of registration requirements. It's possible that in order to avoid running afoul of this ordinance a person or group would have to file an unending series of

September 14, 2005

certificates of limited expenditures on matters that may be the subject of action by the city, deleting this phrase would in no way endanger the main thrust of the ordinance. The system shouldn't create anomalies. For example, a fair reading on page two of the ordinance attempts to define what lobbying includes or does not include. It could mean that an individual lobbyist must account for the time preparing emails, letters, or oral communication with a city official, however a church, a labor union, retail company, mobilizing its customers, or a tenant organization, is exempted if they instruct their members to merely represent his or own opinion when writing or speaking with a city official. The ordinance, three, should attempt to achieve integrity in the system by treating lobbyists and public officials equally. On page six, a city official is required to report a gift, meal or entertainment, or a gift or donation of personal or real property to the city. A couple of problems arise here. A city official is not required to do anything if they ask a lobbyist for a donation to a favorite charity, nonprofit organization, or favorite political campaign. Say for schools, arts, or youth or parks. If the ordinance wishes to make transparent the opportunities for lobbyists to influence decisions by the city, attention must be paid when the initial contact comes from the city call outward even if the donations are made to a repeat political entity. I don't think that section catches that situation. I think you can work your way around that. Can I finish a paragraph or two? Lastly, on this point, I think it's ironic that a city official only has to file a report after the lobbyist has agreed to make a donation. If the active asking does not trigger the reporting but only the success of the ask, perhaps lobbyists should be given amnesty from filing reports if they lose 3-2 or 5-0 at city council, as I have done here.

Leonard: I'm very familiar with that problem as well.

Bergstein: In closing, I look forward to complying under a clear and meaningful system of reporting. I think the council's correct, that the public expects and deserves fair and open government decision making and a system similar to the one commissioner Adams has proposed, minus its obvious flaws, would be a progressive step forward. Thanks for the opportunity to participate.

Adams: Thank you. We just have two more. Shannon callahan and janice thompson.

Shannon Callahan: Hi, good afternoon. My name is shannon callahan. I represent the Oregon state public interest research group. We're a nonprofit, nonpartisan advocacy group. I'm here to express our support for this ordinance and also to thank commissioner Adams for his work making sure this comes before the council. It's our hope that you will enact the ordinance to allow the public to have more information about lobbying entities. The public will benefit from this increased transparency and a step in improving the public's confidence. Our experience with lobbyists registration, though I know this does have different requirements, it's very workable. It's something that we're happy to comply with. And we're happy to work with the council, as you work toward hopefully implementing this proposal. Thank you.

Janice Thompson: Hi. Janice thompson with the mind politics research action. We're a nonprofit group, interested in the political process and governmental decision making. We're also a group that lobbies in salem. In fact, improvement of our state lobbying regulations is a legislative priority. There's been references to the state system, which I would argue needs significant improvement and shouldn't be viewed as, you know, a model to emulate. We do comply with the state lobbying laws and believe complying with the city disclosure requirements will be easier. As you can imagine from our name, one component is tracking the political money of both campaign contributions and lobbying, and in fact we really -- we've worked hard to highlight what we view as a hidden component of campaigning, and these decisions really have huge impacts on government revenues, contracts, numerous other decisions made in city hall, the offices of department heads and key commissions. I thought actually the article earlier this week in "the Oregonian" did a good job of summarizing the difficulty of writing this and the range of political players who were involved and wanted particular considerations. Commissioner Adams was quoted as saying something like

September 14, 2005

"basically everyone hated this. I'm sure this was an inadvertent statement on his part, but I want to go on record that we never hated this.

Adams: Thank you.

Thompson: So though the process was more difficult and maybe took longer than originally anticipated, commissioner Adams, all involved, should be commended for their work, because it's led to a comprehensive and well-rounded product. And i'd argue that though it sounds like not everyone got exactly what they wanted, that that actually should be viewed as more of a reason to support this proposal than to oppose it, particularly because an integral part of the package is a trial period with no fines imposed for six months and a clearly identified timeline for review after everyone has had firsthand experience with the disclosure requirements. The overall focus on regulation of the lobbying entities is probably one of the best features of the proposal. I'd argue it's a significant improvement over some of the state disclosure laws. Another big improvement is actually not using the 24-hour threshold that the state does. Given Portland's strong tradition of citizen involvement, not requiring individuals to register as a lobbyist, seems appropriate, keep in mind that that changes, if a person can afford to hire a lobbyist and basically turn himself or herself into a lobbying entity, then they have to register and comply with all the disclosure requirements. Given the importance of neighborhood involvement through this network of city-created neighborhood associations addressing the transparency concerns related to those groups through existing open meeting laws and guidelines makes sense, particularly, you know, as a starting point, and as supplemented with commissioner Adams' nudging of o.n.i. And others to kind of improve the web posting of these activities. Unions had a lot of valid concerns related to making -- you know, they needed appropriate distinctions between administrative functions related to grievances and collective bargaining, and those lobbying activities that should trigger disclosure. I'm pleased to hear those have been addressed. That was an important outcome of the long process that we went through. The focus on lobbying entities also streamlines the reporting requirements compared to Oregon state regulations that require one type of report from the individual lobbyist and another report from -- with different information from lobbying entities. The state level reports aren't duplicative, nevertheless the city's focus on the lobbying entity I think should be perceived as a streamlining move that in particular benefits paid lobbyists and the entities they represent compared to the state system. Cross-referencing of activities is another critical element facilitated by reporting requirements imposed on the elected officials themselves, that this is all web-based reporting and the technical aspects should be straightforward, but the web-based elements make this whole process easier for everyone involved. All in all, there's been lots of discussion that this is detailed. I think there's a focus -- I think that needs to be turned around. And instead the proposal needs to be viewed as being comprehensive and I would urge a yes vote.

Adams: Thank you. Thank you both for your help. So mr. Mayor, with your permission i'll run through the issues that I captured and see if there's council interest. Maybe first if there's council interest to discuss them as possible amendments so we can winnow the list down. Does that make sense? [inaudible] do you want to start? The first mention was from a 16 threshold, having to report to a zero threshold. There interest in discussing that more? This is yours.

Leonard: Well, I think in combination if we -- I guess the concern i'm articulating is that I think that there are people that come here to lobby that have huge financial stakes in the outcome who will never meet that 16 hours.

Adams: Do you want to try for an amendment? That's what i'm getting at.

Leonard: I certainly want to discuss it more. I don't know if i'm prepared to do an amendment.

Leonard: But I think i'm very interested in that.

Adams: Ok. There was a discussion that gifts, which we just used the \$25 amount, state requires to go to zero for gifts. Right now, as per -- [inaudible] all that. It's \$25.

Leonard: You have to quit drinking at work?

September 14, 2005

Adams: It's \$25 now. Is there interest in moving it to zero? [inaudible]

Adams: No. He said confidently, as if he knew what he was talking about. Ok, that's scratched off the list. No calendar reporting right now. The proposal calls for quarterly posting of calendars, and there's a proposal for weekly posting of calendars. Is there interest in discussing that further?

Leonard: Yes.

Adams: Ok. There was discussion of not only a six-month review, but an 18-month review, and i'll just take that as a friendly amendment that we will do. So that's taken care of. Remove the neighborhood exemption. Is there interest on council to remove the neighborhood exemption?

Leonard: Actually, either interested in doing that or, if this sounds completely illogical, just say neighborhood associations are exempt.

Adams: I personally like the way it's written because it keeps the onus on the neighborhoods to continue to act in a way that complies with our expectations of open meetings. But is there anyone else on council --

Leonard: As long as you're prepared for the first neighborhood association to come in and complain that they have to comply when others don't.

Adams: The suggested amendment that the way it's worded right now is that we're asking, and we've taken on, my office, the task of working with the mayor's office to help o.n.i. Be able to post technical assistance, to post agendas and minutes. There's an amendment suggested that it be shall post, and my proposal does not make that mandatory at this time.

Leonard: I would make it mandatory only if the onus was on o.n.i. and i.t. to set up the system so that the neighborhood associations had the technology to do it. So that we paid for what -- provided for whatever staff needed to be done to actually get it done.

Adams: My preference is to just get it done and not change the words in this to make it a shall. We'll just make sure it gets done. I say that on the record, in the next six months. Is that all right? Remove public testimony from public reporting requirement. That means a lobbyist who prepares for a public testimony in this room, or before any official meeting of the city council, would not have to report that. I intentionally kept that in there. One, because ironically it's just easier I think to say when you come to city hall, whether it's in a meeting like this or in a meeting in an individual's office, be prepared to report it. Because this is where decisions are actually made, on the record, but if someone else wants to remove that -- ok. Register only paid lobbyists. Ok. The issue brought up by len bergstein in terms of official action. And that really deals with the definition of official action, it's -- how would I describe this? Official action maybe is any official action that's contemplated versus something that is more on a path to an actual decision, whether it be administrative or legislative. So one is more inclusive than the other. Maybe is more inclusive than only official action. We had a discussion about this at I think three of our public meetings, and not that we were a fully representative group of -- public opinion group, but there have seemed to be strong sentiment in the trial period to try out the maybe. Ok. And then the represent his or her own opinion, should not create anomalies between different entities which are similar in their attempt to affect the outcome of different actions. Lynn talked about could mean that individuals, lobbyists, must account for time preparing corresponds, however church, labor union, or retail company, mobilizing its members is exempted if they instruct the members to represent his or her own point of view. The discussion of this in the community meetings came down around practical issues, and the way sam chase described it is what we came up with, that the sponsoring entity of a rally intended to influence decision-makers would report their efforts, but obviously the people attending the rally would not. This is consistent with other lobbying ordinances around the country.

And then the -- we had a discussion on the last one that I captured, was the ordinance should attempt to achieve integrity in the system by treating lobbyists and public officials equally. Right now we do require, the way it's written, only requests for donations of real or personal or real property to the city. And the way this was written right now, it would not cover the times that we

September 14, 2005

call and say -- and we all have done this -- would you make a contribution to the schools foundation so that they can do x, y and z. I'm fine with making any -- any request for a donation myself. It's more inclusive. I'm happy to move forward that amendment, if the council wants to. You ok with that? [inaudible]

Sten: Ok talking about it or moving it forward?

Adams: I'm ok moving it forward and talking about.

Sten: I'm ok moving it forward. I don't support it.

Adams: That gets us down to intro threshold, posting every week instead of every quarter, and whether or not we -- we -- this is the only reporting requirement we have as elected officials, donations just to the city or to things beyond the city. So those are the three I had, mr. Mayor.

Potter: Commissioners? Well, there was one recommendation that you didn't mention, commissioner Adams, and i've been thinking about it. That is if our purpose is to have transparency in government decision making, then just the nature of the groups who are exempted from being registered as lobbyists are some of the folks that quite frankly have a lot of -- if not influence, at least they have access and certainly make their concerns known. Neighborhoods, our unions, individuals, city boards and commissions. It struck me what they said is, let's make the city council responsible to post rather than having folks trying to figure out who can come in and we should be requiring to lobby, why not have it where the city council members, since it going to be part of our requirement, is to post on our websites, not only our calendars, but the ask that was made by everybody. So whether it's one of you folks coming in saying we want you to reduce it to 275 feet, or let's take those garages out of northwest Portland, whatever the issue is, why not just put it on the calendar. And your comment, or your request, then becomes public record. And, you know, looking at some of the past events, i've tried to backtrack as to who got to which city commissioners and did what. An this was when I was campaigning, not -- and it was really very difficult to find that out. If we put that on there, I think that we would, a, eliminate the need for anybody to register, but in terms of transparency, everybody's ability to influence our outcome would be recorded rather than just some.

Leonard: What if they call you at home?

Potter: Then -- i'm at work when i'm at home, commissioner.

Leonard: Whether it's on your calendar or not. If they stop you on the street, say i'd like you to do x, what's your name, what's your occupation, come back?

Potter: If you go to the Portland business alliance, they invite you there to give you a speech, but then they have questions, want to make sure that you understand that they're not in favor of certain taxes, they're trying to influence us.

Leonard: I just will plead guilty right now and serve the sentence, because this is -- i'm telling you, mark my words, somebody's going to get caught in this thing and just be absolutely humiliated who has good intentions.

Potter: Why should it be humiliating, commissioner?

Leonard: Guess what, when you run for office and have somebody running against you, they don't point out the most favorable aspects of your service. And i'm just -- i'm just saying that when we create systems that become difficult to use as a natural kind of way we do business, I get stopped on the bus, on the -- or sat next to on the bus or on the street constantly to be talked to about any one of a -- as I know you do as well -- a number of issues. And I don't mind doing it, but, I mean, you know, it has to be workable. I mean, you can't ask me to come back here and make a notation of somebody I talked to on the street or whoever.

Adams: Mary joe, maybe report more detail on the discussion we had about this in the seven committee meetings we had.

Markle: I think where I want to start is this is an interesting discussion. I think this is -- this is actually one of the points we talked about in terms of what you're going to lack, what you're going

September 14, 2005

to miss. You're talking about other aspects that aren't necessarily as easily recorded on your calendar, but phone calls, hallway conversations. I mean, the onus of this responsibility falls on you. The other thing we talked about is you don't necessarily notice -- know the intentions of those folks. This is one of the reasons why sam wanted to start this. You don't necessarily who's coming to you for what reason. And the third thing I wanted to mention is the other thing you'll lack is the degree of financial reporting that -- that may be important. I mean, this is by no means the most important reason why we want to do this, but it's an indication of what goes on and how much is spent. So that's another thing that we'll be missing if -- if just that sort of reporting is -- is provided. Just from your offices. So those are the things. Do you remember other ones?

Adams: It was the -- it sounds like at -- at first blush it sounded like the perfect system, but as we went through, dissected my own calendar and interactions, I found it that would be really, really hard to be in compliance, and that a step in that direction, out of our discussion at the group, that a step in that direction is the posting of the calendar. So we moved in that direction, which is a unique feature among the lobbying ordinances, and allows for a double-check. That's sort of where I came down on the end of that conversation.

Potter: You know, I got to amanda's point about -- you know, it doesn't do any good if we post it. The fact that we met with them, even in the same week, unless there's some understanding of what the purpose of the meeting was about.

Leonard: Well, you know --

Adams: Well, we will definitely capture the purpose of the meeting, because our reporting requirements are -- require that, and they're stronger than most other reporting requirements on this. Yes, they are, in terms of what we capture. Now it is behind the fact. Some of us post our calendar for the week ahead, but the cleansing effect of daylight, the fact that there is a record and that you have to put it and post it, I mean again we're -- we're trying to be practical here. Now, I post my week ahead and the week behind. So is there anyone that wants to make a motion? The issues that I -- unless someone else has issues, the issues that I heard in addition to whether we, the onus is on us to report, is whether right now during the trial period we have a 16-hour threshold for those people that do qualify as lobbyists, they will not have to to report or register under most conditions until they meet a collective 16 hours from that organization. Now, we had talked about taking that down even further. Again, a lot of people, like I who was once a lobbyist for the railroads in salem, most people just report. They don't try to keep track of whether they're meeting the 16 hours or not. They just end up reporting. That's what most lobbyists who belong to professional firms do, however it does benefit the organizations that aren't necessarily robustly staffed and not having to report. Is there anyone on council that wants to change it from the trial period from the 16-hour threshold or less?

Sten: I support the 16-hour threshold.

Adams: In terms of the calendar posting, there was a suggestion made that instead of quarterly that it be done on a weekly basis, is there anyone that wants to on the trial basis, wants to post them on a weekly basis?

Sten: I'm not convinced that this is a necessary requirement to this. It's a public record, my calendar, I share it with the media weekly. I both agree that the quarterly is not going to do much for anybody. I think it's another thing that people will have to remember to do. I'm not positive whether or not -- you know, I support a weekly. I want to think that through a little bit. I may be one vote, but I would actually be willing to strike this thing from the ordinance completely and give it some more thought during the next six months, because I hear a lot of what I think are excellent quick arguments on this one. And, you know, my fear on this ordinance -- and I actually think the ordinance is great. I mean, I think the purpose, when sam approached me last year and said, hey, will you support this concept, and I was enthusiastically yes, and when I say this i've been educated through this process and hear quite a few things related to this and get the legal complexities, which

September 14, 2005

is which i'm supporting a dramatically more complex structure than what I expected. I mean, what i'm interested in, and frankly I think citizens need to know, who is paying for arguments that are not apparent in front of the council, when it gets to things like -- you know, I think people know who the neighborhood associations represent. I think they know who the proprietor next to a gas station represents. What they don't know -- I mean, frankly I don't don't always know who people represent when they're meeting with me. That's the key information to me, trying to get this to the point where it's going to make all government transparent. You know, this ordinance in its perfect form, will not be investigative reporters out of work. And i'm trying to figure out, you know, what are some of the things in there that I just think are going to be a lot of work and may not actually do much. To be honest, I think the mandatory calendar posting is one of those things. I think people know where I am. They can get to it. And I think the weekly posting is going to be a major hassle and I don't think the quarterly posting is going to do much. So that's why i'm not sure on that.

Adams: One point that I haven't made on why the calendar is -- it provides, one, a reminder to folks who have to report a couple of items. One, it provides a reminder to those folks that have to report, and it also is an internal double-check on the ordinance. Again, the onus on reporting -- except for posting the calendar, the onus for reporting is on the lobbying entities. It's a double-check that they've posted everything in terms of what they should have posted in terms of our meeting. The weekly, my staff doesn't find it particularly onerous. The quarterly provides us that double-check. My plea would be we try it for two postings. This would require two postings for two quarters. If it's too onerous, then we can deal with it then.

Leonard: I'm shared the same concern with sam and his staff. I do -- since i've arrived here, didn't even know anybody else did it, but i've given a copy of my calendar to "the Oregonian" without being asked every week since i've been here. I'm not afraid of sharing my calendar. But for a variety of reasons I -- I mean, I really liked how commissioner Sten kind of summarized what he was trying to get at in supporting this ordinance. I agree with him. I would like -- and i'm sitting here on the fly trying to think of how to make the requirement apply universally to quite frankly interests that have financial stakes in the outcome of a decision, but not those that don't. I'm having a hard time. I appreciate the cooperation of the league of women voters and o.r.s., but i'm having a hard time sitting here voting to require them to jump through the hoops of this ordinance while we exclude neighborhood associations. I'd like to excluded them all. Every argument you make for a neighborhood association absolutely applies to nonprofits in this community, most of them. I'm having a hard time with that.

Adams: Well, I don't know what to say other than to respectfully disagree based on the facts. I mean, nonprofits are not -- not all nonprofits are recognized by the city. Not all nonprofits have to adhere to the city code for the way they conduct themselves.

Leonard: I understand that.

Adams: So there's a real live distinction between the league of women voters and ports mouth neighborhood association. I don't know what else to say, than just to remind us that that is -- I mean, that is a reality.

Sten: If you did it that way, there would never be a business lobbying interest which isn't under a nonprofit umbrella. It would take 30 days to adjust that.

Leonard: I exactly understand that.

Adams: But still are to be recognized by the city.

Sten: That's what i'm saying.

Adams: Oh, ok.

Sten: Nothing's perfect on this. I like sam's point of view that airs a qualifying threshold, that you either qualify or you don't. If you don't meet those requirements -- I think gwenn's point was well made. I'm hesitant to require the neighborhoods to do all of the posting and everything that this shall issue, but I think it probably should be a shall, if that's a -- should be a shall.

September 14, 2005

Potter: Well, folks, you see your city council in action. We're five independently elected officials who have feelings about these issues, but I think if there's one thing that unites is we do want to be more transparent in how we make decisions. As you can see, we all have different opinions about that, but I think our commitment is to get to that point. I want to thank commissioner Adams for sticking with this and going through this intensive process and keeping this issue alive. So thank you very much, commissioner.

Adams: You betcha.

Potter: This is a nonemergency. It will go to a second reading. Do you want to set the second reading out a few weeks or do you want to do it next week?

Adams: We're ready to do it next week, aren't we? [inaudible]

Moore: We're not all here until the 19th is the next date.

Adams: 19th of october?

Leonard: I would suggest you take advantage of that, because I could get to the place where i'd be comfortable with this. I just, in my gut, feel like this -- we're doing something on the fly here, and this is a very important ordinance you're working on, and it doesn't feel comfortable to me right now.

Adams: Well, if you could -- happy to do that, but if you'd outline the areas that you want to work on, because I don't want you to feel like you're working on the fly. So between now and then we'll sit down with you and make sure that you feel like you're getting at least all points of view and all the information we can possibly get you. So we'll hear this for the second reading, then, when?

*******:** If we change things, however, we need two more weeks, is that right?

Adams: Right. This is just to get to the next first reading. So why don't we work with the individual council offices. Maybe a person absent on a particular day is ok with it.

Sten: I support it if you've got the votes. I don't have to be here to give a speech.

Adams: The option is to do is next week if commissioner Leonard and the mayor aren't comfortable doing next week, we'll move it next week --

Leonard: I don't think that's as important as if you have three votes.

Sten: I will vote for it if i'm here. If i'm not, I won't.

Adams: Then that makes it very important. Well, ok. I need to know whether --

Potter: Let's set it enough down the road. I think it would be good if you were back, erik, because we may have a tied commission.

Adams: So that the council realizes this puts us in for a second first reading, then there will be another second. We'll get back to the council office --

Leonard: Are you going to do this until I agree to vote yes?

Adams: Do you know me well enough to know?

Leonard: Yeah, I do.

Moore: Do you want to make a motion to accept it?

Adams: Do I need to move that? [inaudible]

Potter: Does it require just a three vote?

Adams: What are the changes in the cover? Refresh our memory again.

Potter: You know, since there may be changes, why don't you just hold off on that.

Adams: Because it's a -- oh, it's an ordinance, so it has to be changed as well.

Potter: There may be subsequent changes, why don't we just hold off on that.

Adams: Because it all has to go back anyway. That's fine. Ok, thank you, everyone, for testifying.

Potter: Thank you folks for taking time out of your busy days. We appreciate it. That was the last item on the agenda. We're adjourned until tomorrow.

At 4:15 p.m., Council recessed.

September 14, 2005