



---

CITY OF  
**PORTLAND, OREGON**

---

**OFFICIAL  
MINUTES**

---

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **29TH DAY OF NOVEMBER, 2006** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:43 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Chief Deputy City Attorney; and Gary Crane, Sergeant at Arms.

Item No. 1601 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>1586</b> Request of Krista Larson, Executive Director, Metropolitan Family Service to address Council regarding National Family Month (Communication)	<b>PLACED ON FILE</b>
<b>1587</b> Request of Deborah S. King to address Council regarding public health care (Communication)	<b>PLACED ON FILE</b>
<b>1588</b> Request of Denise Martin to address Council regarding funding for public agencies willing to go sugar free (Communication)	<b>PLACED ON FILE</b>
<b>1589</b> Request of Brian Greer to address Council regarding impeachment of the President and Vice-President (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	

**November 29, 2006**

**\*1590 TIME CERTAIN: 9:30 AM** – Adopt budget adjustment recommendations and the Minor Supplemental Budget for the FY 2006-07 Fall Budget Adjustment Process and make budget adjustments in various funds (Ordinance introduced by Mayor Potter)

**Motion to accept substitute exhibits:** Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-5)

**Motion to accept amendments to transfer \$250,000 of the Traffic Signal Upgrade to add \$100,000 to the Bike Master Plan line item and change the name to Bike Initiative and add \$150,000 to the Creative Services Strategy; also take \$100,000 from contingency for the Janus Youth Program:** Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-5)

**Motion to accept amendment to add a new directive D and E:** Moved by Commissioner Saltzman and seconded by Mayor Potter.

**Motion to continue the item until 2:00 p.m., November 29, 2006:** Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-4; N-1, Sten)

**Motion to accept amendments dated November 29, 2006:** Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-5)

(Y-5) **Continued to November 29, 2006 at 2:00 PM**

**180639**  
AS AMENDED

**\*1591** Adopt the FY 2006-07 fall major supplemental budget in the amount of \$10,926,075 and make budget amendments in three funds (Ordinance introduced by Mayor Potter)

(Y-5) **Continued to November 29, 2006 at 2:00 PM**

**180640**

**\*1592 TIME CERTAIN: 10:00 AM** – Accept subrecipient pre-disaster mitigation grant funds from the Oregon Office of Emergency Management in the amount of \$2,736,070 to perform floodplain restoration work on the East Lents Floodplain Restoration Project (Ordinance introduced by Commissioner Adams)

(Y-4, Saltzman absent for vote)

**180632**

**1593 TIME CERTAIN: 10:30 AM** – Accept a \$42,000 grant with the Enterprise Foundation to provide green building training and assistance to affordable housing developers (Ordinance introduced by Commissioner Saltzman)

**PASSED TO  
SECOND READING  
DECEMBER 6, 2006  
AT 9:30 AM**

**CONSENT AGENDA – NO DISCUSSION**

**Mayor Tom Potter**

**Office of Management and Finance – Financial Services**

**\*1594** Amend contract with Preston Gates & Ellis, LLP to provide bond counsel services (Ordinance; amend Contract No. 34989)

(Y-5)

**180628**

**Office of Management and Finance – Revenue**

**November 29, 2006**

<p><b>1595</b> Amend the Business License Law to allow businesses to donate to the Work for Art program (Second Reading Agenda 1555; add Code Section 7.02.830)</p> <p>(Y-5)</p>	<p align="center"><b>180629</b></p>
<p align="center"><b>Police Bureau</b></p> <p><b>*1596</b> Authorize Intergovernmental Agreement with Multnomah County District Attorney Office for Portland Police Bureau to provide \$98,723 in Community Oriented Policing Services Office grant funds for a Multnomah County Deputy District Attorney dedicated to drug court prosecution of methamphetamine-related crimes (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>180630</b></p>
<p><b>1597</b> Accept \$177,003 in domestic violence response program funds from the Multnomah County Department of Human Services Office provided by a Department of Justice, Office of Violence Against Women, Grants to Encourage Arrest Policies and Enforcement of Protection Orders grant (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING DECEMBER 6, 2006 AT 9:30 AM</b></p>
<p><b>1598</b> Accept a \$40,000 Victims of Crime Act grant from Oregon Department of Justice Crime Victims' Assistance Section (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING DECEMBER 6, 2006 AT 9:30 AM</b></p>
<p align="center"><b>Commissioner Sam Adams</b></p> <p align="center"><b>Bureau of Environmental Services</b></p> <p><b>1599</b> Amend Master Interagency Agreement between the Bureau of Environmental Services and the Portland Development Commission for Fiscal Year 2006-07 for \$75,000 for improvements within designated urban renewal districts and selected housing projects (Ordinance; amend Contract No. 52691)</p>	
<p><b>1600</b> Authorize Intergovernmental Agreement with the East Multnomah Soil and Water Conservation District to partner on the Naturescaping for Clean Rivers Program (Second Reading Agenda 1559)</p> <p>(Y-5)</p>	<p align="center"><b>180631</b></p>
<p align="center"><b>Commissioner Erik Sten</b></p> <p align="center"><b>Bureau of Housing and Community Development</b></p> <p><b>*1601</b> Authorize subrecipient contract with Portland Housing Center for \$206,000 to provide homebuyer assistance programs and provide for payment (Ordinance)</p> <p><b>Motion to accept amendment to correct the title to read Portland Housing Center:</b> Moved by Commissioner Sten and seconded by Commissioner Leonard. (Y-5)</p> <p>(Y-5)</p>	

**180638**  
AS AMENDED

<p style="text-align: center;"><b>REGULAR AGENDA</b></p> <p style="text-align: center;"><b>Mayor Tom Potter</b></p> <p style="text-align: center;"><b>Office of Management and Finance – Business Operations</b></p>	
<p><b>1602</b> Amend contract with Lango Hansen Landscape Architects to provide additional landscape architectural services for public space improvements at the Police Bureau North Precinct (Second Reading Agenda 1575; amend Contract No. 36269)</p> <p>(Y-4, Adams absent for vote)</p>	<b>180633</b>
<p><b>1603</b> Authorize contract with Gazley Plowman Architects and provide for payment for architectural and engineering services for the Meter Shop Relocation project (Second Reading Agenda 1576)</p> <p>(Y-4, Adams absent for vote)</p>	<b>180634</b>
<p><b>1604</b> Authorize contract with Michael Willis Architects and provide for payment for architectural and engineering services to construct Fire Station No. 18 (Second Reading Agenda 1577)</p> <p>(Y-4, Adams absent for vote)</p>	<b>180635</b>
<p style="text-align: center;"><b>Office of Management and Finance – Human Resources</b></p> <p><b>1605</b> Authorize a one-time exception to Human Resources Administrative Rule 6.03 to allow carryover of vacation leave in excess of two years' accrual and a one-time exception to Human Resources Administrative Rule 8.03 to allow carryover of management leave for eligible employees (Ordinance)</p>	<p><b>PASSED TO SECOND READING DECEMBER 6, 2006 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Office of Management and Finance – Technology Services</b></p> <p><b>1606</b> Authorize an Intergovernmental Agreement with Multnomah County for rebanding of 800mhz Radio Frequencies (Second Reading Agenda 1578)</p> <p>(Y-4, Adams absent for vote)</p>	<b>180636</b>
<p style="text-align: center;"><b>Commissioner Sam Adams</b></p> <p style="text-align: center;"><b>Office of Transportation</b></p>	
<p><b>1607</b> Accept and adopt Hayden Island corrective program (Report)</p> <p><b>Motion to accept and adopt the Report:</b> Moved by Commissioner Adams and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<b>ACCEPTED</b>
<p><b>*1608</b> Amend contract with Portland Streetcar, Inc. to provide additional professional services related to project management of the Portland Streetcar Eastside Project (Ordinance; amend Contract No. 31428)</p> <p>(Y-5)</p>	<b>180637</b>

November 29, 2006

**Commissioner Dan Saltzman**

**1609** Direct the Portland Police Chief and Portland Fire Chief to not swear in new police officers or firefighters until January 1, 2007 (Resolution)

**REFERRED TO  
COMMISSIONER OF  
PUBLIC AFFAIRS**

At 11:26 a.m., Council recessed.

**November 29, 2006**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **29TH DAY OF NOVEMBER, 2006** AT 2:00 P.M.

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

Commissioner Adams left at 3:30 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry  
Auerbach, Chief Deputy City Attorney; and Gary Crane, Sergeant at Arms.

	<b>Disposition:</b>
<p><b>1610 TIME CERTAIN: 2:00 PM</b> – Revise provisions relating to prohibited conduct in Parks (Ordinance; repeal and replace Code Chapter 20.12)</p> <p><b>Motion to accept amendment to delete the last sentence from the proposed 20.12.070:</b> Moved by Mayor Potter and seconded by Commissioner Leonard. (Y-4, N-1, Saltzman)</p> <p><b>Motion to accept amendment to Exhibit A by adding to proposed 20.12.090A; “Nothing in this Section shall prohibit any person from eating food in any Park, nor shall the prohibitions of this Section apply to the incidental loss of food particles that cannot reasonable by collected and properly disposed of”:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)</p>	<p><b>CONTINUED TO JANUARY 11, 2006 AT 2:00 PM TIME CERTAIN AS AMENDED</b></p>

At 4:21 p.m., Council recessed.

**November 30, 2006**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **30<sup>TH</sup> DAY OF NOVEMBER, 2006** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:42 p.m.

Commissioner Adams left at 3:11 p.m. and returned at 4:11 p.m. then left at 4:18 p.m.  
and started teleconferencing at 4:31 p.m. and disconnected at 4:41 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn  
Beaumont, Senior Deputy City Attorney; and John Holly, Sergeant at Arms.

	<b>Disposition:</b>
<b>1611 TIME CERTAIN: 2:00 PM</b> – Urge cessation of combat operations in Iraq and the return of U.S. troops (Resolution introduced by Commissioner Leonard)  <b>Motion to accept amendments:</b> Moved by Commissioner Sten and seconded by Commissioner Leonard. (Y-4; Saltzman absent)  (Y-5)	  <b>36459</b> AS AMENDED

At 4:58 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.

**November 29, 2006**  
**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.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript ]                   \* \* \*

**NOVEMBER 29, 2006           9:30 AM**

**Potter:** We have a time where we ask the folks here in this room as well as the folks watching on television a really important question. How are the children? In many parts of the world when adults greet each other, instead much of asking how are you, they ask, how are the children? Because they know when the children in the community are well and they're cared for, the community is well and cared for. So we invite experts in to talk with us. And some of the experts are sitting in the front row. It's nice to see these young folks in city council. Thank you for being here. I'd like to ask aliyah, raven, and alejandro to talk to us. These folks are in the chess for success program at humboldt and sabin elementary. Would the coaches please stand up? There. And he's also a photographer. Are there -- they're coaches. With that, why don't we begin with aliyah, and then we'll go to the others.

**Aliya Brewer:** My name is aliyah. I live in north Portland. I go to humboldt school and i'm here to talk about the environment. During the summer and winter break, I like to go with my family to the parks, go swimming and just have fun and have a good time and I like to appreciate you guys for having the parks safe for us.

**Alejandro Diego-Juan:** I live in north Portland, my name is alejandro, and chess club, and i'm just saying I think we shue have, like -- we should have, like, more police. Thank you for letting us come here.

**Potter:** Thank you.

**Raven Chesterfield:** My name is raven. I go to humboldt school, and -- elementary school. I live in Portland. I would just like to say i'm glad to be here today. [laughter]

**Potter:** Well let me ask you a question. What other activities are you involved with at school?

**Chesterfield:** Safety patrol and choir.

**Potter:** And choir. Good. I want to thank you and the other students for coming in this morning. We really appreciate and value you and think you're very important to Portland and to our future. So thank you for being here, and could the folks in the audience please give these young people a hand? [applause] thank you very much. You can go back now.  
[gavel pounded]

**Potter:** Portland city council will please come to order. [ roll call ] prior to offering public testimony at city council, a lobbyist must declare which lobbying entity he or she is authorized to represent.

**Item 1586.**

**Krista Larson:** Krista larson, executive director of metropolitan family service. We have provided services to low-income children, families, and older adults in the greater Portland area for more than 50 years. I'm here this morning because it is national family month, which was established by the u.s. Congress in 1968. National family week embraces the premise that children live better lives when their families are strong and families are strong when they live in communities that connect them to economic opportunities, social networks, and services. In recognition of national



**November 29, 2006**

family week, metropolitan family service would like to take this opportunity to recognize a city of Portland policymaker whose work has made a significant difference on behalf of vulnerable children and families. At this point I'd like to introduce a member of the board of metropolitan family service.

**Ebony Amatto:** M.f.s. provides multiple programs for low-income families. Two programs are the s.u.n. schools united neighborhoods, after-school program and experience corps. An intergenerational mentoring program that matches older adults with at-risk youth. S.u.n. has received support from this mystery person, his support was especially appreciated when the Multnomah county commission proposed to reduce funding for s.u.n. Last year. Not only did this person stand up for the efficacy of this program, but he worked to come up with concrete solutions to help ensure program continuity. Experience corps has also been -- benefitted from the work of this city commissioner as he spearheaded the creation and administration of the children's investment fund. M.f.s. has provided 401 children with older adult mentors in eight of the most impoverished schools in Portland. 87% of children in the program increase their reading skills by at least one grade level. At m.f.s. we were heartened when we heard this 70 commissioner stand up in opposition to predatory lending practices in Portland and he was also a catalyst at prompting discussion and action at the local and state levels. By now I am sure you can guess who this mystery person is. On behalf of metropolitan family service, I would like to present Dan Saltzman with the 2007 national family week advocacy award. [applause]

**Potter:** I was wondering who you were talking about. [applause]

**Saltzman:** I'd like to thank metropolitan family service for this high honor. And I have to confess I didn't know we had a national family week, but I'm glad we do, because we always need to do one of the things this whole city council is committed to, making sure we're doing more to help families in our community. And families and children need a lot of our help. So I'm very pleased to continue to play a leadership role in all those activities as is this entire council. So thank you for this award.

**Potter:** Thank you. Please read the next communication.

**Item 1587.**

**Potter:** Thank you for being here. When you speak, please state your name for the record. You have three minutes.

**Deborah S. King:** Good morning city council, my name is Deborah King. I'm an Oregonian by the way of Chicago, Illinois. I came to Oregon because you put this light rail out here, and I'm an engineer. But so far I haven't landed a spot there, and in the interim, I worked at the airport here in the long-distance parking, and from there I went to the post office as a casual, and they turned me around three times. On the third time I didn't pass the physical. They said I had a vision problem. But the vision problem they say is a diabetic problem. Well, with diabetes, your legs are -- my legs have degenerated. And when I went to try to get medical care because they say you can go to any emergency that's not true, because I went up on the hill, which should be the county hospital, and what they did after five hours of waiting, they gave me a sandwich and changed the dressing on my feet, and that was it. And I disagreed with it, and I decided that I wasn't going to leave until I got more service. But in the end, what happened, they had to call the police, and remove me and take me to Good Sam's. Now, for that sandwich and that dressing that they provided me, they sent me a bill for \$900 and some-odd dollars, plus I got another bill from some Good Sam, from 23rd, for \$240-some dollars. But what do people do here in Oregon when you don't have insurance?

**Potter:** Are you aware of the Oregon health plan, ma'am?

**King:** I'm aware of the Oregon health plan. But the Oregon health plan is closed now for the public.

**Adams:** If you want to stop by the corner office on the left here, we can -- we've got some information for you that we can give you.

**November 29, 2006**

**Potter:** It's the office without a picture of commissioner Adams. [laughter]

**Adams:** They've all been stolen.

**Leonard:** It's not the office with the picture --

**King:** What I want to ask, I guess, is where if county hospital? Do you have anything for people and why not? If you don't have good health, you can't work, you can't do anything.

**Adams:** We totally agree with you, and there are some specific places that you can go in the city that are services provided and paid for by the county health department, but we don't have a county hospital, and my office has a list and we can help you get those services.

**King:** Ok. And in my mind, you know, i've got a 30-year working history. Not all at Chicago transit. Basically I --

**Adams:** Because we have so many people that have to testify, my staff will help you. We'll do everything we can to help you get the services you need, and explore what other employment opportunities in the area of transportation exist. I'm the transportation commissioner, so we're here to help you.

**King:** Thank you.

**Potter:** Thank you, ma'am.

**King:** Thanks a lot.

**Adams:** You betcha.

**Item 1588.**

**Potter:** Thank you for being here. Please state your name for the record. You have three minutes.

**Denise Martin:** Thank you. I appreciate the work that you do for our city. My name is Denise Martin. I'm the local author of "Eating My Way to Heaven" and I was the cofounder of the first sugar detox center in the country here in Beaverton eight years ago. I want to talk to you today about curbing the violence in our community as well as the physical ailments like the woman who just spoke and the meanness we're overwhelmed by by getting this highly addictive drug out of our city.

I know it's culturally acceptable, but we have to start looking at it. As an expert on the topic, I can tell you sugar is an acid and when we put it in our blood system it sends our biochemistry off like a rocket which sends our emotional life off because our hormones fired. It is a highly addictive substance. When you heat it, like in baking, it turns into the most addictive substance in the planet.

When I spoke to the officer in charge of the dairy program in Los Angeles and told him sugar was gateway drug, he said, you must be right, because nothing we're doing is working. And sugar is also a bigger and more dangerous problem than the drugs we're dealing with on the street because it is everywhere. It's in everything, and it's illegal, and acceptable. I believe that if we could get our police department to set an example of getting the sugar out of the police department and getting on a healthy whole foods diet, that we would be -- find that we have a much more efficient, less angry, more capable police force, and that would certainly pour into our public life. When I went to speak to each one of you in your chambers last time I came here, I found a mountain of candy on every counter. And I would ask that you start by setting an example for our city of getting the candy out of your offices. Currently we're consuming 162 pounds of sugar per year, and that includes children like my son who couldn't possibly consume that much, and the elderly, and this is no way that it's healthy. I spoke to Dr. Riffer, who is the chief chemist for C&H sugar eight years ago about how his product had set one of our schizophrenic clients off, which you can read about in my book, which the Beaverton police helped with, and the nightmares I have with the Portland police, and Dr.

Riffer's comment, which he put in writing, was that his product, being refined sugar, is safe when used in moderation. 162 pounds a year per capita is not moderation. How many families are consuming that much broccoli or brown rice, or healthy foods? I know it's hard to hear, we're deep in a culturally, it's not a popular topic. But if we want to talk about dealing with mental health,

**November 29, 2006**

physical health, and a rage problem, we're having, this is a wonderful place to start. And i'm available as an expert to offer my time and expertise to our city. Thank you.

**Potter:** Thank you very much. [applause]

**Potter:** Folks, other than the initial when we clap for children, how we show appreciate is by putting our hands in the air, that way it doesn't slow down the governance process. Please read the next item.

**Item 1589.**

**Potter:** Please state your name for the record. You have three minutes.

**Brian Greer:** My name is brian greer. I am speaking on behalf of Portland peaceful response coalition. In these orwellian times, it's necessary to begin with some semantic hygiene. The call for impeachment is about accountability, it is about justice, it is when protecting the constitution of the united states, and it is about avoiding escalating catastrophes for this country and the world. It has absolutely nothing to do with partisan revenge. Further, this reassertion of the democratic will of the people would at a stroke go a long way to rehabilitate the democratic credentials of the united states in the eyes of the world. Numerous grounds for impeachment have been amply communicated to you. Several of the most important are addressed in articles of impeachment against george w. Bush from the center for constitutional rights, and Portland peaceful response coalition is providing a copy of this document for each of you. There is one recent development I must mention. In the 2007 defense authorization bill, section 1076 of the new law changes section 333 of the insurrection act. Under this act, the president may deploy troops as a police force during a natural disaster epidemic series public health emergency, terrorist attack, or other condition when the president determines that the authorities of the state are incapable of maintaining public order. The new law changed the name of the chapter from insurrection to enforcement of the laws to restore public order. The changes expand the circumstances under which the president may declare marshal -- martial law. The federal government is taking steps to increase the power of authority over the regions while simultaneously increasing executive control specifically for policing the domestic population through legal use of the military. There is yet another pressing reason for proceeding with impeachment as one way to restrain the bush administration. Since the elections, it has shown little sign of changing course. Most ominously, there's indications another war may soon be started against iran. According to the new yorker, november 27, the vice-president has said that victory by the democrats on november 7 would not stop the administration from pursuing a military option with iran. Declaring war without the support of congress would represent yet one more violation of the constitution. Each of you took an oath to support that constitution. From our activities on the streets of Portland and our interactions with its citizens, we know that there is a groundswell of support for our position among those who serve. We urge to you support our constitution by passing a resolution for the impeachment of the president and vice-president.

**Potter:** We'll move to the consent agenda. Do any commissioners wish to pull any items from the consent agenda? Does anybody in the chamber wish to pull any items from the consent agenda?

**Moore:** We have 1601 being pulled by commissioner Sten.

**Potter:** That will be heard at the end of the regular agenda. Please call the vote.

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

**Potter:** Aye. [gavel pounded] please read the 9:30 time certain.

**Item 1590 and 1591.**

**Casey Short, Office of Management and Finance:** Mr. Mayor, members of council. Karla has and will be distributed -- casey short, interim financial planning manager. Karla is distributing to you amendments to the exhibits to the fall bump ordinance and minor supplemental budget, which would put together the following yesterday's council work session in the direction we got from you what you have is a revised cover memo from me and a series of revised exhibits changing the appropriations schedules in the general fund and other funds to reflect the decision that's were made

**November 29, 2006**

yesterday. Since we had a lengthy session about this yesterday and another one the week before that, I wasn't planning on going through a summary of what's in the fall bump. I will be happy to if you would like. I would like to point out that the changes that are reflected in this substitute ordinance if there's a motion for substitution, and it's approved, what's in there reflects the decisions and directions from the work session of council yesterday and includes one change, the mayor's office has requested that three positions that had been in his request until just recently to the bureau -- two in the bureau of human resources, one for the family medical leave act, and the other is slipping my mind, and one position to support the metropolitan youth commission, have been added back in this ordinance. They weren't discussed yesterday. They had been on his list what I understand from his office, those were taken off when you thought you were going to have to make some cuts to do this, and now he's asking to add those back in the roughly 155,000 dollars those three positions represent would be subtracted from the contingency. So i'd be happy to answer any questions if the council has any.

**Adams:** I just have three items, two that are refinements within the allocation that i've already been given. Is now the time to talk about those?

**Short:** I think without meaning to be the parliamentarian, that there needs to be a motion to substitute the materials you just got for what was in the packet.

**Adams:** So moved.

**Leonard:** Second.

**Saltzman:** Is my amendment in the revenue bureau in this package.

**Short:** No, it is not.

**Sten:** This is just the mayor's amendment?

**Short:** The substitute is the materials that was just distributed reflecting yesterday, that does include the three positions that the mayor is suggesting.

**Leonard:** And does include the option one, if you will, of transferring the customer service section to the water bureau?

**Short:** I -- if i'm understanding it right I think that's what commissioner Saltzman just asked. Does include that amendment, it does not.

**Leonard:** This is option two, the option one i'm talking about is the transfer as was recommended by o.m.f.

**Short:** As was originally submitted with the bump materials, yes. That is as it stands, yes.

**Leonard:** Ok.

**Saltzman:** I do want to offer an amendment in that regard.

**Potter:** I think we have an amendment on the floor, we're just calling for a vote. Are we all aware, I have not seen a substitute. Do you have it available? Is it in here?

**Adams:** She just handed it out.

**Short:** When i'm referring to substitute, Mr. Mayor, I'm sorry that's the materials that I presented. If there are other amendments that the commissioners have --

**Leonard:** This substitute, is it in total replacement and consistent with what we agreed yesterday that --

**Short:** That's correct, commissioner Leonard, with the addition of the three positions the mayor has requested. Those are in that substitute.

**Harry Auerbach, Office of the City Attorney:** There's been a motion which has been seconded to accept those substitution of those exhibits.

**Potter:** Ok. Call the vote.

**Moore:** Who moved it?

**Potter:** Commissioner Adams.

**Moore:** Who seconded it?

**Leonard:** I did.

**November 29, 2006**

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

**Potter:** Aye. [gavel pounded]

**Adams:** So would now be appropriate time for me to propose an amendment?

**Potter:** Yes.

**Adams:** So I would like to -- within the allocation i've already been given, I would like to move \$100,000 into the bike initiative, and that allows us -- I can pass this out -- to move forward on some of the recommendations growing. This is a partnership with p.d.c. to grow the bike industry. We will put that in the -- replace that in the line item that says bike master plan, so it will be a total of \$150 adding -- \$150,000 adding \$100,000 and changing the name of the line item so it says bike initiatives. And the second -- another partnership project with p.d.c. and commissioner Sten's office is to move again within my allocation \$150,000 which is matched up with money that's in p.d.c. for the creative services strategy. And that will be within my allocation. And then I have a request that -- just in time, I actually can give it to you in writing. Then I have a request that i'd ask commissioner Sten's help on, and that is, we got a later breaking request from the Janus youth program that would help them achieve the renovation of a facility of the ace apartments, and I was convinced that this was something that was worthy of consideration. I know we haven't had a lot of time to talk about it, commissioner Sten, but I was wondering if the council -- I proposed that the council would take \$100,000 from contingency to allow this to move forward. My understanding is, and I need you to confirm or deny, is that they would be offering services that aren't currently being offered.

**Sten:** Janus' is and I had asked them when they came to see me to make rounds and talk to people because it was not something I could feel like I process through our normal approach. They had a recent opportunity to get a hold of the ace apartments, which is where dimitri's restaurant is, the building above that. This certainly is a tremendous opportunity to help solidify the system for homeless youth. They're actually being displaced and I won't go on and on, because new avenues for youth bought their building, which is a big step forward for new avenues. So the whole homeless youth system is getting some more capacity. It's one of these things I think this is a completely worthy request. I think it's great stimulus, will do a lot very quickly. They clearly to leverage this to raise the rest of the money. It's clearly not something i've had the opportunity to sort of work the way I would work through the homeless process, but i'm supportive of it. If that makes sense.

**Adams:** That's my proposed amendments.

**Potter:** Do I hear - -

**Leonard:** Second.

**Potter:** Please call the vote.

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

**Potter:** Aye. [gavel pounded]

**Saltzman:** So is this the point where I should offer my amendment?

**Potter:** Yes.

**Saltzman:** I'd like to offer an amendment. This amendment reflects the suggestion I made at yesterday's work session on changes to the revenue bureau, which I think create a partial transfer of front line call center employees back to the water bureau from the revenue bureau, but would retain all billing development and support of information systems, account collections, and business support functions in the revenue bureau. It also would begin the process of implementing a lifeline utility service, or utility safety net in the forthcoming '07-08 budget year to help people who have trouble -- help people more beyond our existing discounts, for people who have trouble paying bills. It would maintain the interagency coordinating committee that will guide policy development for utility billing and software development decisions, and would develop service level agreements and measures of performance standards. I offer this I think as it's clear to most on the council and those

**November 29, 2006**

who were at the work sessions now, I have grave reservations about the proposed transfer -- the wholesale transfer of the entire billing services and utility customer services to the water bureau. To my mind this council labored for some five years to create a revenue bureau to be a single point of collection for all revenue of the city. I think that was a step forward. And to my mind to take -- to carve out a major portion of revenue bureau and return it to the water bureau is a step backwards.

It's a step towards the silo mentalities that have gotten us in trouble in the past with both two of our largest infrastructure bureaus. And that is my principle concern. I have certainly concerns about how this whole major change, what I consider to be a major council change has been processed. I think there has not been a process. Although we were shoe horned in for a work session yesterday, but other than that, there has not been a process. And I think what was telling yesterday when we had our briefing about this issue finally, and when we finally got information from o.m.f., this is the first time i'd received anything in writing was yesterday at 9:30, was the remarkable fact things are going very well in the revenue bureau. Complaints are down, grievances are down, bills are being collected on time, hold times are better. There seems to be remarkable amount of success with the revenue bureau. And while we've only had it for maybe a couple years, I guess my belief is we should work on customer service improvements within the revenue bureau and make it work better, because I do think the notion of a separate bureau responsible for revenue collection throughout the city is still a sound idea, and we should not be backtracking from that idea at this time. So -- and I also during yesterday's work session, it was brought to our attention that our independent quality assurance company, the firm we hired to maintain our whole transition to a new billing system for water and sewer, are recommending the proposed transfer, the partial transfer that i'm recommending --

**Leonard:** Normally you make a motion and have discussion. You don't have discussion as part of the motion. It's totally inappropriate.

**Saltzman:** I don't know what the rules are on that.

**Leonard:** Those are the rules.

**Potter:** So you've made a motion.

**Saltzman:** Ok.

**Potter:** For purposes of discussion i'll --

**Leonard:** We have to have a second. That's the rules of the --

**Potter:** I'll second it.

**Saltzman:** Thank you.

**Leonard:** Go ahead.

**Saltzman:** So to continue where I was, yesterday it was brought to our attention that the firm that we hired as the independent quality assurance experts to monitor us in putting in the new water and sewer billing system, the cayenta system, is also against -- thinks it would be unwise, I guess, consultants don't say they are against, but it would be unwise to do this wholesale transfer at this time. The revenue bureau is new, the cayenta billing system is new, we just turned on the storm water discount, all these new things create quite a state of flux and we're adding to that state of flux by starting to reshuffle things. So I think it was significant they're recommending that, and we're still using this firm for our next big project, the enterprise business systems as well. So I think this transfer, as I've said, is something that I think this partial transfer represents a compromise that I think both commissioner Leonard, I think as made a good case that he can improve the front line customer service response, and I have no doubt he'll be able to do that. He's done a great job with the bureau of development services. But my biggest fear is to once again create the situation where you have one bureau in control of the billing system, the billing system designed to serve the whole city. We purchased the system not only for water, but to be the backbone of any future revenue collection activities that this city may undertake. Whether it's fire inspection fees, whatever else was mentioned yesterday. To put this back in the -- in one bureau under one commissioner in

**November 29, 2006**

charge, and when actually two-thirds of the water and sewer bill goes actually to another bureau, the bureau of environmental services, creates a dynamic that I saw for many years on the council when I had both of these bureaus or had one or the other, creates that tension between one bureau, when push comes to shove, unilaterally making the decisions that affect grievously another bureau, and that's a bad dynamic, it's a poisonous dynamic and it's not a direction that makes sense for us to be going in. As I said, the revenue bureau focuses on revenue collection, we should have the water bureau focus on what it does best, and that's provide clean, safe, drinking water for some 800,000 people in this region. I think the revenue bureau is designed to collect revenue across all functions, and we also heard yesterday from sue klobertanz, the bureau director of the efficiencies, she's already gained by having all these people responsible for revenue collection working in one place. And those efficiencies are going to pay us off in dividends, and I think that's the type of things that we're expected by our citizens to do and not to really take a step backwards. So I offer this substitute, I think it strikes a fair balance and I think it retains the strengths of both the water bureau and the revenue bureau. And I would urge its adoption.

**Potter:** Discussion?

**Leonard:** Under discussion, I -- given it has been seconded i'm compelled to respond to what -- some of what commissioner Saltzman said. I think it's unfortunate he's characterized this in some of the terms he has, for instance a step backwards. I have responsibility for the water bureau. When a customer is having their water turned off their first reaction is to call the commissioner in charge of the water bureau. It is a horrible dilemma for me to tell them that the people that are turning off their water in fact aren't the water bureau, but rather this group commissioner Saltzman is talking about. To give an example, in august of 2005, I got a call after 5:00 in the afternoon from a single mom, unemployed, who had a disabled child, it was 97 degrees outside. And the section that commissioner Saltzman wants to stay separate from the water bureau had sent a vehicle out and turned off this woman's water. After the owner of the property called from florida with a credit card and offered to pay the bill over the phone with the credit card. And the response from this section that commissioner Saltzman wants to stay separate from the water bureau was, we don't take credit cards. They shut off the water for a single unemployed mom with a disabled child and another child under 10 years old in the house. I called the water bureau and said, i'd like you to go back and restore this water until we sort this out. It seems to me that if we don't take credit cards, that's our problem. The water bureau said, unfortunately, commissioner, we didn't shut off the water. We'll have to call the billing section. The office of management and finance. And I did. And I found somebody. And I said, i'm getting on my bike and riding home. If you can beat me to this house, you can turn the water on. Otherwise, I have experience turning water on, and i'm going to turn the water on we're not going to turn off the water for a single mom with a disabled child on a 97-degree day because you don't take credit cards. It's not appropriate. So I did. Exactly that. That is an example of the kinds of problems that we have had from that day to now to -- in coordinating what I call customer service. The city is not designed to be set up to serve employees well. It's set up to serve citizens. To the extent we don't have a system that serves citizens well, we need to change the city system. This is an example of doing that. The person that dan refers to, commissioner Saltzman refers to that spoke in favor of doing this in the city is a mid level manager. Her boss, ken rust, thinks the transfer should happen. Sue Klobertanz's immediate subordinate, who runs this section, thinks this transfer should happen. So everybody that's working on this that actually is invested in making the city serve the citizens of Portland, knows that this is an improvement in service. And that's what I think our job is, is to improve service, not defend a system that makes it easier for us. And I get that sometimes we make more work for ourselves by providing better service. But that's our job. And if it cost as little more to provide better service, that's what we're here for. And I believe in that. I have a visceral belief that my job, more than anything else, is to

**November 29, 2006**

make government work for citizens. And when it doesn't, it's my responsibility. And this is a part of it.

**Saltzman:** I would simply respond that there's probably anecdotes and I have anecdotes from my three or four years in charge of both of these bureaus too, and what i'm saying is, we ought to make the revenue bureau work better. That's my first preference. But deference to the strong concerns of commissioner Leonard, i'm saying transfer the front line and call center people, but retain the people who run the cayenta system, the billing system, in the revenue bureau. I just think software decisions are very expensive decisions. They're very expensive, they go bad, if they go good they're very expensive decisions. We spend millions and millions of dollars on software. And I think those decisions should be subject to the purview of the entire city council, and not the purview of a commissioner in charge. I think that's rife with peril. We also heard yesterday that as of february they will be able to take credit card collections. The reason they postponed setting up the software for credit card collections was to move the storm water discount to the top of the line. So my personal belief is we ought to all make this work better. We all voted for it, commissioner Leonard didn't vote for it but - -

**Leonard:** That's not true, did I vote for it. I told you three times now, I voted for it. Why is that hard for you to remember? I voted to move the section back to o.m.f.

**Saltzman:** I apologize. We all voted for it. I think we ought to give it more time to make it work and not to do a wholesale disassembly that I think will result in loss of efficiencies and set up an awkward dynamic for future decision making by the council.

**Potter:** I think the second section which is section e talks about setting up a utility safety net program, which is the very issue that commissioner Leonard is talking about. I talked with commissioner Leonard and I firmly believe that his office should carry out the responsibilities for the utility customer service. I can see the advantage of while addressing customer service issues, also of ensuring a consolidated revenue collection process, as long as that process does not impinge on issues that commissioner Leonard referred to as far as cutting off service. And what I heard yesterday was that the revenue bureau was -- would implement some new procedures so that that would not happen. I haven't heard the specifics of the procedures, but -- so that the customer service people would be able to respond to a concern from a citizen while also ensuring the billing process occurs. So I see the advantage to this, and I don't think it's an issue about one commissioner or the other. It's really what is in the best interests of the community. I think this recommended change addresses that.

**Leonard:** Which one? Because you seconded his motion.

**Potter:** The two changes, leaving the billing process in the revenue bureau and the second part, creating a utility safety net.

**Leonard:** Are you speaking in favor of his motion?

**Potter:** Yes, I am.

**Leonard:** Ok. Then I need to make clear that what I heard yesterday was from the -- your director of office of management and finance, the head of this chain of command, and the person in charge of the customer billing section say this would not work as well separating out these two functions. It would make their job harder. They both testified to that.

**Potter:** I heard the person that does it on a day-to-day basis say that it wouldn't. And I know you've never counter manded one of your bureau directors, but in this particular case I happen to disagree with that.

**Leonard:** That's fine. Well, you don't have to take that tone with me. That's fine. I respect that. But that's not what I heard yesterday.

**Potter:** Ok. Further discussion.



**November 29, 2006**

**Adams:** If I could have someone clarify for me, the net result of this amendment to the substitution, so this would mean how many people would stay in the bureau of revenue as opposed to what commissioner Leonard had proposed prior?

**Saltzman:** My understanding, correct me if i'm wrong, either Leonard or casey, the proposed transfer right now entails about 128 people. If we were to transfer the front line and walk-in center, call center, walk-in center to the water bureau, that would be about 80 people. And to keep the billing support group, the account collections support of information system in the revenue bureau is about 40 people. That's my understanding.

**Potter:** Sue Klobertanz mentioned the fact that some of the people from outside of u.c.s. would also be transferred over because of the direct relationship to u.c.s. She thought it was perhaps four to six people, but since this has not actually been a council direction, they haven't done the work on it yet. So it would be good to see what that -- the result of that would be.

**Adams:** I have a vested interest in this as we all do as folks who govern the city, but I have a invested interest in this as commissioner in charge, and I don't want to leave this meeting -- I don't want to consider this motion confused about its implications. So I need someone to address my confusion.

**Saltzman:** There seem to be a lot of good discussions after our work session yesterday among all the affected bureau directors. I would suggest if we pass this amendment that they come back to us next week to clarify all those gray areas. But I think there's a lot of good energy that came out of yesterday's work session amongst b.e.s., o.m.f --

**Leonard:** Those were discussion that's happened privately with you. I wasn't privy --

**Saltzman:** I wasn't privy to them, I just heard about them.

**Leonard:** I met with the director late in the afternoon of the water bureau and he wasn't part of any of those discussions, so i'm not sure who you're talking about. But the concerns were more emphatically made with me after our meeting yesterday than during the meeting, that this is a bad idea. So I feel it could be --

**Adams:** Do you just referenced 40 employees, someone else --

**Saltzman:** 40 that would remain with the revenue bureau.

**Adams:** And someone else yesterday, I saw a piece of paper that showed eight employees. I don't know if i'm -- in my mind if i'm referencing two --

**Saltzman:** Those are two different -- that was smaller subset of what i'm suggesting.

**Adams:** Ok.

**Short:** Mr. Mayor, commissioner add amounts, I don't have the ants to your question about how many people would be moving and how many people would be staying. And what the net fiscal impact of that would be. There might be somebody in the audience who has that, I do not.

**Leonard:** We heard yesterday, we had testimony yesterday that this kind of an idea had not been contemplated because it's not practical. We heard that from the person in charge of sue klobertanz and we heard that from the person in charge of this section. So they didn't do a lot of analysis of ideas that they think were not good ideas.

**Saltzman:** I don't think that's what we heard yesterday.

**Adams:** I'd like to move to table this discussion until I can get some information in front of me. And i've never made that move before, so I don't know if i'm doing it right.

**Leonard:** What you're moving to table is an amendment to another amendment on the floor.

**Adams:** To the substitution. So I move we table the discussion to vote on the substitution until I can get some information in front of me. I'm holding up the budget.

**Saltzman:** I'm fine with that too.

**Leonard:** I'm sure you are.

**November 29, 2006**

**Saltzman:** Part of my concern is there hasn't -- there's been a paucity of information about this. And we've been on this course that it has to be voted on today or else. And I'm not sure what the or else is.

**Potter:** Mr. City attorney, are we voting now on this table motion?

**Sten:** Second.

**Saltzman:** Can somebody explain -- what is the practical impact --

**Auerbach:** What we have done so far, what you have done so far is adopted two amendments already. You've adopted the substitution of the exhibits, and you've adopted commissioner Adams' amendments. You're now considering an amendment proposed by commissioner Saltzman and seconded by the mayor. If you -- I have never seen this before. [laughter] if you table the amendment, I don't know what that does to what do you with the rest of the package.

**Sten:** I think it would make more sense to move to remove this language from the budget ordinance and bring it back separately, in my opinion. There's a specific section of the budget ordinance that speaks to commissioner Saltzman's desires, and I don't support tabling it but it would make more sense to separate the two than hold up the entire budget over it.

**Adams:** Do we have an afternoon session?

**Auerbach:** We do.

**Adams:** Can I amend my motion to delay consideration of the substitution until 2:00?

**Auerbach:** You want to -- you want to table the whole item until 2:00?

**Adams:** Continue --

**Auerbach:** Continue this item until 2:00?

**Adams:** Right. I don't think --

**Saltzman:** I don't think we're going to get the clarity we need by 2:00.

**Adams:** I have confidence that we will.

**Auerbach:** You may make that motion.

**Adams:** I move that we continue this until 2:00 p.m.

**Leonard:** Second.

**Saltzman:** We do have a 2:00 time certain.

**Adams:** It can wait.

**Potter:** Call the vote.

**Adams:** They'll be here. Aye.

**Leonard:** Aye.

**Saltzman:** Aye.

**Sten:** No.

**Potter:** Aye. [gavel pounded]

**Adams:** If we could have the right people scurry to the right other people to get the right information --

**Leonard:** And that means not the people that just commissioner Saltzman wants, but the same people we heard from yesterday, Ken Rust --

**Auerbach:** Did you want to continue 1591 also? To 2:00?

**Adams:** Yes.

**Saltzman:** We can do 1591. It's a supplemental.

**Adams:** Are they related?

**Short:** They are.

**Auerbach:** They're interdependent I understand.

**Leonard:** We can set it over to this afternoon and do them both at the same time.

**Potter:** Ok. Hearing concurrence, we'll set over 1591 until 2:00 p.m.

**Moore:** 1991 hasn't been read yet.

**Potter:** That will be set over until 2:00 p.m.

November 29, 2006

\*\*\*\*\*: [inaudible]

**Potter:** Yes we will. Thank you for saying that.

**Moore:** We have two people signed up.

**Steve Weiss:** Good morning. My name is Steve Weiss. I'm here representing the city of Portland's new citizens disability advisory committee. You should all have copies of the recommendation letter, we have prepared on the expansion of crisis intervention training for all Portland police bureau patrol officers. We understand that the appropriation for expanding c.i.t. is part of the fall bump ordinance. If you'll follow along on your copies, I will now read the text of the letter allowed, if I may. The Portland citizens disability advisory committee supports Mayor Tom Potter's proposal for the city council to set aside \$500,000 over the next two years to run all Portland police bureau patrol officers through 40 hours of specialized training on how to deal with people diagnosed with a mental illness. However, we have reason to believe that crisis intervention training techniques also need to be applied to all people that the police suspect are on drugs or drunk. The Multnomah mental health and addiction services division's 2007-2009 implementation plan contains some startling statistics on page 9 of the plan. According to the plan's authors, call occurring substance abuse disorders affect, quote, an estimated three-quarters of people booked into jail nationwide who have a serious mental illness. In Multnomah county, the county jail's drug use forecasting data show that over half, 54-76% of men and 51-88% of women, test positive for at least one illegal drug when booked. And that inmates with addiction issues are most likely to have frequent incarcerations, unquote. In view of the extraordinarily high percentage of incarcerated persons with a serious mental illness who have a co-occurring substance abuse disorder, simply asking a substance abuse suspect if they're receiving mental health services is not sufficient to determine if they have a mental health disorder. We believe in order to prevent more people from mental illnesses from being unnecessarily injured or killed by the police, crisis intervention training techniques must also be utilized for all those suspect the of being on drugs or drunk. To put it another way, if drugs or alcohol had been found in James Chasse's systems, would that have justified what happened to him when he was arrested? We don't think so. Therefore, the Portland citizens disability advisory committee strongly recommends that this extension of c.i.t. techniques to substance abuse suspects be included in any city council resolution or ordinance approving the use of money for comprehensive crisis intervention training for all patrol officers. We also want to emphasize our belief that for a variety of reasons, all people with disabilities could be at risk of encountering excessive and unnecessary force by the police. We would like to see that reality acknowledged in the city council's final resolution. Thank you for allowing me to address you.

**Amanda Fritz:** Amanda Fritz, speak only for myself. During the 1980's when Ronald Reagan was talking about developing the M.X. missile, there was a joke in the peace community that we should not be building more nuclear missiles until we've made better use of the ones we have. And I'm reminded of that when I think about the million dollars that we spent on the visioning process in talking about updating citizen input techniques. We're not using our current citizen input techniques appropriately. In this budget it's not clear to me how much of this is a done deal and how much is on the table and you actually want to hear citizen comments. The Parks Trust Fund is proposing several million dollars of transfers which have not been reviewed by the Parks Board. And there are now new amendments in a substitute motion which the public has not had a chance to view. So I will give you my comments not knowing whether any of them will make any difference or not. On page 35 of the old motion Commissioner Saltzman has a proposal to change the deal for scoping the fiber optic network which was to be \$100,000 from the general fund and \$100,000 from P.D.C. It's now going to be only \$150,000 total but all from the general fund. I would like to know why the savings were not equally distributed between P.D.C. and the general fund so that all taxpayers in the city are scoping out this fiber optic network. And indeed is a fiber optic network really what we need as a priority in the city and is it a better priority for the city council to be

**November 29, 2006**

addressing than people who don't have homes on a cold day like this? And neighborhoods that don't have parks. Transferring the customer services back to the water bureau, I agree with commissioner Saltzman. It's going to cost \$250,000 a year due to not being able to share support staff and supervisors. That would pay for a lot of water bills for folks in need. It's also going to cost \$103,000 for six months on a lease that the revenue bureau took out on more space in their building, and that lease is until 2011, so it's not clear how they're going to get out of that lease. We want you to prioritize budget spending, we want you to be fiscally responsible. And we want to have some discussion about priorities. I think many citizens would think that it would be a better use of the money to make use of the several years of planning and work that went into putting the revenue bureau keep those savings and set up funds so that people in need don't have their water shut-off. Page 52, allocates \$83,000 dollars to move the bureau of planning from the third floor of the 1900 building to the seventh floor of the 1900 building. This is a building which was constructed and designed specifically to house the development services and planning staff within the last 10 years. When you buy a accustomed designed house you don't remodel the kitchen after five years. And I think if you act the -- citizens at the citywide land use committee whether they would prefer to spend \$83,000 on moving the bureau from the third floor to the seventh floor, or whether they would like a planner for a year to update the tree regulations in the code, I think most citizen was like to see the concrete result of having a planner to do the tree updates. These are just some example that's struck me in the budget. Thank you for your time.

**Potter:** Thank you.

**Moore:** That's all who signed up.

**Potter:** Ok. It's set over till 2:00 p.m.

**Item 1592.**

**Potter:** Good morning. Commissioner Adams did you wish to introduce this or just have the staff?

**Adams:** I will introduce. It's always nice to see you. It's a pleasure for me to introduce and council item that represents our efforts to reduce flooding and restore the functioning on the east lents floodplain. Also known as the johnson creek floodplain restoration. This has been the best kind of partnership between the bureau of environmental services, other city agencies, the federal government, a variety of different agencies on the federal government basis, and neighborhoods. And environmentalists. There's been a lot of accomplishment over the past 15 years, and we've seen immediate benefit in terms of improvements to fish habitat, improvements to decreased flooding during rain events. We still have a long ways to go but we've made significant progress. One of the reasons that we have made such significant progress on the east lents floodplain project is because we have had a champion in congress who once served on this body, who also served on the county body, and has represented us in important formal ways, but also in those critically important informal ways. Whether he's button holing people in federal buildings in Washington, d.c., or asking to get on people's calendars, he has been an advocate for us and it is my pleasure to introduce our congressman, earl blumenauer.

**Congressman Earl Blumenauer:** Thank you, commissioner add amounts, mr. Mayor, members of the council. I appreciate the opportunity to spend a couple moments with you. I appreciate the opportunity to spend the last half hour going back in history for the great fun it was to serve on this body and the complexities and the opportunities to advance the public's business. And I say that sincerely, I appreciate the service that I are making in moving forward with america's most dynamic and livable city. And I appreciate the work that you are doing, and I am pleased to be your partner in congress. I'm here today with my colleague, hillary barber, who has specialized in a number of these water and environmental issues in my office, to just congratulate the city for what this award represents. There are lots of times when we work with you on ear marks or special provisions with other members of the delegation and with congress. This is the result of just hard work and the ability of the city to connect with the appropriate federal and state agencies. This is a fritz

**November 29, 2006**

nilandation of effort, commissioner Adams is doing it now, earlier in the game, commissioner Sten was involved with these efforts. We -- with the city we initiated the series of johnson creek summits to try and look at the 40 different plans that were at work in the -- in this basin that covers about 10% of the region. The work that you have been doing on an ongoing basis with the affected neighborhoods, with your partners at the state, local, and federal level, multi-jurisdictional planning efforts, the work with the willing seller and the restoration program, all of this is bearing fruit. And I just am pleased with be here today to acknowledge my pride in the work that you've done, my commitment to continue working with you at the federal level and with citizens to be able to make something that is such a difference for the livability of our community, for dealing with water quality, fish habitat, and the restoration of this critical part of southeast Portland that I know you're moving on so many different fronts. Accept my congratulations and I look forward to working with you on the next chapters. While it was great pleasure to be here for the last half hour, unfortunately I need to be moving on, and it's not that any disrespect to my friends here on the panel that i'm not staying to listen to the rest of it.

**Sten:** Did that debate bring back good memories?

**Blumenauer:** Very positive memories.

**Sten:** That's what I thought.

**Potter:** Thank you congressman.

**Blumenauer:** Especially when harry says, I don't think i've ever heard this before. Then you know you're earning your keep.

**Potter:** Thank you, congressman, for all your help. We really, truly appreciate it. We understand you have to go.

**Dean Marriott:** Good morning. Dean marriott, environmental services director. I know you're running behind the schedule and we want to do our part to help you make up some time. So I do want to thank the congressman for his efforts as well as his staff, hillary has been enormously helpful to us, and without them a lot of what we've been able to accomplish in the watershed would not have happened. Today we're going to just run through a couple of quick slides, orient you. This is all about floodplain and flood disaster mitigation. We're trying to get ahead of the game, and as the congressman mentioned, this -- I still remember the meetings with commissioner Sten out in the community talking about floodplain management and the -- and our interest in trying to avoid damage as opposed to rapid response. And then followed by many meetings with commissioner Saltzman in the community and now with commissioner Adams, and we've come a long way. This overview map shows you the area we're talking about, it's east of i-205, east of what's called the freeway land property in the lents area. The yellow highlighted properties are properties that environmental services has acquired over the years in the floodplain. Here's a great photograph from the 1996 flood. It's -- it shows two house that's were severely flooded and the same partial today, those folks sold in a willing fashion to us. We were able to use some fema mitigation money to help acquire some of these people. We simply moved them out of harm's way. Here's an aerial photograph showing the 1996 flood and also showing the area that we're talking about. Will be talking about today. It's just east of the freeway land area. That -- the chocolate brown stuff you see is floodwaters that has closed off foster road, and of course south of foster that's our residential community, which we have been very aggressive in acquiring properties from willing sellers. And again, raising the buildings and allowing the creek to do what nature wants to do when it rains a lot, it leaves its banks. And this is an area showing you from last november, a year ago, luckily is not flooding at this time, but it allows to you see the dramatic reduction in the number of structures in the flood area. Then the final shot is that very picture you saw with superimposed the orange crosshatched areas. Those are the -- those are the areas we plan to use the grant for to redot landscape and allow the floodwaters to flow into those areas and avoid damaging properties and homes. So it's -- this would mark the first phase of at least a two-phase project for

**November 29, 2006**

this area. We hope to continue to utilize our resources to acquire additional remaining residential structures from willing sellers so that at some point we can actually come back to you and ask for permission to remove some streets and other public amenities so that we can actually reclaim all of this floodplain. I just want to take a moment again to thank all of our partners in the city. This has been a really wonderful collaborative process. The office of emergency management, parks, pdot, p.d.c. P.d.c. is very active in the lents area. Before I turn it over to carl cook I want to thank the person sitting to my right, maggie, who's done a lot of work in the johnson creek watershed for as long as i've been here, and has personally carried a lot of the effort on her back to make this happen.

And without her we would not be here today. With that i'd like to introduce a long-time friend and colleague who's gotten to know Portland real well and enjoys coming to talk about our success. He's with fema, federal emergency management agency region 10 out of seattle, carl cook.

**Carl Cook, FEMA:** I think it was less than a year since i've been down here, it's been down here in april. You received a grant to do some other mitigation activity. I'm representing susan rhine effortson, who is a new fema regional director. I think she'll be down here as soon as she can arrange it. She's been on board for a couple of weeks now. She's a real fan of mitigation, flood insurance program, her family was flooded out the grand forks area. She was the emergency management director for the state of north dakota. And i'm sure that you'll have a chance to meet her fairly soon. Like dean said, i've been down, been coming down here for a long time. I have to be careful in my comments because I can launch back into many of mayor Potter's predecessors. I think probably I started doing this back when mark hatfield and bob packwood were not old guys. So it's quite a long time ago. Once again, fema is the recipient of quite a large mitigation grant from fema, and we would like to applaud the city, but ask that you continue to request such grants. The project that dean has gone over is just the latest in a long list of johnson creek projects that have been secured for this city by both dean's office and your federal representatives, and as usual, the two themes that seem to pervade these celebrations are collaboration, which takes place regardless of what hazard is being addressed, and long-term tenacity. I've been coming down here for years now talking about the lents area before projects were started. We had community meeting after community meeting, couldn't figure out what to do. The feds only had a limited number of options to help those people. It was really only going to be up to the local jurisdiction to figure out how to solve the problem, and the city of Portland has come up to that. Because virtually all of our grants go through the state, the only way this is going to work is if you get the state office of emergency management on board too. And you've done that very well. The state office of emergency management works so well, we wish that all of our states would do that, just as your agencies work amongst themselves, the office of emergency management gets along well with fema, not always, we don't see things eye-to-eye all the time, but we work very well together to advance mitigation. And at the federal representative level, as you mentioned congressman blumenauer has the same qualities of collaboration and tenacity. His floodplain legislation didn't get passed overnight. He had to go back time and time and time again to get it done. In conclusion, I would like to say that Portland and the office of emergency management are kind of the poster children in the northwest as far as mitigation of natural hazards. Please continue to be tenacious and to pursue mitigation opportunities like you have in the lents area, because while you look at it as saving damages for your own citizens, we look at it as saving taxpayer dollars at the federal level. So I look forward to coming down here again soon to do something similar. With that I would like to turn the microphone over to ken murphy, who is the director of the Oregon office of emergency management.

**Ken Murphy, Director, Office of Emergency Management:** Thank you, carl. Mayor, commissioners, as always, a pleasure to be here and an honor, and always makes it much easier when you're handing out money. But I think it's important as the comments that have been made here today that I truly believe that Portland and the state of Oregon has very seriously taken the

**November 29, 2006**

word "mitigation" to heart. I can't think of a better program and emergency management, it doesn't matter what the subject is, if we can take the time and the effort as dean and mackie have done, all the other bureaus that have worked in mitigation projects in the city of Portland, it can do nothing but help the city, its citizens, it makes it more livable and it makes it more sustainable into the future. I think it's the right thing to do, it's the appropriate way to spend dollars and it's very helpful, and I always remember, I was telling congressman blumenauer, when I first got into emergency management within one month I was at a johnson creek summit. So I've been doing that for a long time too, and I hope one day to wake up and not hear the radio and not see johnson creek flooding. That is one of the goals that I think we're getting close to and that we're doing the right things that make that part of the city a better place to live and take care of all of the issues that are important to our citizens. So I thank you very much for your effort, your time, your support, and again to the bureau of emergency environmental services, takes so many people to make these things happen. You could fill rooms twice this size with everybody that's had a piece of this effort to make it work. And thank congressman blumenauer, when I visit with him every year in Washington, d.c. this is the subject that always comes up, and the federal emergency management agency is very supportive of our efforts here in Oregon, and I haven't been able to approve it, but I think Oregon and the efforts of the cities like Portland are some of the leaders in the nation in spending this type of money to mitigate against future effects. So I thank you again, and I do have some documents, mayor, that I'd like for you and I to sign to make this official, and thank you so much for your efforts.

**Leonard:** I wonder if I could ask a question before we take advantage of this opportunity, carl, thank you for all the work you've done, particularly in lentz over the years. I was wondering if you could tell me who I could contact to help resolve an issue we're having with fema. As you know, the water bureau sent 70 people to new orleans and with equipment, incurred about \$2 million in reimbursable expenses, and we've been lost in the bureaucracy. To get reimbursed. Who would you recommend? Would it be susan reinerson that we talk to?

**Cook:** Yes, I would address it to susan rhine effortson, regional director, at fema, and I'll give you my card. It's got the mailing address.

**Leonard:** These are all expenses that were preapproved --

**Cook:** I'm not judge can how it's going to work out, I'm just saying, that's where your inquiry should come.

**Leonard:** Ok.

**Potter:** Other folks?

**Marriott:** Do they need to vote on accepting the grant? I don't mean to short stop from you coming down to sign.

**Potter:** If there's any testimony -- was there a sign-up sheet?

**Moore:** No one signed up.

**Adams:** It's really been a sea change on this issue since your 10 year at b.e.s. I also want to take the opportunity to laud maggie for your passion and both passion and get-it-done attitude, and I had an opportunity to work a couple of times, this and some other projects that you've worked on, and really on behalf of a very grateful city, thank you for all your work.

\*\*\*\*\*: [inaudible]

**Potter:** This is an emergency vote. Please call the vote.

**Adams:** Aye.

**Leonard:** Aye.

**Sten:** I just want to thank the team and everybody else. This is wonderful work, and I think we -- are you going to see a time when it doesn't flood. This is one of those cases where I think it's important when things happen this way, that people know it. It was not easy, but the grass work was done very well, and it has extended to the federal government. A book that came out a year

**November 29, 2006**

ago had a chapter on the johnson creek community example, that this was an example of civic engagement working from the bottom to the top. So thank you all. Look forward to the next phase. It may be work that's never done, but it's getting closer to really making the impact that I think the community believes it can have. Good work. Aye.

**Potter:** I want to thank you as well, carl, ken, dean, maggie. This is one of those examples where an ounce of prevention is worth a gallon of cure. So I want to thank all of you for doing this and I vote aye. [gavel pounded] now we'll do the signing.

**Item 1593.**

**Saltzman:** Thank you mr mayor, members of the council. This authorizes a contract between the city and the enterprise foundation that will bring \$42,000 to the office of sustainable development to provide green building training to affordable housing providers. The enterprise foundation, and we have kate allen from the foundation to speak for herself, but they work in communities nationwide to help low-income families in a variety of ways, and they've worked with the city around affordable housing. The services o.s.d. will provide under this contract or part of the green communities effort a five-year, \$555 million initiative to build more than 8500 environmentally healthy homes for low-income families. I'd now like to introduce kate allen, director of enterprise portland and michael Armstrong of the office of sustainable development.

**Michael Armstrong, Office of Sustainable Development:** Mayor and commissioners, I'm Michael Armstrong, I manage the green building program for the office of sustainable development.

As commissioner Saltzman said, the proposed contract will provide up to \$42,000 in funding to o.s.d. to deliver training and technical assistance to affordable housing developers. Specifically the intent is to provide services to 1500 units of affordable housing, and we're looking to provide real health, economic, environmental benefits to low-income families. In addition, we intend to train 350 professionals in the affordable housing community in sustainable design construction and operations. So the trainings that will come as a result of this will address new construction, major renovations, and also some operations of maintenance practices. This is one part of a much larger effort, the green community's initiative that kate will talk about in a moment. I think it's worth emphasizing green building is among other things a good economic development strategy. The environmental protection piece is very important, but making affordable housing green also means residents will have healthier homes and they're also going to have lower energy bills, and that means more money in their pock totes spend on other things in the communities. So this is a good example of where we're bringing together some of the different city goals in one nice partnership. We work with enterprise foundation on two green building trainings over the last year. We've reached about 125, 130 professionals in the affordable housing community and we're really pleased to be working on this partnership and look forward to carrying this forward. Thank you.

**Kate Allen, Enterprise Foundation:** Good morning, mr. Mayor, commissioner Saltzman, commissioners. Very pleased to be here. When enterprise launched the green communities initiative in 2004, it really was to bring the best of green building and smart and sustainable development to the affordable housing and community development industry. The initiative recognized that lower income families often bear disproportionate negative effect of bad environmental conditions, and the national initiative, a partnership between enterprise and the natural resources defense council, sought to bring together and address both a funding gap, both real and perceived, in green building practice, and a knowledge gap. And while we have made over the first three years of the initiative planning and construction grants that have been useful and utilized in some really good projects in and around the metro area, what we've recognized is the real power in the initiative is that piece of closing the knowledge gap. That's what's going to last beyond a five-year initiative. We're very pleased to have the nationally recognized talents and skills and knowledge of the city's office of sustainable development, michael and his colleagues, to partner with on this effort of providing training, providing direct technical assistance, and providing very



**November 29, 2006**

early green planning that in many cases can achieve healthier and more energy efficient building in affordable housing at no or very low cost. And that's the real power of the initiative. So we very much appreciate o.s.d.'s partnership and the city's partnership in this effort.

**Potter:** Do we have a sign-up sheet.

**Moore:** I did, no one signed up.

**Potter:** This is a nonemergency and moves to a second reading.

**Saltzman:** I'd like to once again thank the enterprise foundation for all the initiatives they've undertaken with the city of Portland around affordable housing. These training sessions have been proven to be very popular. We've already conducted two trainings and they've been very well received. So thank you.

**Sten:** Maybe just one personal note. I wanted to share that a really good friend of Portland, doris coo, who was based out of seattle and has been in this building more times than I can mention, was just named the chief executive officer of the entire enterprise operation. She'll take over in january. It's better news for the rest of the country because they'll get her skills, but it's terrific, because she's really been the person that's I think made it possible for kate to do all of the forward-thinking work in Portland. So the concept of housing around schools and greenhousing in particular and all the things that we're work on with enterprise is going to I think -- enterprise has always been very forward-thinking, doris has been on the front end of those things, and so with her moving from a regional leadership to a national leadership, it bodes well for people across the country but also for this special relationship we have with enterprise. So I wanted to take an official moment to congratulate doris and enterprise for making a terrific choice on their next c.e.o. Maybe also to thank bart harvey who's been c.e.o. for quite some time another great friend of portland who is now moving up to more of a board chair capacity as I understand it.

**Allen:** Right. Thanks, erik. We will maybe work with council and look for an opportunity after the first of the year to have doris come and both renew her connections with Portland, which are so strong, but really further our connection with enterprise at the national level.

**Sten:** That would be terrific.

**Potter:** Thank you. Moving to the regular agenda please read item 1602.

**Item 1602.**

**Potter:** Second reading vote only, please call the vote.

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

**Potter:** Aye. [gavel pounded] Please read item 1603.

**Item 1603.**

**Potter:** Second reading, vote-only. Please call the vote.

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

**Potter:** Aye. [gavel pounded] 1604.

**Item 1604.**

**Potter:** Second reading, vote-only.

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

**Potter:** Aye. [gavel pounded] please read item 1605.

**Item 1605.**

**Potter:** Staff? Anybody from o.m.f. or h.r. here? This was done because of some of the folks who are working on our systems aren't able to take vacation time because of the commitment it takes to get the system up and running. So it's to allow a few folks to accrue their vacation rather than having to give it up. Do we have a sign-up sheet?

**Moore:** I did not have one set out.

**Potter:** This --

**Saltzman:** It allows for carryover of management leave as well?

**November 29, 2006**

**Leonard:** I was going to ask the same question. It's using both terms and they're two distinctly different things.

**Potter:** This does move to a second reading and i'll have the folks -- have the folks amend that. Is there any testimony for this?

**Moore:** I didn't have a sign-up sheet. Did anyone wish to testify?

**Potter:** Please read item 1606.

**Item 1606.**

**Potter:** Second reading, vote-only.

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

**Potter:** Aye. [gavel pounded] please read item 1607.

**Item 1607.**

**Potter:** Commissioner Adams is? Good.

**\*\*\*\*\*:** Morning council, I guess i'm commissionerless this morning.

**Potter:** Congratulations on your appointment.

**Warren Jimenez, Office of Commissioner Sam Adams:** Thank you. On october 4, 2006, city council enacted a temporary moratorium on hayden island, sorry, my name is warren Jimenez I work for commissioner sam adams. The process outlined by state statute requires adoption of a corrective program within 60 days after the effective date of the moratorium. The purpose of the program is to identify the solutions to correct the problem that required the moratorium. The corrective program was previewed in the moratorium ordinance adopted by city council on october 4. This corrective program has not changed since the primary corrective steps to address the identified shortages of transportation facilities adjacent to and within the hayden island consists of the following. Selecting of preferred alternative for the columbia river crossing project, two, in conjunction with the columbia river crossing project complete an access traffic circulation and high capacity transit location study for hayden island, and three, initiate a neighborhood plan for the hayden island. I will be going into a little bit more detail about each of those three items this morning. We also have staff here present from the department of transportation from the columbia river crossing project as well as planning to answer any of your specific questions this morning. In terms of the first item selecting a preferred alternative for the columbia river crossing project, in compliance with the national environmental policy act, work is underway as part of the columbia river crossing project to identify, analyze, and select a preferred alternative for an improved bridge crossing over the columbia river in the vicinity of hayden island. The city of Portland is actively participating in the need for process to ensure that an alternative is selected that will best address the transportation deficiencies and anticipate future development on hayden island. The columbia river crossing project is on schedule to select a local preferred alternative and complete the draft environmental impact statement by early 2008. Selection of the locally preferred alternative is a key milestone for the columbia river crossing. This decision will create certainty of alignment and capacity of access to hayden island via i-5. The second item, the transit study, in conjunction with the columbia river crossing project, odot, tri-met, and the city of Portland, has begun a six-month access traffic circulation and high capacity transit location study for hayden island. The purpose of the study is to address land use, development, and circulation issues on hayden island as part of the need for process. Initiation of the study recognizes development and redevelopment of the property on hayden island could be effected by selected alternatives and resulting transportation investments expected as an outcome of the columbia river crossing project. The study will define several different land use scenarios for the island for the purpose of estimating development capacity and trip generation. The study is scheduled to be completed by january 2007. Major task completed to this date are the land use scenarios, development capacity of each scenario and transit station constraints. This study would address land use development and circulation issues currently on hayden island. And the last item in regards to initiation of a neighborhood plan for hayden island,

**November 29, 2006**

the bureau of planning has prepared a scope of work which has been included as part of this report. And the city council, sounds like, will consider this funding through the fall bump initiation process this afternoon for hayden island. The total cost of the hayden island plan will be \$750,750. This is anticipated to be an 18-month process, to produce a 20-year plan for the development of hayden island. This plan would examine appropriate land uses in conjunction with the transportation capacity study as well as provide as an information vehicle for the columbia river crossing project. So with that I am more than happy to take questions, I also have staff that may be able to answer some of the questions if I can't answer them. I believe that's it.

**Potter:** In terms of the process, where does this put us then as a city? As far as the moratorium?

**Jimenez:** Currently we are in the moratorium is established. We will be coming back to council, giving an update as we get closer to the end of the six-month moratorium process. In terms of what we've outlined in the ordinance, as far as the corrective program, we're staying in line with completing what we thought we might complete in the six months and will be coming back to council to see whether or not, in working with you to see whether or not we need to extend it.

**Potter:** Questions from the commissioners? Thank you. Is there anybody who signed up to testify?

**Moore:** One person signed up, steve able.

**Potter:** Please state your name for the record. You have three minutes.

**Steve Able:** Steve able, attorney with stoel rives. 900 southwest fifth avenue, suite 2600. Today I represent the jantzen beach shopping center, the owner of which is jantzen beach dynamic. I've never started a hearing the way i'm going to start it today. In many, many years of practice, that is to talk about notice. I found out yesterday that this hearing had been set and you will recall that I participated on october 4 in the original adoption of the moratorium, and I objected to that process in the adoption of that moratorium on that date. However, the only notice that went out with respect to this hearing was to the department of land conservation and development, which the statute requires, but no notice was given to any participant in the hearings that were to -- that took place in october. So my first request of you is to continue this hearing and allow adequate opportunity for parties to be heard about this matter. I actually have never seen the city council not give notice to participants in a proceeding, as has happened in this particular circumstance. So I first would ask for continuance. Secondly, I want to talk about the seriousness of moratoriums. Moratoriums affect businesses deeply. The jantzen beach shopping center is one that is affected by this particular moratorium, and on october 4, I came to you with a proposal about how to resolve issues at the jantzen beach shopping center, and this morning I have given you again a proposed amendment to the moratorium, which attempts to resolve some of the issues that were identified. As you know, the moratorium is based upon transportation issues. What I have said in that amendment is allow regular business to take place, remodeling to take place, at shopping centers such as jantzen beach, employers of the city provided no additional trips take place. No additional trips. How that cannot pass the scrutiny of the city is beyond me. In fact, as you know, the original moratorium is up on appeal and I intend to state before the luba panel that the failure to adopt that amendment is the death nail of the moratorium. The moratorium requires that the city and the language in the statute says accommodate economic development as much as possible. Failure to adopt that amendment means you can't meet that standard when up on appeal. Today we're here to develop -- to adopt a mandatory program to solve the problem. What have you proposed to you by commissioner Adams' office is a planning dream. It's about we intend to start a process to plan, we intend to start a process to plan, the statute requires moratoriums of course are very serious, the statute requires that there be a program today adopted that is a concrete real program to solve the problem. The failure to adopt a concrete program to solve the problem, again, makes the moratorium invalid. So my request of you is twofold. One is let people have an opportunity to testify on this matter. Fairness only says that the participants in the earlier proceedings should be

**November 29, 2006**

given notice of this proceeding and be given an opportunity to testify. And second, please focus on the amendment that I've proposed. And I know the commissioner Saltzman didn't have an opportunity to see that last time, because he was not available for the hearing and commissioner Leonard was available only by phone, so he didn't see the piece of paper that is this amendment. But please consider that amendment as an effort to try to rectify what has become a very serious problem for businesses on Hayden Island, and especially my client. I'd be happy to answer any questions.

**Leonard:** Steve I'm looking at the language listening to what you say. What I'm reading is that the statute requires that we adopt a corrective program within 60 days, not that something be implemented, but we adopt a program and the memo from commissioner Adams dated -- I don't see a date. Number 1607 in my pack, but I don't see a date on it, goes through the process that's being undertaken to comply with the statute. Second, I thought you said if there was some economic development impediment that would be a problem. I wasn't understanding that something was actually occurring in terms of economic development within Jantzen Beach Mall.

**Abel:** As to the first question, the memo that -- commissioner Adams' memo is not dated. But it's a report to the council, it's two pages and it includes I think a couple of memorandums. One memorandum is from the bureau of planning from Betsy Ames dated November 21 and it talks about a planning process that is an unfunded planning process, no more than that, that calls for something perhaps at the end of 18 months. The second memorandum is from David Knowles who is part of the Columbia River Crossing group, and that group again talks about a planning program. I think the expectation could easily be that what you've got in place here is a moratorium that's far more than six months, the Columbia River Crossing folks have been meeting for a long, long time and I don't know how long that's been. But they haven't yet gotten to a program. The statute doesn't speak in terms of creating a plan, it speaks of having a program.

**Leonard:** It says a corrective program, so how is this -- I guess I'm asking, I understand you have concerns about the lack of planning -- what I'm seeing is the -- is a program to correct the problems. And that's a program as part of the process. You disagree on that?

**Able:** We may disagree on that. I think when you look at the purpose for the moratorium statute and the requirement of the pretty high threshold for enacting a moratorium, I think the statute means more than just some program that might achieve. I think it's a program that is far deeper, that has concrete funding that is something concrete to resolve the problem. I don't think that --

**Leonard:** That's a matter of opinion.

**Abel:** That's right. It's a discretionary decision. I don't think you've met that threshold.

**Leonard:** If you'll address the second part -- and then commissioner Adams --

**Able:** Yeah, your second part of the question is actually the question that arises when you adopt a moratorium. One of the standards that is required to be met by the city is, and I'll quote it, that the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating remaining public facility capacity. In order to do that, in order to maintain economic development, the amendment that I propose which allows for the Jantzen Beach Shopping Center to continue its remodeling activities, okay, allows it to continue those remodeling activities, can only take place if the amendment is in place that allows for those remodeling activities provided, and this is more you'd get from any other developer, frankly, provided there's no increased trips. Well, if the issue is the number of increased trips in the system, the transportation system, and activities take place on a business owner's property that don't add to trips, it seems to me that's an amendment you should accept that would allow you to meet that or attempt to meet that standard. Now, to the final factual question that you had was, was the Jantzen Beach Shopping Center contemplating remodeling of their facility, and the answer is yes. In fact, I don't remember the dates here, but they came in voluntarily to a preapplication conference to meet

**November 29, 2006**

with the city to show the plans to the city, and its staff, in a meeting that probably included about 20 people and not more than i'll say within a month or two we're now talking about a moratorium.

**Leonard:** Thank you.

**Adams:** Of course, mr. Able, we don't -- I don't agree with all the points you're making, and this issue has been thoroughly researched by our team of lawyers and I understand the process is for lobbyists such as yourself to come in and put on the record certain contentions that can later be pulled up as part of the appellate process. You represent the jantzen beach dynamic company, corporation.

**Able:** Corporation, yes.

**Adams:** And that corporation is a wholly owned corporation for who?

**Able:** I don't know.

**Adams:** Ok.

**Able:** Let me just correct the report. I'm an attorney representing a client here.

**Adams:** You're a lobbyist under our definition of lobbyist.

**Able:** I prefer to be an attorney.

**Adams:** Everyone does.

**Saltzman:** I guess the amendment you're suggesting we consider now was offered on the 4<sup>th</sup>? Or was brought up at the 4th? I wasn't here.

**Able:** That amendment was offered on october 4. There was no discussion on the amendment by the members of the city council who were present.

**Saltzman:** You're saying, commissioner adams, that our attorneys reviewed that amendment and believe --

**Adams:** Our attorney -- there was discussion at that council session about --

**Jimenez:** I can respond to that.

**Adams:** -- this amendment, and I asked them for their opinion of whether or not we should consider the amendments, and there were others put forward, and their opinion on all of them was not to consider the amendments.

**Able:** If I may be heard to that point, as I said on october 4, the policy makers are this commission. Lawyers practice law, the policy is made by the city council.

**Adams:** I actually didn't ask you a question. Did you want to say something, pete?

**Pete Kasting:** Pete Kasting, city attorney's office. I'm sitting in for Kathryn beaumont, who's been working on this but couldn't be here today. Just a couple of things to help keep it sorted out. I think mr. Able is talking about an amendment he proposed to the moratorium. Keep in mind there are -- that the moratorium is not what is in front of council today. It's the corrective plan that's in front of council today. So if you want to go back and amend the moratorium, which I think you can pursue if you conclude you want to pursue that, it's a different exercise than what you're doing here today. Today is to adopt the corrective plan if you choose to do so.

**Adams:** As called for by state law.

**Kasting:** State law requires that the corrective plan be adopted within 60 days of the date, the moratorium's adoption. I understand that means it must be adopted this week. Failure to adopt the corrective plan this week would be a violation of the statute and grounds for invalidation of the moratorium. Just so you understand that. The other thing I would add is that there does not appear to be anything in the statute that prohibits the city council from revisiting and if necessary refining the corrective plan in the future. So if it's brought to your attention that maybe there ought to be some additional items included in it, there's nothing in the statute that prohibits you from bringing it back and doing that.

**Adams:** My understanding is your client is -- has lodged an appeal in the process.

**Kasting:** The moratorium itself is on appeal at luba right now.

**Adams:** Two parties have appealed it?

November 29, 2006

**Kasting:** Yes.

**Adams:** Ok. Thank you.

**Able:** I'd be happy to answer any other questions. Thank you.

**Moore:** He's all who signed up.

**Potter:** This a report, I need a motion to accept. Do I hear a motion?

**Kasting:** You want to make that accept and adopt. The statute uses the word "adopt."

**Potter:** Okay. Motion to accept and adopt the report.

**Adams:** So moved.

**Saltzman:** Second. Please call the vote.

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

**Potter:** Aye. [gavel pounded] read the next item.

**Item 1608.**

**Potter:** Commissioner Adams.

**Adams:** This is a continuation of our work to see how the establishment of streetcar loop over the Broadway bridge through the central eastside and eventually back over the river through some means to the west side.

**Vicky Diede:** Good morning. For the record, I'm Vicky Diede with the office of transportation. And I'm the city's project manager for Portland streetcar. The ordinance before council today will provide for a project management services from Portland streetcar inc. for the east side streetcar project to bridge a gap until the city issues requests for proposals for project management and other services to be carried out and fund by federal transportation funds. In the last reauthorization of the transportation bill, 750,000 dollars was authorized in each of two fiscal years to metro for a continuation of the work on the east side loop. Council previously approved an intergovernmental agreement with metro so the city could lead the effort and it will require a competitive process for the selection of consultants and subconsultants to provide the services. It is taking longer than anticipated for the review and comment of the scopes of work from the various agencies involved with this work. So we have requested that Portland streetcar inc. provide project management services on an interim basis so that we can continue our work with the east side steering committee, the project advisory committee, the board, the citizens advisory committee, and so that we can maintain the momentum of the project until we get to the R.F.P.'s. I'd be happy to answer any questions.

**Potter:** Questions from the commissioners. Is there anybody signed up to testify?

**Moore:** I did not have a sign-up sheet.

**Potter:** This is an emergency vote. Please call the vote.

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

**Potter:** Aye. [gavel pounded] please read tempt 1609.

**Item 1609.**

**Potter:** Commissioner Saltzman.

**Saltzman:** I want -- correct me if I'm wrong here Harry but I'm moving to table this resolution -- I'm referring it back to my office. I believe the resolution is -- I want to thank the fire commissioner and the police commissioner for working things out so that no new firefighters or police officers will be sworn in before January 1, 2007. So I'm referring this back to my office.

**Potter:** The item is referred back to commissioner Saltzman's office. Please read 1601.

**Item 1601.**

**Sten:** My apologies to the council. The correct title should have the Portland housing center instead of housing development center. That's why we pulled it to fix that. We want to give the right group the money. The text of the ordinance is correct, and it was just a mistake on the title. So housing center is doing the homeownership work that's forwarding the minority homeownership gap and some other things, and this is their contract.

**November 29, 2006**

**Potter:** Do you want to amend it now?

**Sten:** I think we filed a substitute.

**Moore:** An amendment.

**Sten:** An amendment. So I guess would I move that amendment to change the title.

**Leonard:** Second.

**Potter:** Call the vote.

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

**Potter:** Aye. [gavel pounded] now do we call the vote on the -- please call the vote.

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

**Potter:** Aye. [gavel pounded] we're recessed until 2:00 p.m.

At 11:26 a.m., Council recessed.

**November 29, 2006**  
**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.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript ] \* \* \* [ roll call ]

**NOVEMBER 29, 2006      2:00 PM**

**Potter:** From this morning please read item 1590.

**Item 1590.**

**Leonard:** As a result of the discussion this morning, commissioner Adams and I met with the b.e.s. staff, the o.m.f. staff, the water staff, and all others interested in this issue and came up with I think a resolution that reflects what will accomplish what I think is important, and also what I understand commissioner Saltzman is concerned about. So I would move the november 29 memo issued from commissioner Adams and myself to each of you that includes five bullet points. And I can either -- would you like me to read it? It's pretty short.

**Potter:** Go ahead and do that.

**Leonard:** One, transfer customer service operations utility customer service division to the water bureau. Direct the water bureau in consultation with b.e.s. to develop an account service charge to fund utility customer service division. Two, establish a utility safety net to provide for emergency utility payments to ratepayers with employment, medical, and other personal emergencies. Pay for the utility safety net from a special appropriation financed by general fund discretionary revenues. Three, retain the business solutions division, that's eight f.t.e.'s in the revenue bureau to be funded through an interagency agreement. Four, maintain an interagency coordinating committee consisting of representatives from the water bureau, bureau of environmental services, revenue bureau and the audited terror's office. The commit should guide policy development and set priorities for customer service, billing, and payment processing and collection services. Five, develop service level agreement and measurable performance standards for customer service, billing, and payment processing and collection services, and I move that.

**Adams:** Second.

**Sten:** Discussion? You've got a small item I will vote no over. Which is I believe the safety net function should be funded out of rates and not the general fund. It's a longer discussion if you want to --

**Leonard:** I thought we did that.

**Sten:** If you want to set over the question and debate the --

**Leonard:** We can amend it right here.

**Sten:** Number two, establish utility safety net, funded by general fund discretionary revenues. The discount is paid for by rates, not general fund and I believe the safety net should be paid for by rates.

**Leonard:** It should be by --

**Sten:** It's -- the general fund should pay the safety net.



November 29, 2006

**Leonard:** So financed by the language that would capture --

**Sten:** I would say paid for by rates.

**Leonard:** So I would -- .

**Potter:** By utility rates.

**Leonard:** I'm going to delete general fund discretionary revenues under item two, third line, and replace that with utility rates.

**Sten:** Perfect.

**Leonard:** Thank you.

**Saltzman:** I'm pleased with this except I do want to have some accountability a year from now in terms of how are things going. What I need is a year from now the director of b.e.s., revenue and water to report back to the council with updates on the very same indicators of success. I thought we saw a successful revenue bureau operating yesterday. The report back on these very same indicators in terms of customer service, call volume, hold times, walk-in customers, grievance history. All the things that were contained in yesterday's report from the revenue bureau. Plus the status of the columbia square lease, which will now be -- will have significant space to sublease. And any other issues that are germane to the relationship of the -- germane to the three bureaus. It's really more than water bureau, it's going to take b.e.s. and revenue bureau to participate in this annual report to us.

**Leonard:** That is what budget hearings are for, to ask those questions.

**Saltzman:** It can be done as part of our infrastructure review next year.

**Leonard:** Those kinds of questions should be asked of every bureau.

**Saltzman:** I just want that recorded to the -- so the institutional memory knows a year from now we're going to look at that.

**Leonard:** That's fine.

**Saltzman:** Otherwise i'm fine with this compromise. It is a compromise. I still have my misgiving about the nature of this transfer and the procedures under which it was done, but i'm prepared to support this as a good faith effort to compromise.

**Potter:** Other discussion? Call the vote.

**Adams:** I'm looking forward to the -- these changes. I believe that the utility -- a utility bureau managing the relationship with utility customers hold as lot of promise, and as i've said, been quoted before as saying that commissioner Leonard has done an exceptional job of turning things around in the bureau of development services to the point that it's hard to remember just how bad the perception of that bureau was at one time compared to the views of it today. So i'm looking forward to partnering with him and for he and his team to be managing the relationships between my bureau and the bureau of environmental services in addition to water, and I think this is going to work very well. Aye.

**Leonard:** I very much appreciate that, commissioner Adams. I want to commit not to just you, but the rest of the council that in is not going to just work well, it's going to be an outstanding complimentary merger, but I really want to take this opportunity to welcome the customer service folks led by cath cook back to the water bureau, and we are very excited to have them back. I know they're excited to be back, and I think that we are going to, from this point on see a really great synergy occur in terms of customer service and the excellent product that we deliver via the water bureau. It's very exciting. I'm sorry some of the angst has occurred for some folks, especially kathy, but with this vote we're officially over that now and we can move ahead. Aye. Thank you.

**Potter:** Shouldn't you wait for the rest of the vote?

**Leonard:** Unlike some I actually count my votes in advance.

**Saltzman:** I'm pleased to support this compromise. It does keep the software people, the people in charge of the billing system and the revenue bureau, and I think that's important decisions about

**November 29, 2006**

software development need to occur. Notwithstanding that I have large misgiving and I will express perhaps my biggest regret is the way in which this all happened. We signed a council protocol in december of 2005 that talked about major policy actions requiring check-in with other members of the council. That didn't happen on this. I found out about this 30 days ago. It was presented as a done deal. My attempts to get information from anybody were met with no response to my emails, and that's not satisfactory. And people were afraid to talk, and that's not how you run an open city government that's accountable to its citizens. When people who are in positions of authority will not speak candidly, that doesn't portend well for this city. I hope we will never make another major policy decision in something like a bump. I feel like a member of congress wrapping up a gigantic spending bill but sticking in our legislative fixes here and there as well. And that's not how this place does business. So having said that, my concerns about the substance of this and the process under which this happened are still there, but I am going to support this compromise. Aye.

**Sten:** Aye.

**Potter:** Aye. [gavel pounded]

**Item 1591.**

**Adams:** I am pleased to vote for this bump, and supplemental budget. I want to recognize the incoming and outgoing executive directors of the Oregon historical society. Say hello. Glad you're here. And this helps them in some important ways to get through a budget crisis that was precipitated by a lack -- a defunding at the state level. They're not eligible for funding through the regional arts and cultural council. They're very important institution to us in terms of keeping the history of the city and commissioner Leonard and others on the council are very supportive of this and I just want to acknowledge your presence here. I want to thank casey and bob and jennifer, and everyone else on the o.m.f. team. Feels like in many ways we went through a big budget process here. I guess it's just the beginning. I also want to thank my own staff who did a lot of work on this, and the other council offices, and my colleagues. Aye.

**Leonard:** I too want to take this chance to acknowledge what might not be as apparent because of the archaicness of this process. To the community. And -- but first I want to say first that I have never since i've been here, and I was just four years ago last saturday I celebrated my anniversary coming here to council in that time, this is absolutely the best staff work I have seen from o.m.f. So casey, I need to absolutely acknowledge your addition and excellent work, stacey, as always, does a great job, and also jennifer, ken rust, the first time i've seen ken in a leadership position since he's taken over from tim. And you did an outstanding job. And along with tom feeley. And the others i'm not mentioning, I -- I actually noticed a complete more collaborative open process from o.m.f., and that needs to be acknowledged. It was very refreshing and nice, and that doesn't happen without leadership at the top. I'm one who criticizes those at the top that run bureaus, but I also think people that run bureau that's do an excellent job should get the credit, and mayor Potter, my hat's off to you for clearly setting the tone for a really refreshing process. And I know it wouldn't have happened without your direction. But I also want to point out to the historical society that sam spearheaded, I had the opportunity to come over and spend a couple hours with the historical society, and they apparently had been warned in advance i'm an easy touch for those kinds of things, because they're so important to our community. To be able as a city to reach out and help something as treasured as the Oregon historical society, which is a repository for -- I could go on for hours about the repository they are for the various kinds of events and important pictures, even, that have occurred in Portland which I got to share with my friends over there when I was there that day. So my pastime that i've spent going through the stacks at the Oregon historical society is truly a fascinating place. But also, I don't want to steal commissioner Sten's thunder, but I -- mayor Potter and I can't help but have a long history here in the city with our respective former employers, the police and fire bureaus representatively -- respectively. David campbell, the fire boat, went into

**November 29, 2006**

service in 1927, in honor of a Portland fire chief who was killed June 26, 1911, right across the river from here in a horrific fire at the Union 76 refinery, and this fire boat is named in honor of him. Commissioner Sten was able to do something that I know has been attempted for decades. And that is actually to get an appropriate boat house built to store this treasure of Portland, and anybody who sees it will recognize it immediately as part of -- it is an icon, it is part of what Portland is. So when we go to the police memorial in the background is fire boat David Campbell doing the water in the -- the red and blue spouting the water from the turrets, and it's truly and I'm really pleased commissioner Sten focused on that. As I am generally with his management of the fire bureau. I'm really -- it's really nice knowing we have somebody as caring as Erik Sten in charge of a bureau I care so much about. The jazz festival. Small item, but still something I have to thank commissioner Adams for turning me on to that. And putting me in a position to be able to help the jazz festival, though in a small way something I care very much about. So it's not often that in these positions you get to talk about things you can add where normally I'm normally a use to sitting up here and cutting and reducing services or reallocating services. This has been a very refreshing notwithstanding some of the tensions that have occurred, but a refreshing process and you've been fun -- even fun at times. So I'm very pleased to vote aye.

**Saltzman:** I want to thank everybody. O.M.F., all the other bureaus, mayor's office for their good work on this. Particularly pleased about the increased support for two additional skate parks, taking care of playground equipment and all of our playground areas, placing them, upgrading drainage, a variety of other things, and also funding for a feasibility study about a one-stop domestic violence resource center in this city. So thank you all, and I'm pleased to vote aye.

**Sten:** I'm going to join in, and I do want to thank Casey and the team at O.M.F., Kathleen from my staff, and her counterparts throughout the city. I was joking with the mayor the other day and said it's harder to spend money than to cut it in terms of the tension that's develop, and I actually think that's true. But for good reason, because there's a lot of things people need to do in this community, and push, and what to me is so exciting about this moment is that by having this unusual circumstance of having money to budget in the middle of the year it allowed the council to focus in on key investment that's have been hard to get into the major budget, but that would have an impact.

With commissioner Saltzman's work with the park bureau, we're going to see a very targeted package ready to help get good activities for youth that are doing sometimes bad activities during those periods. And some ongoing infrastructure investments in which the board parks and other pieces we have not been able to rise up to the top, but are very important. Probably there's nothing as important as this -- at this moment as the training for police officers so they have the tools they need to work with mentally ill people that Mayor Potter has pushed into reality very, very quickly given some of the circumstances that need to be addressed. So there's a whole series of pieces. I had told Mayor Potter when he first started two years ago that with his support we were going to embark on a 10-year plan to try and end chronic homelessness. I probably would not push for a lot of resources for the first year because I wanted to see if our new strategies work. Almost two years later we have 937 people living on the street who are now housed. This investment is going to allow to us keep moving at a time when I thought we might stall up because the system is working so well we had run through just about all the resources. So it's very exciting. There's some new links to schools and partnerships and there may be nothing as fundamental and important as keeping the roads working. Commissioner Adams has brought in a very targeted package of transportation improvement that's will allow all of us to do our job, and I think also sometimes this council gets criticized, and it is a good debate, we'll have other forms about, are we each working our other areas, but we have commissioner Leonard essentially digging in and making the homeless package and the public safety packages work because he doesn't have general fund bureaus, and I think he showed a lot of leadership in trying to figure out what are the city's top priorities. So there was a real team effort to get everything funded. So I think the Portlanders should hold a very high

**November 29, 2006**

standard on this budget package. I think o.m.f. has done the work, and people should expect to see some very forward momentum and some critical areas. Money is the means, not the ends, but I think this set of investment assist something people should expect to see more from and i'm glad to help deliver it, and I want to thank everybody. Aye.

**Potter:** I agree with everything that's been said. I think it's important that folks who live in Portland know that this money has been spent well and wisely. It goes towards helping many different groups and many different priorities of the city, all the way from helping fill potholes, to helping get homeless folks off the street, to making parts of Portland safer, providing additional training for police, the list is very long. But I think all the things add up to a more livable city, a safer city, and a city that will benefit from this particular bump budget. So i'm very, very pleased to support this. I appreciate the leadership of the council members and I appreciate o.m.f., and ingrid from my office. Are you here? Good. Would you just stand up for a minute? This young lady has been bearing a lot of burden. I want you to know it's almost over. At least this is. We have an excellent employees, and I look forward to working with them in the coming years. It is -- in making our city better. I vote aye. [gavel pounded]

**Potter:** Thank you, folks.

**Potter:** 1591

**Adams:** I just have three amendments -- kidding. [laughter]

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

**Potter:** Aye. [gavel pounded]

**Leonard:** I think our local watering holes will be doing well in about, what, 20 minutes? Half an hour?

**Potter:** I want to remind folks prior to offering public testimony to city council a lobbyist must declare which lobbying entity he or she is authorized to represent. With that we'll go to the 2:00 p.m. time certain. Please read the item 1610.

**Item 1610.**

**Saltzman:** Thank you, mr. Mayor, members of the council. This is the first hearing on city code section 20.12. Prohibited conduct in Portland parks. The second reading of this item will -- is scheduled for next week and during this interim time i'm interested to hear from my colleagues and members of the public on any suggested changes to this part of the code. The majority of these changes are not policy related, but merely clarification and cleaning up of this code section. City attorney harry auerbach will take us through these changes. There are, however, two policy changes that I -- new policy changes I have included in this package. The first is a prohibition on smoking in pioneer courthouse square, and within 25 feet of a children's play area in Portland parks.

The second is prohibiting convicted sex offenders from being in or around our public schools. The pioneer courthouse square board of truss ease unanimously voted to make the square a smoke-free place. Something I strongly support. This is Portland's living room, and it's rude to smoke in someone's living room. It is a confined space that often has thousands of participants gathered for festivities and events. The square staff and paid security will enforce this rule but they'll could it in a patient and thoughtful manner. No one wants ton excluding people from this important public space. We just ask that they be courteous to their neighbors and comply with the rule. It is also important to protect the children of our city from documented harmful effects of secondhand smoke.

While enforcement of this rule around our playgroundless largely depend on the parents and guardians at our playgrounds, signs will be installed with this rule and again, we're asking folks to be thoughtful are and courteous around play areas. Finally I want to address some concerns the public may have regarding enforcement of this code section. Portland is a compassionate city with citizens and employee who's want to help those in need in our community. Our parks security and rangers will continue to practice this compassion and work with all of our partners in find assistance for those in need. I expect we'll hear testimony today regarding parks exclusions and as many of us

**November 29, 2006**

know, there are many in this community who do not support parks exclusions. I want to point out that though parks exclusions are covered in this code, they have been covered for some time and are not changing -- we're not changing anything the council has previously adopted on parks exclusions. So it's in the code, but it's not being proposed for any changes today. With that I'd like to call up deputy chief attorney Harry Auerbach, who will walk us through the code changes. Quickly.

\*\*\*\*\*: As quickly as I can.

**Harry Auerbach:** Thank you. I'm Harry Auerbach, chief deputy city attorney. I didn't think when I started this project it would take me as long to get here as it did, but we've -- it's actually started out when then auditor Barbara Clark determined she was going to put the city code on the internet and I took a look at chapter 2012 and figured we better rewrite this thing, because it's a little old and muddy. We've been working on it ever since. We've been working with the police bureau and our various partners to try to get the idea was to not so much to get new initiatives, but to clarify some things that were less than clear to get rid of some regulation that's either obsolete or have been held unconstitutional, to try to make it more coordinated and wherever possible to simplify it. Along the way we did learn there were some additions that people wanted, and I will point those out to you as we go through. The idea was to make it better and more useful, and to help make the parks more available for everybody. So with that, let me just run through the chapter and tell you what it is, and what we're proposing and why. The first section is a purpose section that would be 2012010. The current code doesn't have one this, is new. And it essentially just describes our purpose in setting out the regulations. There is one provision in there that says that the purpose of the chapter is not to punish any person for prior conduct, but rather to provide civil and nonpunitive regulations necessary to prevent nuisances. I'll explain -- the importance of that has to do with the sex offender provision that Commissioner Saltzman referred to later, and I'll -- because the idea is we're not punishing people for being sex offenders, but we are cognizant of the fact that people who commit sex crimes involving children engage in behaviors that leave them in places where children congregate, and we don't want our pools in particular and other play areas to be open areas for -- to put our children at risk. So that's why that regulation is going to be in there. I'll touch on that again when I get to that part of the code. The next section, 2012020, is a prohibition on soliciting or conducting business in the parks without a permit or concession. And that's currently in the code, but the language is changed to make sure that we're not focusing on speech. Because the idea isn't to prohibit speech, but to prohibit business activities using the public's property that the public isn't sharing in the proceeds of. So the idea is if you're going to use the parks -- the parks are there for recreation purposes and they should be used for parks and recreation purposes, any commercial activity that goes on them should be for the benefit of parks and recreation purposes or at least parks should share in it. So that's the prohibition on conducting business. Then there's a new section called 2012030 called misuse of park facilities. When I looked at the various different provisions we have in the code that said you can't do this here or that there, they all -- the common theme they all have is that parks facilities are established and maintained for particular uses and purposes, and that's what they ought to be used for. So I thought it would be useful if the code had in it a provision that just says that no person should use anything in the parks for purposes that are in a manner contrary or inconsistent with its intended designated or safe use. You could call that the basic rule and that's what this section would do. Then the next section is the section 2012040, unlawful acts involving alcohol controlled substances or prescription drugs. Most of that is currently in force. The alcohol provision is unchanged. The controlled substance provision is currently included in a park rule that had been promulgated by one of the previous commissioners in charge. And the prescription drug provision of it, which essentially designed to prevent illegal trafficking and prescription drugs was added at the request of the district attorney's office. Essentially those are regulations that's in one form or another already

**November 29, 2006**

exist. 2012050 the possession of weapons, that is already in existence as a park rule. What I thought would be useful is because we have historically over the last 20 years accumulated a number of park rules, which under the coat have the force of ordinances, but that aren't always accessible to people. So sort of -- to give everybody -- to put all the rules in one place I thought it was time to put them in the code. So all of the generally applicable rules relating to conduct are now going to be in the code for everybody to see. And that rule, that language has been in effect, I added one sentence in it that says what the legislature has required of us, which is that the prohibitions of the section do not apply to concealed handguns lawfully carried by persons in accordance with valid concealed handgun permits, because we can't. Then 2012060 is -- refers back to chapter 2008 is the permit provisions of the code. And for ease of reference of those who are enforcing this provision, I put this section back in here, 2012060 that refers back to the prohibited conduct and events which is the ordinance that this council passed about a year and a half ago. And requiring people to have permits at events for which permits are required. 20.12.070 the unlawful urination or defecation provision. That with the exception of the final extension is already in the code. I was asked to put the final sentence in there, so I have. I think it's self-evident what it means, though some people have a question about that.

**Leonard:** Amongst myself. Myself included, you don't have a sentence that says there will be no sexual relations in parks. I'm not even comfortable -- it seems kind of -- it did jump out.

**Auerbach:** Yeah. Is there something would you like me to do about that?

**Leonard:** Propriety restrains me from --

**\*\*\*\*\*:** It seems --

**Leonard:** It -- in other words, you can have sex in the park but --

**Auerbach:** There's probably a state statute against that, but I'll --

**Leonard:** Is there not a state statute dealing with this?

**Auerbach:** I don't know. Off the top of my head I can't recall. Somebody asked me to put this in, this was not my own idea. So I put it in there.

**Leonard:** Are you permitted to say who that someone is?

**Auerbach:** I do not remember specifically which person asked me, because I've circulated this among numerous people over several months at this point in the latest go-around. And I can't remember which individual specifically raised that issue with me. But evidently someone felt there was a problem that needed addressing in this way if the council prefers we can remove the sentence. It certainly doesn't hurt anything to have it in there, it may be duplicative of some other state statute.

**Leonard:** I'll leave to it my colleagues to pursue the question.

**Auerbach:** 20.12.08 structures in park, that's already there. We don't allow people to build or erect things in the parks without an appropriate permit. 20.12.090, disposing of rubbish. That is largely there, I tried to simplify the language and then I believe it was the folks at pioneer courthouse square, I can be -- I may be wrong, but I believe it was the folks at pioneer courthouse square brought up the issue that they had concerns about people leaving food for the birds. So I was asked to add some language on that. And that's why I added language that says nor shall any person deposit or leave bird seed, bread crumbs or other food particles or food waste in or upon any park. Now, so some concern has been raised that that would make it illegal for people to eat in parks, that's certainly not what we intended. That would make it illegal for people to eat food in the parks. That's not what we have any intention of doing. So to clarify that, I have an amendment which I will propose that would add a sentence to the end of subsection a that would say nothing in this section shall prohibit any person from eating food in any park, nor shall the prohibitions of this section apply to the incidental loss of food particles that cannot reasonably collect and properly disposed of. We want people not to throw food on the ground and to clean up after themselves when they're done.

November 29, 2006

**Adams:** Could I ask a question?

**Auerbach:** You may.

**Adams:** Under 20.12.070, it says no person shall, and then it goes on but before the semi colon or other bodily discharge, would this make it illegal for a mother to nurse a child in the park?

**Auerbach:** No. It would -- no. Because she wouldn't be -- it -- she wouldn't be placing it on the -- no because the baby --

**Saltzman:** Just say no.

**Auerbach:** No. We just don't want people to put their things on our things. [laughter]

**Saltzman:** Ok, let's keep moving.

**Leonard:** That helps. 20.12.100 deals with vandalism.

**Auerbach:** That is -- that combines some provision that's already exist into one. And with some expansion of park property. So we're just trying to protect, make sure we're protecting park Property against damage by those using the parks. 20.12.110 is a section dealing with fireworks, fires, fireworks, and smoking. And this is a new section. We just want to make sure if people are going to have fires in the parks they're in place that's are provided for that. Either where we allow barbecues for picnic areas or something, and that there are not illegal fireworks, but legal fireworks except in certain parks where we have determined that they shouldn't have any fireworks at all. And then at commissioner Saltzman's request we added subsection c, which is the smoking prohibition within 25 feet of any play structure or designated children's play area. 20.12.140 is -- we've tried to combine all the regulations on animals in the parks. And promote -- we tried to promote consistency with the county regulations. There's one difference, which has to do with the off-leash areas. Our off-leash areas are severely noncompliant with city and county rules because the county prohibits dogs off leash all the time. So we wrote this so that they're not -- so you can have your dogs off leash in the off-leash areas or during the off-leash hours, otherwise you have to comply with applicable Multnomah county regulations. 20.12.150, fishing and bathing. Basically the current regulations but i've tried to reduce the number of words. 20.12.160, unlawful use of Riverfrontage. We don't want people diving off of the docks and peers into the waters where they're not supposed to be swimming. We don't control the willamette or columbia rivers, but we don't want people jumping off of our parks into them where they're going to get swept away and killed. 20.12.170, use of certain devices or equipment. These are a collection of other -- of regulations that the code previously had about what kind of things you aren't supposed to use in various places. And the only one that's new are some of the regulations of wheeled vehicles and devices that are designed to diminish conflicts, abuses, and to protect the park property.

**Potter:** Does that include, unmotorized scooters or motorized? Does that include disabled folks?

**Auerbach:** No. We have tried to -- I have a sentence in there that says specifically the prohibitions of this section do not apply to authorized service or emergency vehicles or to medical mobility devices used by persons or authorized by Oregon law or other state to use public disabled parking spaces. So basically we're not trying to get at wheelchairs or mobility devices. That's not the thing.

We just don't want people using their -- we don't want people driving on the tennis courts or doing wheelies on the playing fields, we don't want -- we want The wheeled things where the wheeled things belong and the footed things where the footed things belong. 20.12.180, remote controlled vehicles, aircraft and watercraft. That's an existing park rule that we have folded into the code.

20.12.190 are -- continuation of the provisions on emergency park closures. 20.12.200, we collected -- this is -- with the exception of one they're not new, and the one is the one that commissioner Saltzman mentioned, which is in subsection d, which is no person having been convicted of any sexual offenses defined by state law essentially, if the offense involved a minor, shall enter or remain in any municipal swimming pool nor in any deck area adjacent thereto or any locker room, shower room, changing room or restroom serving a municipal swimming pool or guess ignite add play area or 25 feet of any outdoor pool, fence line or children's play area. That is -

**November 29, 2006**

- we have had situations primarily in the swimming pools where convicted child sex offenders have gone to scout or start to groom potential new victims and the pool staff has been concerned about their ability to intervene with those folks before something bad happens. So to prevent that sort of thing from happening, we have determined that that's just not an appropriate place for those people to be. That's why that recommendation is there. 20.12.210 is hours of park closure. That's basically the existing regulation was the language I tried to simplify it. 20.12.220, prohibits any person from being in a park when that person is required by any term or condition of parole, probation, or other judicial order to be out of the park. That's currently in the code, but I did include the word -- the provision "any judicial order" in the new section. 20.12.230 is the section that deals specifically with pioneer courthouse square. Pioneer courthouse square is of course a city park which is managed -- has been managed for us over the last 20 -- 22 years by pioneer courthouse square of Portland incorporated, a private nonprofit corporation. The council has established regulation by that -- for that park by ordinance, which up to now has not been in the code. I thought it would be useful to put it in the code, so we have put that in the code and most of what you see in 20.12.230 is exactly what we have in the existing uncodified ordinance with the exception of the following. 20.12.230, subsection f is a designation of areas exclusively for transit use which is the areas around the train platforms. That's an existing park rule. And 20.12.230g, no person shall smoke in any part of pioneer courthouse square is a new provision, which the commissioner already explained the purpose of. 20.12.240 is an existing regulation that requires people to obey the reasonable directions of park officers. We have added a definition of what a reasonable direction of a park officer is, so that people will be suitably guided. 20.12.250 says that nothing in this chapter shall prohibit the performance by any park officer of any otherwise authorized actor duty. 20.12.265 is the park exclusion provision. That is -- that's unchanged from the current regulation except to the extent that I had a change -- hi to change numbers to reflect changes in the numbering of the chapter itself. That's an overview. I'd be happy to answer any questions that you might have.

**Leonard:** Unfortunately I have to go back to 20.12.070. I'm curious, if you felt it necessary to write anything at all you didn't write something like, no person shall commit any lewd act in any park.

**Auerbach:** The reason is that it's easier to describe the thing you don't want to do than to define what lewdness is.

**Leonard:** You're actually making my point. The next point I was going to make, i'm not an attorney, but were I an attorney I would think a defense for any act that most people consider to be lewd other than what's described here would be the first thing would I tell the judge, clearly they've decided to point out what they don't want to have happen this, is not one of those --

\*\*\*\*\*: --

**Leonard:** Therefore it's ok.

\*\*\*\*\*: There's --

**Leonard:** Would I change it to A broadish category or get rid of the sentence.

**Potter:** I agree.

**Auerbach:** That is fine. If there is a motion to amend it to eliminate the last sentence, that's what i'm --

**Leonard:** For the record, isn't to suggest that we're saying that's ok, I think you're actually creating a basis for lewd -- other kinds of lewd behavior that aren't enumerated as prohibited by not listing them.

**Auerbach:** We do have, remember, other existing regulations. These regulations are in addition to other generally applicable regulations.

**Leonard:** Why don't you put this in those so they're -- it just looks odd that it's --

**Auerbach:** I'm not arguing with you. I honestly --



**November 29, 2006**

**Potter:** Is it appropriate to say you shall not have sex in the park?

**Auerbach:** My belief is that it is already unlawful to have sex in the park, because both under I think under state statute, and I think title 14 we have prohibitions against those things in public.

**Leonard:** And --

**Potter:** There is already a prohibition, I would move to strike this sentence.

**Leonard:** I was going to go on further, but I would settle for that. Second.

**\*\*\*\*\*:** Ok. Second.

**Sten:** Please don't elaborate.

**\*\*\*\*\*:** Ok.

**Potter:** So then we take a vote?

**Auerbach:** No. As I understand it, you've moved and seconded to delete the last sentence from the proposed 20.12.070.

**Adams:** We can vote.

**Adams:** Aye. **Leonard:** Aye.

**Saltzman:** I'm comfortable keeping it in the frame of conduct. I'll vote no.

**Sten:** Aye.

**Potter:** Aye. [gavel pounded]

**Auerbach:** Could I ask, I did -- did anybody want to make the amendment I suggested on the food one that I handed out there?

**Leonard:** I will move that amendment as reflected in the harry auerbach item 161010 dumb.

**Saltzman:** Second.

**Potter:** Which one is that?

**\*\*\*\*\*:** That's the one that says we're not prohibiting people from eating in the parks.

**Leonard:** This one.

**Potter:** Call the vote.

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

**Potter:** Aye. [gavel pounded]

**Auerbach:** Are there any other questions?

**Potter:** I had several. First the -- I can't remember how you phrased it, the manages use of park facilities. What did you call that again?

**Auerbach:** The basic rule.

**Potter:** It appears to me it's too broad. It can be interpreted to mean just about anything that someone wants it to mean. How do you get around that? Everything else is very specific even to that one we had to have the sentence removed.

**Auerbach:** The best way I can answer that, mayor, is to say this. What we expect in terms of how this gets played out on the ground is that if a person is doing something that they're not supposed to do, they're using something inappropriately, they will be told to stop doing it before anything else happens. And that's -- so that we're not just looking for ways to trip people up and punish them, we're trying to get -- but on the other hand, it's impossible to write regulations that are going to -- to deal with -- you can't outlaw every discreet act of stupidity. So at some point you have to have people say, look, this is not what this is here for, you can't do this here, and then if folks refuse to comply, they will wind up with whatever enforcement follows from that. But so it's -- it was designed to capture the basic idea that we have these places and these things in our places that we use for their intended purposes and that's what we need people to respect that.

**Potter:** It strikes me as being so broad that the thing I think, how do we train people to do? When they spot somebody that is using something in a manner contrary and inconsistent with its intended degrees ignited or safe use? If they're jumping up and down on one of the stairs, was that intended for that? How do you say to a mark or whoever -- whoever is enforcing in, you got to use some

**November 29, 2006**

common sense. This makes it subjective to people's individual sense, rather than the common sense, tends to apply.

**Auerbach:** With respect, the hope and intent was exactly that people would use their common sense. Both particularly in the way that it is enforced, it would give people the tool to say this is just not a reasonable thing to be doing with this thing in this place. And without having to dream upper possible stupid thing a person can do in a park and make it regulation that specific to that. If the council is uncomfortable with that, it's possible you can get to the same place with reasonable direction of a park officer. But the notion of generally protecting the things in the parks seemed to be all good idea.

**Potter:** Is there some section that we missed in terms of protecting the park? What other human conduct is there that's not covered by one of these areas?

**Auerbach:** I'm sure somebody will think of one.

**Potter:** But -- i'm concerned it will be used on a very subjective basis and at some -- somebody's whim if they don't like something.

**Auerbach:** May I make a suggestion? Maybe we should keep that in mind as you hear the testimony and the parks -- the folks in parks and police can weigh in on whether they think -- how they -- whether they think that's right or not and whether they think it's necessary or not, and at the end you all can make a collective judgment whether to leave that section in or take it out.

**Potter:** On 20.12.100, vandalism, it mentions that the possession of a flower that you can -- that's a prohibited act. It says no person shall remove, destroy, break, injure, mutilate, deface or possess any park -- any tree, shrub, plant, fern, or flower. Someone wanting to meet their suiteie at pioneer courthouse square to propose to them is out of the question.

**Auerbach:** Those are existing in the code. I think I can consolidate them from other places but I didn't actually change those words.

**Saltzman:** I think it's meant they're not supposed to pick our flowers.

**Potter:** Unfortunately it doesn't say that. I can see not wanting to pick the fualaa there's are growing there, but there's a not what it says.

**Auerbach:** 20.12.100a.

**Leonard:** It does say no western shall remove -- or possess -- or possess, you're right. I missed that. Or flower or other vegetation.

**Auerbach:** We need to clarify that.

**Potter:** Use of certain devices or equipment, 20.12.120, do you not include baby buggies in terms of things that are allowed there, but in other -- in specific to pioneer courthouse square you do allow it.

**\*\*\*\*\*:** Ok. And where --

**Potter:** 20.12.170, item d. Talks about does not -- does not apply to service emergency vehicles, medical mobility, use for persons, and you actually have it listed though in specific to pioneer courthouse square. I think you should be consistent and baby buggies should be allowed --

**Auerbach:** I agree. That's a good -- ok. There's no reason not to do that.

**Potter:** The next item, remote control aircraft, west moreland casting park, does the director allow those folks who bring their electric motor sailboats there that are run by radio control to be in that park?

**Auerbach:** I don't have personal knowledge of that.

**Potter:** They could have arrested a lot of people the other day.

**Auerbach:** I'm sure. This is an existing park rule. So --

**Potter:** I'll ask. The other issue which I think is more serious is 12.30, pioneer courthouse square, specific to g. No person shall smoke in any party of pioneer courthouse square. It's the only sidewalks in the city of Portland we don't permit smoking. How come?

**\*\*\*\*\*:** Because the sidewalks of pioneer courthouse square --

**November 29, 2006**

**Potter:** I understand, that but they're sidewalks. The public down on sixth, he walks across sixth or she walks with a cigarette and all of a sudden gets into the pioneer courthouse square park, now they've violated our ordinances.

**Saltzman:** I think the definition of pioneer courthouse square extends from curb-to-curb.

**Auerbach:** It does. So -- that's a policy choice for to you make. The recommendation that has been made to you by the commissioner and by the folks at pioneer courthouse square is to ban smoke throughout the square, which would require people to smoke either on the sidewalk to the north, to the south, to the east, or to the west of the square. If the council wants to accept the sidewalk areas of the square from that provision, you can do that. We can change that code. But what's been recommended to you is one policy choice of several that you have.

**Potter:** I just think it's inconsistent. I would prefer to have it removed so if a person -- I don't smoke, I don't like smoking, but on the other hand if they can smoke 60 feet away on the other corner and when they get to that corner they've violated it, I think that's not fair.

**Adams:** One other consistency point, there's always multiplicity of consistency, pioneer courthouse square is the only transit stop in the system that you're allowed to smoke. Smoking is ban order all the transit stops. So just to make a further complication -- tri-met bans smoking --

**Auerbach:** Tri-met has banned smoking from all of its -- that's sort of how it got its temporal genesis. Tri-met went to ban smoking from its shelters and train platforms. The two train platforms in pioneer courthouse square are for some reason not regulated by tri-met, so a couple of years ago the commissioner in charge by park rule designated those areas for transit use and then prohibited smoking in them once tri-met prohibited smoking in its other transit stations for consistency. So I believe we have a park rule that currently prohibits smoking in the transit platforms in pioneer courthouse square.

**Adams:** So it's consistent with other platforms throughout the system.

**Auerbach:** That's correct.

**Adams:** It would be the only portion of a park that bans it.

**Auerbach:** And that's because pioneer courthouse square is three things at one time. It is a sidewalk, and it is a transit facility. So it -- we try to balance around those uses --

**Leonard:** So just to make a point on that. If we were thinking about consistency, i'd actually be more interested in talking about not allowing smoking on any sidewalk. Than I would about allowing it on a sidewalk to make it consistent.

**Potter:** Can we go back to the police budget and talk about that, then?

**Adams:** Actually, I think preemption --

**Leonard:** I've actually done some research on this particular -- we're preempted from restaurants and bars, but not sidewalks.

**Adams:** I stand corrected. willamette park is on the willamette river and i've seen people fishing off willamette park, and the esplanade is or is not a park and people are definitely fishing off the explanade. So on 20.12.140, a fisher -- infrequent fisher person myself, especially since I got this job, it says we can't harm or disturb or molest any wild or domestic animal in the park. Does that include fish?

**Auerbach:** No. The rivers are not part of the parks because the rivers are in the jurisdiction of the army corps of engineers, and/or the port of Portland, and/or the state of Oregon. But the -- we control the land along the rivers.

**Adams:** The second is -- as a growing use and as a local seller of motor -- power assisted bicycles, and so those are electric powered bicycles that you can pedal as well? Would those be allowed under this?

**Auerbach:** Be allowed where?

**Adams:** In the parks. i'm just asking questions others have asked of me, so I don't know all the words to point to a section.

**November 29, 2006**

**Auerbach:** What I can say is this. Bicycles are both transportation vehicles and recreation vehicles. So there are some places where they -- so they are allowed wherever transportation vehicles are allowed in parks. And they are allowed where bicycles are allowed as recreation uses in parks. But there's some places where bicycles and wheeled and other motorized vehicles are not allowed on the sport surfaces or the other places where they're not supposed to be.

**Adams:** They're allowed?

**Auerbach:** They're allowed -- bike paths?

**Adams:** They're allowed on bike paths?

**Auerbach:** Bike paths? I don't know.

**Potter:** Bicycles are allowed at esplanade.

**Adams:** Right and we have dozens of miles of bike paths that --

**Auerbach:** Let me say -- the technology of vehicles continues to evolve, and i'm not sure to the extent to which our regulations have completely captured the distinctions that exist on the ground.

**Adams:** I'm happy to provide some technical assistance on the products on the markets in terms of amps that would help clarify --

**Auerbach:** I think it might be a good idea to have that conversation with the folks who manage the trailers and have to worry about what would be appropriate uses for those.

**Adams:** The other question I had was, I should know this, maybe it's covered under some of the way -- is nudity allowed under this or not. What is nudity --

**Auerbach:** We actually have, I think, hope david is here, maybe he can correct me, I believe we have under title 14 a prohibition against public nudity. And I can't remember whether it has lascivious intent requirement or anything like that.

**Potter:** I think it does.

**Auerbach:** There is -- there are speech -- there are free speech implications in banning nudity without an immoral intent.

**Potter:** Other questions?

**Saltzman:** Our next panel is chief sizer, security director mark morgueton and deputy district attorney lori abraham. Our only panel, I should say, before public t.

**Chief Rosie Sizer:** Chief rosie sizer from the Portland police bureau. I'm just going to say a few words in support of the ordinance. We support the updating of the city park code, it's taken some time to achieve and it was -- there are pieces of information that were kind of spattered about and it's I think a very good thing to collect them and codify them in a more reasonable way. With the notable exception of the smoking ban, this doesn't break new ground, but I think it more clearly codifies the community expectation of proper behavior in what judge hagerty called quintessential public spaces b a year and a half ago I spoke before you a couple times about the park exclusion ordinance. And you may very clear your expectation of park officers to include police officers that we make a distinction between what is a smaller more minor offense and what is something a larger offense. And clearly we have been -- since that time giving warnings for minor offenses, verbally or written and then written and put into our data system, and only exclusion for minor offenses if they're repetitive. And then we've been as we always have, been making arrests or exclusions for more major offenses. We have made available through commissioner Sten's -- Sten's office to our partners in these discussions a lot of information about what we're excluding people for, what we're warning people for. We will make that information available again and we'll continue to do so upon request. So just in follow-up to a couple of questions that were asked of deputy city attorney auerbach, I think the first one when it covered structures, I think it's adequately covered by 20.12.240. I think the failure to obey the lawful direction of a park ordinance gets at the things that I think we all care about that is activities that might damage property, or result in bad outcomes for people's health and welfare. And when I think of some of the bad behaviors i've soon in parks, I think that covers that ground. And then on a practical on the ground kind of aspect, in pioneer

**November 29, 2006**

square it's very difficult to distinguish between what would be traditionally called a sidewalk and what's part of the park, so from a practical standpoint I think the curb-to-curb within the park of pioneer courthouse square works from clarity purpose in terms of there's not a clear distinction. So it would be helpful for I think any park officers to include police officers to make the whole of pioneer courthouse square covered by the code.

**Laurie Abraham:** I'm Laurie Abraham from the Multnomah County D.A.'s office. I'm here on behalf of Mike Shrunk the district attorney to tell you we do support the city ordinances pertaining to the park. We enforce the prosecution of those ordinances just as we do other city ordinance and we will continue to do that. It is important in my role as a community prosecutor, and I work with many of you know I work with central precinct and I work with other government agencies that deal with issues in the central precinct area, so obviously I work with the parks department. I do a lot of training for the park officers and the security providers that have been hired to work in the parks so our concern is that those people have the tools they need to deal with illegal behavior in the parks. And the wonderful system you have here has been very effective over the years, and that is the warning system as Chief Sizer says have you a verbal warning, any police officer will tell if you he doesn't have to write something down, he's happy. So police officers, park officers, security officers, they warn people verbally all the time in the parks regarding the park ordinances and what is inappropriate and illegal, they -- if they have to they give them a written warning. If they then have to, they give them a park exclusion. So it's a wonderful tiered system that has been very effective so not everything that happens in the park has to be an arrest and a citation and a prosecution in court. But nevertheless, when we do get to that point where it has to be a prosecution, the things you're looking at under title 20 go through our community court, our goal is with all of those things is that we get people to take their behavior that has been illegal and change it. To get out of the cycle of criminal activity, and change that behavior. That's our goal in community court. So these kinds of offenses are treated in community court except for some of the more major ones. So that will be our focus as well. As deputy city attorney Auerbach said, really there's not much changes here, it's just a clarification of the park rules that have been around for a long time. But I will make a comment on the infamous ejaculation sentence.

**Leonard:** For the record you're the only one that's used the word.

**Abraham:** Unfortunately there are lots of words I have to use in court I found hard to say but learned over time. There are -- there have been county libraries, public place that's have come and talked with me over the years about why can people manipulate their genitalia through their clothing. There is no state law that deals with that. Sexual intercourse, deviate sexual intercourse are activities that exposing the genitalia. And you have to see the genitalia, you have to see the intercourse happening, the deviancy sexual intercourse actually having -- happening to make an arrest. So this manipulation through the clothing is this loophole. So some of the buildings, particularly county libraries, are trying to at least be able to exclude people off the property who engage in that. Because it is found -- they find it to be offensive to their other customers and clients.

**Leonard:** Wouldn't you need a search warrant to determine if that particular one was violated?

**Abraham:** I think that's where that's coming from. I don't know, I wasn't involved in that sentence. That's all I can imagine. I know at pioneer square I have heard people like to do that type of activity as well. So maybe that's where the -- where that thought is coming from.

**Saltzman:** You're saying it should be something specifically prohibited?

**Abraham:** I'm not saying it should or shouldn't, but right now there isn't anything that addresses that. There is no state laws, there are no city ordinance that's address this manipulation through the clothing. On the --

**Leonard:** This doesn't prohibit that.

**November 29, 2006**

**Abraham:** I guess he was trying to get at it like that. That's what I was assuming. I don't know how you would write, that but I do know that is the issue that's being talked about out there.

**Potter:** I thought we had a section dealing with all kinds of things about spitting and bodily fluids. Why would that be necessary to articulate that? It teams like it's covered under that section.

**Abraham:** As long as it lands on something. On your property. I think that section is primarily there to, don't defecate in the sink, don't spit into the fountain, that kind of activity is where that ordinance is from. So you would have to actually have it hit something. The misuse of the park facilities I would take exception, I think it is important to have actually a law that says that you cannot use various park properties or fixtures in a manner that they're not intended tomorrow people like to take picnic tables and turn them over, they like to climb trees that aren't intended to climb. They like to take sinks and turn them over. Toilets get turned over. People take the doors off of things. They take pots and decide that they're going to now sit in the flower pots and lots of times you don't have any damage to property from that, and you don't really have an intent to damage anything, you just have these people who take your pieces of property and one of them I like that's interesting is you skateboard down the railings. You don't damage the railings, you skateboard on the fountains that don't have water in them. There's nothing that prohibits that, so this section I believe was there to kind of be a section to actually deal with people who decide they're going to now skateboard on the fountain. I'm happy to answer any other questions you may have in this area.

**Adams:** So -- animals are prohibited, we have a pond in the pearl district that was expressly designed for animals to go into. Dogs so go into. And section 20.12.140f, i'm trying to look for the director's ability to provide an exception, and the way I read it it doesn't allow for an exception to a fountain pond or stream. I know it as the railroad ties park. Tanner springs.

**Saltzman:** Is that designed for animals? No, it's not designed for animals to be in.

**Adams:** Well. [laughter]

**Leonard:** Do you have anything you'd like to share with us?

**Adams:** Pearl and every dog in the pearl thinks it was designed for them. Ok. I don't have a dog, for the record. I don't have a dog.

**Leonard:** He has chicken, though. Ms. District attorney, do you have any insight into the --

**Adams:** Do you have any insight -- I live beside kenton park and there's a lot of complaints, including my own, about the tiny motorized bikes. They appear to be some court of combustible engine, though I couldn't swear to that.

**Leonard:** They are.

**Adams:** Those are not allowed or are allowed on park premises?

**Abraham:** Bicycles in general are allowed in the parks. Except in the no bike zone.

**Adams:** This is different than my earlier question.

**Abraham:** I don't know. In kenton park i'm not familiar with it.

**Adams:** I just mean in any park. That's a specific example.

**Abraham;** In any park you can use your bicycles in any place.

**Adams:** My question is not about that. My question is about those little -- you know what i'm talking about.

**Mark Warrenton:** Mark warrenton, the public safety manager for parks and recreation. The different variations on motorized scooters or pocket bikes is a common name for them, they're not allowed in the parks. They're motorized vehicle. We talk to people now and ask them not to ride them through the parks.

**Adams:** I didn't see that in here.

**Warrenton:** In the proposed.

**Adams:** The other thing is to keep up with technology, i'm comfortable with giving the parks director administrative as question have in various aspects of this, so we don't have to come back --

**November 29, 2006**

it is changing, I am comfortable with having the parks director having administrative authority to parking with the police bureau, whomever, to make the necessary upgrades on vehicle -- I strongly would support the power assist bicycles. I'm strongly against the pocket -- little pocket very fast and noise aye pocket bikes. And instead of coming back to council every time, could we give him or her the administrative authority to regulate that?

**Warrenton:** I think we're already covered. There's a little section in the title 16, chapter 16 that gives the parks director and commissioner road authority. To designate the use of trails and park roads and the walkways. For bicycles or horses or whatever they want to designate it for.

**Adams:** The local neighborhood police officer, i'm just using my own personal experience as illustration, not for specific answer about kenton park, some of the local neighborhood police officers do not think they have the ability to regulate the pocket bikes. They do, you're telling me. In a different section of the code.

**Leonard:** In parks.

**Adams:** In parks.

**Leonard:** But they may be talking to you about on the street.

**Abraham:** I have a question. Are they motorized or not?

**Adams:** They are.

**Abraham:** So don't they fall under the -- that subsection d of 20.12.170?

**Adams:** I'm just clarifying.

**\*\*\*\*\*:** They're a motorize the wheel device.

**Sizer:** We can get that information to the officers.

**Adams:** I'm just using this opportunity to clarify for myself so i, go back to people who ask me, motorized vehicles are prohibited.

**Abraham:** Right. Except on the park roads or designated vehicle parking areas.

**Leonard:** There is an issue with the packet -- pocket vehicles on the street, whether or not they're prohibited by statute. That's a different issue.

**Sizer:** There are problems on the street as well.

**Adams:** They're illegal on the street?

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

**Leonard:** They are illegal on the street.

**Sizer:** Unless have you a driver's license.

**Leonard:** I thought at one time they escaped some definition --

**\*\*\*\*\*:** No, I don't think so.

**Adams:** And power-assist bicycles, which have electric motors, they are legal?

**Abraham:** If you call those motorized and it seems to me would you if they have an electric motor --

**Adams:** Something's got to move them.

**Abraham:** They can't be anywhere but on the park roads.

**Adams:** I'd like to fix that piece. Thanks for helping me clarify this. I'm opening to suggestions on how to fix the power-assist bike issue.

**Warrenton:** Good afternoon. I'll make my brief comments now. The revision of chapter 20.12 represent as lot of work by a lot of people. I'd like to especially thank harry auerbach who did virtually all of the heavy lifting on this project, as well as chief sizer and deputy district attorney abraham whose work goes well beyond their presence here today. Most of the changes in the revision were routine housekeeping items, we were able to address specific issues and make improvements that we've learned over time were needed. Simplifying and streamlining this chapter is hugely important because it clarifies the rules not just for those who enforce them, but for everyone in the community to clearly understand where we draw the line between acceptable and

**November 29, 2006**

unacceptable conduct in the parks. It's an essential tool for teaching the parks throughout the city safe and welcoming are and accessible for everyone. Thank you.

**Potter:** Thank you very much. Is there a sign-up sheet?

**Moore:** We have nine people signed up.

**Potter:** Please state your name for the record. You each have three minutes.

**Ziu Steinfeld:** Hello, I'm ziu steinfeld. I'd like to thank you for listening and inviting us. We're working on banning cigarette smoking within the 25-foot radius of playgrounds. I'm strongly for that for the reason of I just think if kids are playing at a playground it would be really a bad influence if they see at a young age. They'll just absorb that and that could easily start them smoking at 13, 14. Really bad and of course the general health factor second hand smoke kills. You don't want to be at a park and just inhaling tar and nicotine. That's all I have to say. Thank you.

**Potter:** Thank you.

**Michelle Orloff:** I'm michelle orloff. Lincoln high school. We would love to thank you for on the next step for trying to make parks a more cleaner and healthier place and setting a healthy example rather than promoting smoking to kids. I know that when I use to play soccer, and I'd be at fields and I'd see a whole bunch of people smoking and what we would like to propose is to also make that in fact to fields because when your running down the field and stuff like that you breath in and out deeper and at a more rapid speed. Which means that your lungs you know have more smoke in them from second hand smoke. And we realize that that could be you know it's a bigger step but taking smaller steps to get to the bigger step is awesome.

**Mel Rader:** My name is mel raider I'm a staff member for upstream public health. I would like to thank you, mayor Potter, commissioner Saltzman, for your leadership and foresight in prohibiting smoking in pioneer square and in playgrounds. This is a very important step for making Portland more liveable, healthier, but I encourage you to consider prohibiting smoking other public spaces because, for the benefit of the public good. The scientist evidence is pretty clear that secondhand smoking is a serious health hazard. And people who are exposed to secondhand smoke have higher risk of cancers, including lung cancer, breast cancer, and heart disease. Children are especially susceptible. And you see increased rates of acute respiratory illness as well as sudden infant death syndrome which is a tragic illness which kills kids, babies, while they are still in the crib. See I would like to point out, as a member and advocate in the public health community, that this smoking prohibitions are some of the best policy in terms of increasing the public health, public good, at virtually no cost. And so I encourage you to look at ways to prohibit smoking in any areas where there's a large congregation of people, where there's a large -- where children and infants tend to spend time. And I think you will find that there's pretty strong support among the public to look at some of these issues. I see this as a good start, a good step, and I think you will find a lot of support. Thank you for your time.

**Potter:** Thank you very much, folks.

**Moore:** Next three are becky wright, diane lauder and kylee minor.

**Potter:** Thanks for being here, folks. Please state your name when you speak and you each have three minutes.

**Becky Wright:** Hi. Mayor Potter, commissioner Saltzman, commissioner Sten, my name is becky wright and I am the coordinator for the urban american indian tobacco prevention network at the native american rehabilitation and a mom of an amazing two-year-old and I am near two capacities. Primarily I am just really, really excited about this as a mom having a child, going out into the public spaces in Portland. Recently, in september, I was at a mini powwow in pioneer courthouse square. Ironically bringing information about tobacco addiction and the health effects of it. And I couldn't sit anywhere in the square with my daughter where I wasn't breathing smoke. So it was pretty disconcerting trying to be there at this community event and not having any clean space,



**November 29, 2006**

clean air space. I know there's no safe level of secondhand smoke exposure because I am a tobacco control advocate and I am always concerned about where I am taking my daughter to so this is just super exciting for me as a mom and as a tobacco control advocate. I do, as part of the network, coordinator for the American Native American Indian Network I want to make sure when we are using language we aren't specifically saying tobacco because there are traditional uses of tobacco making sure it's smoking or tobacco abuse rather than tobacco use because there are some very traditional safe, healthy ways that Native American tribal members use tobacco. Again, yeah, I just want to thank you for making this great step and making our children healthier. Thank you.

**Diane Laughter:** My name is Diane Lauder. Mayor Potter and commissioners, and I am the tobacco program manager for the American Lung Association of Oregon. Our mission is to prevent lung disease and to promote lung health and we've been working for years to try to create more and more tobacco-free environments. We really want to applaud you for this step that you are taking in making Pioneer Courthouse Square smoke free and also in creating portions of the parks that would be smoke-free. I agree with everything that has been said so far and I just want to add my voice because I am also a mother of kids who have grown up playing soccer, at parks all over Portland. I urge you to -- I know you are trying to do this incrementally but to at least, in this first time, to include the playing fields in this ordinance. It really would send the message that Portland parks are a healthy place to play. One of the things that I wanted to, a distinction I wanted to make, you are calling this an exclusionary policy. We're really not talking about excluding smokers. We are talking about excluding smoking behavior and that's important that everyone can still come to the park. Another thing the American Lung Association of Oregon is under contract with the department of human services to work with school districts throughout Oregon, to help them as they upgrade their tobacco policies to comply with and to surpass the new Oregon state rule and I am going to leave with you a copy of that so you will have those Oregon administrative rules. I am also going to leave with you a copy of what we call the gold standard policy. And in working with tobacco prevention professionals statewide it's come to our attention when athletic teams, school athletic teams are coming to Portland to play on non-school grounds such as Delta Park, that they are not afforded the same protection they would have on school property. So I have got a letter that I am going to read to you. It's pretty brief. From, it's from the Wasco Sherman Health Department in the Dalles. And I know she's got kids that are baby players so she spends a lot of time at Delta Park. She says "Dear Mayor Potter and Portland City Commissioners as a parent and tobacco prevention coordinator I was surprised to learn smoking is allowed at Delta Park at events hosted by Portland high schools. Effective January 1, 2006, the Oregon State Board of Education passed an administrative rule that requires school districts to have a tobacco policy that prohibits tobacco use in any form on district premises, at school sponsored activities at all times and by everyone. For sporting events held on school property the school's no tobacco policy protects students, athletics from secondhand smoke. When athletes travel to Delta Park the same protection does not occur. More than one-third of Oregon school districts have a prohibition against tobacco use by anyone at school sponsored events off campus and more are being adopted every day. These policies are not only protection from the dangers of secondhand smoke but also a proven prevention method. The hosting school truly is compromising a state mandated policy by allowing their own students to participate at Delta Park where smoking is allowed." so just it was another person so while you consider do you want adopting a no smoking policy please remember youth who play at public venues deserve protection as well I want to thank you for working to protect our kids.

**Kylie Meiner:** I'm Kylie Minor and I am the tobacco prevention coordinator for Multnomah County Health Department. And I, too, want to say thank you for taking these great steps toward making Portland more tobacco-free. I am also the mother of a little one-year-old girl and so I have been going to playgrounds more recently than I have in the past. And I didn't realize there actually were people who smoked in the grassy play grounds but it's happened several times and it is a problem and

**November 29, 2006**

I am glad to see that it's being addressed. So thank you. Today is a great day for public health because the Portland city council has an opportunity to say that secondhand smoke is unacceptable in places where children play and people gather. As you have already heard today, secondhand smoke is the first rate killer. An estimated 800 Oregonians die every year from diseases caused by secondhand smoke. There are over 4,000 chemicals including 50 that cause cancer and it's unsafe at any level causing acute health problems such as asthma attacks. Prohibiting secondhand smoke in play grounds will protect kids' health immediately but also over the long term because fewer people will grow up seeing that tobacco use is just a normal part of every day life. When the play grounds in pioneer courthouse square go smoke free, parents who smoke will hopefully get the message that they should never smoke around their children even outdoors. Smoke free policies have been proven to motivate people to quit and to prevent kids from starting. Because these policies are so important for creating healthy communities I encourage you to conduct a survey of parks users to assess the degree of support for expanding the smoke-free areas even further. Most Oregonians, 86%, say people should be protected from secondhand smoke. And I think you will find enormous public support for making even more areas of Portland parks smoke free. Especially sports fields like have been mentioned, ball courts, outdoor entertainment venues such as concert areas and theaters, picnic grounds and even dog parks. That's been a problem for us in the past, too. Making these additional smoke-free areas will help you promote public health but will also reduce litter. Cigarette butts are the number one cause of people putting their things on your things. And are major fire hazards and will help meet your stated mission of helping parks. As a last note I encourage you to provide the toll free quit line in all of your communication and compliance activities. It's 1-800-quit-now so when you are reminding people not to smoke in these areas you can give them assistance to deal with their addiction and thank you very much. And congratulations and also I want to offer technical assistance for Multnomah county health department on any tobacco-related ordinances. We have lots of ideas.

**Leonard:** Great.

**Potter:** Thank you.

**Moore:** The next three are ed johnson, monica and andrea meyer.

**Potter:** Thanks for being here, folks. Please state your name when you speak and you each have three minutes.

**Ed Johnson:** Good afternoon. I'm ed johnson. I'm a housing and homeless rights attorney and I have been working on these park exclusion issues and this ordinance in particular with harry auerbach for the last seven or eight years and we have a little different perspective than the police and the d.a.'s office because we see the people who get kicked out of the parks coming into our office every day. Over the years I have had a chance to meet with dozens and dozens of Portlanders who have been kicked out of parks for what I think all of us would agree are very minor violations and they are all kicked out for at least a month at a time. We represented as some of you may remember a couple of women who are gathering signatures in pioneer courthouse square and as a result of that case chief judge haggerty across the street in federal court found the city ordinance to be unconstitutional in several ways. And I testified shortly after that decision came down in front of at least three of you regarding the new, what was then the new ordinance. And what I said was that it's still unconstitutional but it's better. And I remember specifically commissioner Leonard, commissioner Saltzman, commissioner Sten asking the police and the city attorney to provide data about how the ordinance was being used. And to my knowledge you have not gotten that data. I know that we haven't gotten that data and I would encourage you to ask for it and we should also be asking for it. The concern that we shared around that case and around this ordinance was that people were being kicked out of the park, not for threatening anyone or even bothering people or detracting from their enjoyment of the park but simply because one of the excluders didn't like the way they looked and wanted to get them out of the public eye. And certainly anecdotally that's

**November 29, 2006**

what we have seen from our clients who experience the ordinance from a different perspective. So I agree with what Harry Auerbach was saying, that it's not the change, and also Commissioner Saltzman, it's not newest changes that are problematic. The problem is that we have tweaked the ordinance and retweaked it and we are about ready to tweak it again so that what we are going to be left with is an ordinance that in many regards is actually worse than the one that Judge Haggerty found unconstitutional. It allows for longer exclusions. The warning system is a great improvement but the exceptions to do warning system are so many that they nearly gobble up the value of the warning system. So it seems to us that this is a good time for the city to back up, and look at this as a whole. I mean, obviously we don't support sex offenders in swimming pools. I don't think smoking in Pioneer Courthouse Square is the greatest civil rights battle of our time either. But the whole ordinance should be looked at because it's still way, way overbroad in our opinion.

**Potter:** Thank you.

**Monica Goracke:** Good afternoon. I'm Monica Goracke and I am with the Oregon Law Center, a staff attorney focusing on homelessness specifically. I wanted to kind of echo what Ed said, that I do talk to quite a few people who are impacted by park exclusions. I think they don't understand the way the system works. And often I have talked with people that have facts that actually would warrant an appeal. Unfortunately, they don't understand the limited time that they have to appeal. And so they miss the time frame. So that's been a problem. I also want to acknowledge, I think that it's appropriate, maybe even necessary sometimes to prohibit, I mean, often to prohibit people from engaging in the kind of behavior that you don't want to have happen in parks, especially where somebody is threatening other people or property or where they are actually harming people or property. And actually in some cases maybe a 30-day exclusion really is appropriate. But I know that in the federal court case, Judge Haggerty said that the one size fits all approach really isn't appropriate. And what happened after that was, the change was made to 30 days for the first exclusion, 90 for the second and 180 for the third. And that just doesn't seem to me what he had in mind. And maybe it doesn't sound like a huge deal to exclude somebody for 30 days if it's prohibited by law, it's a felony. But even for something that's not a violent offense or is recommended actively minor, it really does impact people. They, you know, even when they are doing something that we don't like, like putting, pushing their shopping cart through Pioneer Square, or even drinking a beer in the park which we would like to make sure people don't do, when people are experiencing homelessness, they are isolated. They're vulnerable, more marginalized already and when we kick them out of a park for an entire month that's one of the few free places they can be and socialize and try to be part of the community. And it isolates them even further. That's the effect it has. It makes them feel like criminals. And if they are experiencing mental illness or even substance addiction, I don't think the 30-day exclusion actually is going to change their behavior. I think it's just going to tie them up in court and I have seen this happen with people. They, you know, it just doesn't, it's not effective way to help them change their behavior. And that's where I think maybe a comprehensive approach like what we have been working on with the Safe Work Group might be appropriate to kind of look at the whole picture, figure out more effective ways. For example, maybe a 24-hour exclusion for the less severe, more minor offenses, would help. And also trying to connect people with resources and services, the way we're going to suggest that we try to do in Safe would be an approach we could take look at. We are ready to participate and help in whatever way we can. Thank you.

**Potter:** Thank you.

**Andrea Meyer:** Mayor Potter, Commissioner, Andrea Meyer, legislative director for the ACLU. Time doesn't allow me to go into much detail so I will hit the highlights of the things we are most concerned about. This exclusion policy does not contain any of the safe guards that were placed in the drug and prostitution free exclusion zones. Many of the actions contained herein are criminal yet it does not require an arrest. The exclusion order process, the notice and opportunity to appeal

**November 29, 2006**

are very limited. The stay during the appeal still allows someone to be excluded for up to triple length of times. The activity that is not criminal but prohibited in this ordinance is so broad it sets up for an abuse of discretion allowing certain groups to be targeted for enforcement. I have already identified some of those. My first one will be misuse of park facilities that the mayor identified. Some of the things I saw that could be impermissible would be a kid using a stick from a tree for a sword fight, an adult showing a child how to use a tricycle, sitting on it in contradiction to the weight allowed or a kid uses a blade of grass for a whistle. You have also, I had spoken to people before about the disposing of rubbish including the food particles so you have addressed that somewhat in the amendment. Another example is the vandalism protection of property, park property and vegetation 20.12.100. No person shall destroy, break or any tree shrub, fern, plant.

You have already talked about that but to me that means walking on the grass and breaking and damaging grass or if a limb is sticking out and you break it off as a matter of safety for your bicycle, it has unintended consequences. I want to touch briefly on the trespass by those convicted of sexual offenses by minors. I urge to you proceed with caution. This is a complicated issue and in the legislature, when they have had discussions around this which they have had more and more they have come to realize one size fits all solutions do not work. You have a wide range. You have those designated predator sex offenders which are mostly of what you are speaking about but you also have young adults caught up in relationships with minors more than three years age difference.

I urge you to get advice from the community correction folks who work with the population and understand the variety. Pat Shriner was the person in Marion County. I heard just today it may be true he may be up in Portland but I urge you to talk to do folks who work with that population and know it to make sure that it's narrowly tailored to get at what you want but doesn't go too far. Parts of this ordinance clearly target homeless population. No shopping cart within Pioneer Courthouse Square is explicitly set forth as you have talked about, Pioneer Courthouse Square includes a sidewalk. The targets homelessness not just inside the square but even using those sidewalks with their shopping carts. Punishing for unlawful urination and defecation and lying on benches in the Pioneer Courthouse Square these all disproportionately target homeless folks. I urge to you use the safe's model to approach it as the mayor did. You will be hearing in a week or two and unfortunately you cannot be there, the fact all the stakeholders came together with creative progressive looking solutions, have come to a number of ways to look at these issues and to address the concerns that we all have with creative and progressive thinking. That is begging for in this ordinance and we urge you to step back as others have and provide that opportunity for that thorough review. Thank you.

**Potter:** Thank you.

**Sten:** I have one question. Is there -- I mean, I kind of hear two different categories of concern. One is that you can make unreasonable interpretation of these. I would be happy to see any language on it. I am not as worried about people getting excluded for stepping on grass as I get the argument but I mean, on the one we should have a two-tiered punishment is basically, if I am interpreting you to say that the punishments are two steps for the lesser offenses, and I think from my sense the warning system is designed to try and get around that and sort of like you are not doing this one time. And if the warning system is working it should be able to handle the question of -- and I kind of agree with the mayor but if somebody accidentally walks with a smoke and they are told you can't smoke but they keep walking -- is this a serious enough thing, are you guys looking to put forward some other proposal? Or are you kind of, you know, framing your concerns which I think are reasonable and then thinking we're going to come back with one?

**Johnson:** We're open.

**Sten:** Saying don't pass this?

**Johnson:** Yeah. We are saying don't pass this. But it's not that --

**November 29, 2006**

**Sten:** You don't really think the council is not going to pass something. You guys are pretty sophisticated.

**Johnson:** Recognized need for parks exclusion ordinance. It's not amendment but the existing ordinance as it's in my opinion kind of got close to constitutionality and now we are moving away from it further and further. To us the important thing is that not every offense can lead to a month-long exclusion. This thing is the mayor was getting at with some of his questions for the city attorney its so broad it's really a different kind of ordinance. This is not like sending the police out to enforce jay walking. It's like sending the police out to enforce everything, all at once, including some very nebulous provisions. That has a level of overbreadth that is different than the normal level of discretion we give excluders. Answer to your question, unfortunately, our relationship with Portland has ended up in litigation over the years. But harry auerbach and I get along. We are open to providing our recommendations to him in any format that he's comfortable with, city council is comfortable with. We have done that in other cities around Oregon successfully. There's other models of park excludes ordinances that are much better in our opinion than this one. In fact, this is the worst. The most inclusive -- in, the bottom line is I think the city is trying to do way too much with the park exclusion ordinance. This is not the only remedy that the city has. If somebody litters in the park, they should get a ticket. You know, there are certain things that don't warrant a month-long banishment from a public place we all have a right to be in and that's at kernel the ordinance has never move audit way from and I think the d.a.'s office, the police, they like it. It works from their perspective. It doesn't work from our clients' perspective.

**Meyer:** Commissioner Sten, I would answer that aclu has no objection to the smoking ordinance. I think you have some concerns about the sidewalk that are separate from the transit stop. And I simply ask you to proceed with caution and get the advice of folks who work with the population on sex offenders. So that you do not have unintended consequences so you don't catch folks you probably would go that's not who we are trying to sweep in. It's f-it's a parent who has reconnected with their family, is under treatment, is part of the family again, not allowing enemy to bring their child to the swimming pool is creating a hardship you may not intend. You are targeting the predatory and groomers. I would make sure if this can be tweaked and narrowly tailored you take the time to do that if and get advice from the experts. Sure, they might not get you and me if we walk over a blade of grass, but it is a tool that can be used impermissibly to target folks. It does not have safe guards. Even when we talked about drug and prostitution free zone you now require an arrest. It's criminal. This shouldn't be going on in the parks. And people should be cited for the criminal.

**Sten:** I guess, that makes sense. I would if there's specific places you have specific language, I am getting the bigger point. This is a conversation i've been, had some frustration with myself over time. I want interpreting the bigger message, you are not here to suggest amendments because you don't think we should pass this thing.

**Meyer:** Commissioner Sten, I -- I appreciate that. I want to thank commissioner Saltzman for bringing this Portland to me but it was done a few weeks ago or 10 days ago. And so I do appreciate you asking that he did seek out and I pass the it on to Oregon law center. But the problem is we have not been involved in this process and it gets very hard for us to come in here and say there's a whole host of problems. Will you stop take a look and fix them and have a serious discussion? I think the mayor did that with the sit-lie ordinance and said, let's, let's just let it go right now and fix the solution. And I guess what we are saying is, this is such a large tool and a powerful tool in the arsenal of the police and other law enforcement folks and the d.a.'s and it can be wielded and used and there has been lawsuit challenges, that maybe you just go forward with your smoking portion but don't recodify and bless this whole thing with changes in here that say, you have revisited this in 2006 and we are done and we can't have that conversation, thank you, andrea, come back when we are ready to look at this again. I am saying, please recognize as the mayor did with

**November 29, 2006**

safe and with some degree with the drug and prostitution-free zone that now is the time to have the conversation. And what I am, you know, yes, I am smart enough you can go ahead and pass it but i'm distressed and i'm hopeful you will sit here today and go, well, you are right. Maybe it is time to have a bigger conversation. In light of what we have done with the drug and prostitute shown tree and what we will do with safe shortly there are progressive ways to problem solve some of these things.

**Sten:** This is the first reading. We are not going to vote today and I haven't opened, you know, the -- I was supportive of the council's word smithing and I think that's important. I am still trying to listen on the big picture so I will be open to arguments that you bring. I don't know. I'm just one vote at this point. But that you bring during the interim. I guess, I mean, i'm not sure i'm right on this. I'm not sure this is the package to have a huge process on. I mean, I really, I just think most of these things are going to come down to, i'm open to word smithing and I may not be stating, it's been a long day stating what I want to say very well. But I don't think there's going to be a lot of dispute from most of the citizens in this community, including, I think, a lot of the homeless people that I know that post of these behaviors make it an unfriendly place to be in the park and the issue is trying to get them as well defined as possible and have a reasonable accountability process that doesn't, you know, pick up and it won't be perfect. It doesn't pick up people that we are not intending to. And so i'm just not sure -- i'm -- I would be more interested in finding ways to work on this approach so that generally meets those goals and stay focused on some of the bigger picture issues that are facing the homeless that I am personally in delve into another six-month process around this one. If I am wrong on that I am open to be argued I have completely missed the boat on that. I don't want you to necessarily do it on the fly. I would love to hear your feedback on that general proposition on how do you get this thing into more of a shape that you could live with without sort of missing harry's point which I think is valid about, I won't try to repeat it. He spent 30 minutes doing it.

**Meyer:** Commissioner Sten, one of my bigger concern is your whole exclusion order process. And unless this council were interested in reexamining how that is in light of the drug and prostitute prostitution free zone that's not word smithing. You have a very different excluding order process here, very short times, no requirement.

**Sten:** For just this ordinance. For just this ordinance.

**Meyer:** It's extremely different than what the model you have done in drug and prostitution free zone. I am interested in talking about it but I am not going to spend my time coming forward with wholesale changes where if there's not an interest. I also think, I want to reiterate because I can't be here next week for safe's and I would be one of the folks up here saying that when I went into that, six month or four-month work group I didn't think there was any way that we would get far.

**Sten:** I remember that.

**Johnson:** What you will be hearing and maybe you have heard a little bit behind the scenes is a very creative solution that a lot of particularly in monica and some others, came together to look at tying things together. Looking at being very specific, looking at solutions, and look at improvements that are very narrowly tied and creative thinking. And I think this begs for that approach.

**Leonard:** I have to ask why didn't we do that approach with this proposal?

**Johnson:** I don't know.

**Leonard:** I'm not asking you.

**Leonard:** Who wants to answer that?

**Auerbach:** I don't know. It was work that I was doing with the bureau to try to rewrite the code. We did try to get it out on the website and to folks for comment. I didn't put together a whole committee to do it. I would be happy to have ongoing conversations with folks about revisiting the park exclusion ordinance, the whole theory how we manage the parks. That wasn't what I thought

**November 29, 2006**

this exercise was intended to be. It was motherly to try to clean up the, for the most part clean up the existing regulations and add the few that we had highlighted for you.

**Leonard:** Is there some reason that it doesn't make sense to emulate a process that we're hearing? I have heard was successful in doing this is there some --

**Auerbach:** If the council wants to have a conversation about the whole big picture there's no reason not to do that. I would be happy to facilitate that in any way I can.

**Leonard:** I will throw it out. Commissioner Sten, were you done?

**Sten:** I was going to say -- what I am looking for from this panel -- you are now empaneled -- is kind of a little more again, I would like you to think about it because I think people are kind of not ready to figure this out right now. But kind of highway how does this measure fit into my list of problems facing sort of law enforcement and the homeless and others and how does it become part of the solution rather than sort of annoyance to you? That's what I am really look at. If it's imperfect but, you know.

**Johnson:** It's not a top priority in the bigger picture but it's emblematic how the city is working in two directions. There's the 10-year plan to end chronic homelessness and there's bad ordinance.

**Sten:** That's what I mean.

**Johnson:** I have forgotten about this. I had moved on to other things and it was annoy meek reminding me this thing is out there. Monica meets with the clients instead of me so it's easy for me to forget this thing it out there every day.

**Sten:** The fact it's a top priority doesn't mean we don't need to work on it. It means we don't want to start a 12-month process everyone has to commit to meeting once a month. What I want to do is come back with sort of in the range of sort of common sense. What could the council do if it saw things more your way to make this more fit? What I think is a very positive -- I feel like our work, our interaction, our strategy, our work on homelessness with the homeless is as good as it's been and it still needs work. A lot of that is the mayor's change on how to approach it from law enforcement, if we are able to team that up with resources. I know a lot of officer frustrated. We are trying to law enforce away an economic condition. So I think we are making progress on it and I would like to be able to say this thing fits into it. If not perfectly, at least with some philosophical meaning and I don't know that, you know, all the pieces, andrea is very good saying smoking isn't part of all of that. But if you could give thoughts to that given where it is in the priority list, given which I have no idea. I'm not in any way trying to put any words into your mouth because I have no idea. What level of annoyance versus real problem is it for your clients? And how can we trouble-shoot that a little bit? That I think given -- what I think is just an honest description of that it's really been an internal process because it wasn't a huge front line priority, I think would be welcome by the council. I can't speak for the council.

**Potter:** I really like the idea about having the, instead of just the hard 30 days for everything is to have, have sort of the punishment fit the issue, the problem. And I would, you know, I think that's a fairly easy fix in terms of giving more discretion but talking about grades of accountability or I think there's some things that are worse than others. And I think I could support something like that.

**Leonard:** If I could make a couple of points. I completely agree with andrea's observation with the language regarding predatory sex offenders. It is a debate I am very familiar with. Because it was, it is overly broad and I think catches up people that nobody intends to catch up in this. I would want some language that prohibits them at a minimum from being in a swimming pool. As long as we tightened up that definition I would be willing to expand the exclusion. I also -- so that's going to be something that's very important for me and I think that's something that I am not asking the aclu to come back on. I think we need to do that. I will also say i'm interested in if I takes a little more time i'm ok with it but I am interested in seeing if we can't engage in a process 245 is focused on getting to the end that commissioner Sten is speaking to but also allows us to do the tweaks that

**November 29, 2006**

possibly everybody could be more comfortable with, including apparently the mayor as well from what he just said which I agree with, as well. But I will also say that one of the things I am interested in in seeing is not only commissioner Saltzman proposed banning smoking in pioneer courthouse square, I would be interested in banning it in all city parks without any exceptions. Not just a condition on being near a playground, but 24/7 ban. And I just think that as a society, we have evolved to the point we know it's poison to smoke and it kills other people who don't smoke and it's something I feel very strongly about. As part of this discussion I would like to be on the table.

**Potter:** Thank you, folks, very much.

**Moore:** That was all.

**Sten:** Is this assigned to come back next week?

**Potter:** Yes.

**Sten:** I don't know if it would be a friendly amendment or not but I would be inclined to give this three weeks or something. Because I have just asked some folks to do a little bit of thinking and expecting them to do that in a week is unreasonable so if that wouldn't cause any delay and I don't feel real strongly about it.

**Leonard:** How do you feel about in addition to the extra time asking that we have a forum where folks can come together and talk this through? Versus just having them go away and come up with ideas. I would like it if we could sit down with parks people, police representative, the attorney's office.

**Saltzman:** If the council wants to revisit parks exclusion that's fine. But I guess as I said in my opening remarks that is not change anything about parks excludes. It's simply in the same chapter that's being cleaned up and a few new things are being added. But I think there's good points raised today that should be probably processed in more than a week. But I don't think we can do, revisit parks exclusions in three weeks even.

**Leonard:** But the sexual predator and the smoking is new.

**Saltzman:** Yeah.

**Leonard:** Those two items I have, I do -- in the one instance, i'm afraid it's overly broad and the other it's not broad enough. So I would like to actually see us come back with something that bans smoking in all city parks.

**Saltzman:** Personally speaking I am not in favor of banning it in all of or parks. It's a simple tradeoff with what you can reasonably enforce and I think play grounds and pioneer courthouse square are places you can reasonably enforce. When you are talking about 7,000 acres in parks.

**Leonard:** Self enforce. A lot of people myself included would tell people you are not supposed to smoke mere.

**Potter:** I think some of that community pressure is very effective as opposed to making it something that the police have to do. We just saying, can't you read the sign up there? That you are not suppose to do smoke here? I have children here. We would really appreciate if you would. A lot of folks say that anyway but they don't have any force behind it. So I would, you know, I don't even see making it part of an exclusion. Just so much, this is something that -- public pressure.

**Leonard:** Don't do it.

**Potter:** It used to work in the old days.

**Sten:** I guess, dan, my, all I am really looking for on this first blush, these are important issues but maybe a little bit, I mean, I don't think a smoke ban in parks ought to be tagged on to this at all. I think it's a completely -- it's a big policy discussion that I think that the community needs some team to talk about. I won support throwing it into this but I would probably support it. But I don't know the answer to whether or not I think we should take another look at the exclusions so I am asking that the community folks that I really look to on these issues which is andrea and monica and ed, is, I am being pretty pointed. Could you think, is that something we should take on? How could



**November 29, 2006**

we -- I would like to have more collaboration on it. I think to some extent we might get some answer that is say let's not put our big effort into some of these things. So that's maybe it is. So I don't know. I think we could get back together and have one more conversation, you know, in a couple of weeks if that hits the holidays, maybe it's january. Whatever. But and then make a decision which I -- i'm trying to also be pretty explicit in saying I think we need some of these kind of mechanisms. How do we get this one right? You know, the tiered punishment thing, I think there may be problems with that but that is interesting. I would like to have a little more thought of conversation.

**Leonard:** And I agree with your observation about the smoking and I am not suggesting that we amend it in today and vote on it next week. What I am suggesting is that it is a new item. It is a new proposal. It's something I have done some work on as well and looked at as well and found out there are a lot of limitations in state law as to what cities and counties can do with respect to smoking. This is an area we can do something about it and I would be very interested in as opposed to waiting a couple of weeks, say right after the first of the year have this come back in the intervening time have whatever public process we all feel comfortable allows people to come back. But I feel pretty strongly about the smoking issue and like to spend a little more time, if that's necessary, to get whatever feedback we need to on that.

**Sten:** I think somebody who is going to sponsor it should file an anderson to ban smoking to parks as a stand alone measure, have it noticed out. It will on television.

**Saltzman:** I disagree.

**Leonard:** You are banning it in pioneer courthouse square and it isn't now.

**Saltzman:** I thought you said you didn't want to bring the larger ban into this ordinance.

**Leonard:** I said it wouldn't amend it today to have a hearing next week to vote neck week. I would say alert everyone that this is amendment I am going to be proposing and give whatever due amount of time we all agree would be appropriate for people to give feedback on that. I don't agree that it needs to be a stand alone ordinance. Its an amendment -- it's a change in the ordinance now that will ban smoking in a certain area of parks. But I am just suggesting we should make it broader than what this new proposal says. And if it needs a month or six weeks for people --

**Sten:** I don't know that this is an important debate. I just, I think that if it was filed as a -- part of this is a public discussion and a lot of this is about talking about it. And I actually think it's an important enough message it ought to be put forward at a press conference, not added on to a trespassing piece, there ought to be tv saying city is considering doing this.

**Leonard:** I don't know this is a trespass. This does two new things. It limits sexual --

**Saltzman:** You have the right to introduce the heavy one and my p.r. Advice is take it or leave it.

**Saltzman:** Ok. So a couple, two, three weeks? I don't know where that he that takes us at least hearing back from some of the aclu, Oregon law center. I think some of the suggestions raised about sports field we need to look into as well with respect to smoking issues around athletic fields. And then I guess, well --

**Leonard:** Just so you know I am going to propose an amendment and I will take whatever time you think is appropriate but I am going to propose an amendment when this comes up to ban smoking in all public parks.

**Auerbach:** When I was originally presenting this item, the mayor asked me about the vandalism section. And I promised I would have a suggestion for you by the end of the afternoon and so I want to keep my word. In the short-term I think that the best solution in 2012.100a is to delete the words "or possess" from that sentence so it will say no person shall destroy, break or deface in any way in any park and any tree and so forth. And then we can try to deal later with whether we have a problem with people having those things after the fact and not being able to prove that they did the damage in the first place. Which is why I think the "possess" is in there. That would be my suggestion.

**November 29, 2006**

**Leonard:** Ok. I was going to ask you about --

**Auerbach:** Just delete the words "or possess" from the penultimate sentence of 20.12.100a.

**Leonard:** I was going to ask you about the next system section. Is that the in the existing code, the fireworks?

**Auerbach:** Yes.

**Leonard:** It is? Ok.

**Auerbach:** It may be specifically limited to golf and archery equipment.

**Leonard:** I was going to try to be as consistent as I was -- in terms of new language. If it actually expands the allowable use of fireworks in public --

**Auerbach:** I'm sorry. 20.12.110? That's a new section.

**Leonard:** I guess I have a concern about allowing even illegal fireworks in any parks.

**Potter:** Except we do them on the fourth of july.

**Leonard:** We don't do them in parks.

**Auerbach:** You must not have been down to willamette park on the fourth of july. Lots of folks going down there with their --

**Leonard:** Those are under permit. Right?

**Auerbach:** The ones in the water, I imagine and they have a permit for but lots of families take their kids down there with their store bought fireworks and light them off.

**Leonard:** We would have a general revolt if we didn't allow that?

\*\*\*\*\*: Well, mark can talk to that, I suppose.

**Potter:** You are not going to celebrate commissioner Leonard on the fourth of july.

**Leonard:** Neither will the smokers. They will all get together, I guess.

\*\*\*\*\*: And the appropriation would permit the director, if I remember correctory.

**Leonard:** Is it a common occurrence to have fireworks? Has it been an issue? I'm talking about legal fireworks, not illegal. I am assume -- just the litter? But not fire? You haven't had an issue? [inaudible]

**Auerbach:** Why don't come up to the table, mark.

**Mark Warrenton:** On the fourth of july, the parks are like the rest of the city and the neighborhoods. There's lots of fireworks. Lots of them legal, lots of them unlawful by Oregon statute. We haven't had a lot of fires but it's, there's a the love litter in some incidents, some injuries, some conflicts.

**Leonard:** Concerned about the fire point of view but if that's not been an issue.

**Warrenton:** I think there's been some minor fires but no major ones.

**Auerbach:** I would just point out, commissioner, that the last of the numbered subsection would give the director the authority to prohibit fireworks in any area of any parks.

**Leonard:** I notice that it includes places like powell butte currently that that's excluded because it's a nature park.

**Potter:** Is it possible to set this over, commissioner, until the first of the year so that people would have time and the holidays coming up?

**Saltzman:** Yes. That's fine.

\*\*\*\*\*: Want to pick a date now?

**Potter:** Let's look at the time. In the meantime folks who have suggestions, including, and I like the ones about if we are not going to ban it entirely in parks certainly the sports fields and other places that you folks talked about, I think those are good suggestions as well.

**Leonard:** But I would appreciate fit parks could notify people it's going to at least be a topic for discussion in the form of an amendment. I may be the only yes vote. But I don't want to be the criticism to be that people didn't know about it but I just want to say I am going to propose that to the extent you can notify people.

**Saltzman:** We will call lars larson tonight.

**November 29, 2006**

**Leonard:** I won't call him back.

**Potter:** Ok.

**Leonard:** And the mandatory offender stuff, too. We could work on narrowing that definition.

**Moore:** The first week in january is available. January 3. It's the first wednesday meeting.

**Potter:** How about the week following that?

**Saltzman:** January 10?

**Moore:** We could do that in the morning.

**Potter:** Ok.

**Moore:** 9:30, the first time certain in the morning.

**Saltzman:** Sounds good to me.

**Potter:** We may not get to the rest of the items.

**Moore:** There is an afternoon already. There is already an afternoon.

**Leonard:** What is it?

**Moore:** A land use case. The 11th is available at 2:00. It's the thursday. You want to do that?

**Potter:** Let's do that. I think it's will need more time. Otherwise it would really slow down the morning.

**Moore:** Thursday, january 11, at 2:00 p.m.

**Potter:** Thank you all for coming in. We are adjourned until tomorrow. [gavel pounded]

At 4:21 p.m., Council recessed.

**November 30, 2006**  
**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.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript ] \* \* \* [ roll call ] [ gavel pounded ]

**NOVEMBER 30, 2006          2:00 PM**

**Potter:** I'd like to remind folks prior to offering public testimony the city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. Karla, please read the 2:00 p.m. Time certain.

**Item 1611.**

**Leonard:** Thank you all for coming today. There are those who have said in the last few years that those citizens who have advocated withdrawing troops from Iraq are promoting cutting and running. Even the president until recently used those words. Nothing could be further from the truth. In fact, after the horrible events of September 11th, 2001, Americans were united in a way probably not seen in this country since the attack on Pearl Harbor nearly 60 years before. People understood that innocent Americans died almost 3,000, including 343 firefighters, people understood that there was a very specific group and person that was attacking and wanting to attack further the United States. People understood the need, though reluctantly, to invade Afghanistan, and depose a group of people who actually did harbor terrorism. But then when the president of the United States tried to take and use that same kind of reasoning to apply to Iraq by arguing for an example that there was evidence of a nuclear bomb being constructed in war with Iraq, that there was evidence that there were weapons of mass destruction in Iraq, that there was evidence of a terrorist network in Iraq. A number of people have come to feel betrayed as we have discovered those were lies. And I am one of them. I now know as I think most reasonable people know, that what with ended up doing in Iraq was to actually create an environment for some of those things to happen that weren't happening until this president misled and misrepresented evidence that he had been presented by his own intelligence agencies in order to justify what we now know was a terrible mistake by invading Iraq. It is my opinion and one I think shared by a vast majority of Americans, that it is time to admit this was a huge mistake, and it is time in the most orderly and efficient and quickest way possible to withdraw our young men and women from a country that we have no business being in, and to get them home where they belong. I am happy to have worked with the coalition of organizations that support bringing the troops home to develop this resolution. I was happy to work with each of my colleagues here in developing this resolution, and I'm sad we have to bring it, but I think it's a necessary statement this community needs to make to the president, to the secretary of defense, and to the congress of the United States that we want the war to end, and we want our troops home now. With that I'm going to turn to commissioner Sten, he has an amendment to propose.

**Sten:** Just before we open this up to testimony, I want to thank commissioner Leonard for his work on this, and of course the activists. Many of you have been working on this for years, and I appreciate your support. I think what I'm about to read is very much already in commissioner Leonard's ordinance, but I wanted to put a few more sentences in it. My staff is here and has copies and will pass them around in case you want to testify on the amendment. What I'm passing out is a

**November 30, 2006**

copy of the resolution, the underlined passages are the ones i'm proposing that the council add. Essentially what I would like to be is a little more explicit about our obligation and the necessity of creating an international effort to continue to help with what comes next in Iraq. Because my concern is that those of us who have opposed the war from the beginning and who are now trying to -- others have many people who thought the war made sense and realize it did not and are calling for a return of the troops, not be inaccurately described as wanting to walk away from the mess that although we didn't want it to happen in the first place, our country has created. So i'm proposing an -- whereas in the resolution which says whereas the people of Iraq should not be further punished for the miscalculations of the government of the United States. And it should be finally and clearly acknowledged that only a greater measure of international cooperation can create safety and security in war with Iraq. That would be added to the whereas. And i'm adding a be further resolved, which is the section that states the council's action. And I did mention I think this was already in there, i'm suggesting we delete above it the words "and support efforts to rebuild Iraq," and that was in there, and I want to be more explicit and replace those with the full paragraph that says, "be it further resolved the council of the city of Portland calls upon the president of the United States and the United States Congress to take the conciliatory steps necessary to restore the standing of the United States in the eyes of the world, protect national security, and induce the cooperation necessary to help bring safety and security to the people of Iraq as draw down of American troops commences. I do not believe we have to take a position that there's not an international strategy that's necessary to make the people of Iraq safe as we cease the military operation.

**Leonard:** And I second that.

**Potter:** There's -- that's just wording.

**Sten:** There's very small wordsmithing which is also laid out on here. I probably won't walk through it. I would make this amendment to the resolution, and --

**Leonard:** Second. If you wouldn't mind if we could vote on that amendment, and that's what people would be testifying to, is the amended version.

**Potter:** Please call the vote.

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

**Potter:** Aye. [gavel pounded]

**Leonard:** Thank you. We do have some people from the coalition of organizations to speak to this first, but we are honored to have some elected officials. I know representative Diane Rosenbaum is here. Can you come forward? And do we have other -- I thought Chip Shields might be here. Representative Rosenbaum is an esteemed member of the legislature from Southeast Portland and we're honored to have you here.

\*\*\*\*\*: [inaudible]

**Diane Rosenbaum:** : Thank you, Mr. Mayor and commissioners. I am as commissioner Leonard said, state representative Diane Rosenbaum from the district 42 in southeast and northeast Portland. It's my great pleasure and honor to be the first witness before you today to speak in favor of this resolution and the amendment. And I want to thank commissioner Leonard for bringing this resolution forward, and also thank the many, many organizations, coalitions and individuals in Portland that have been really working incredibly hard since this conflict began to try to figure out some way to raise our voices in opposition to what's going on in the -- and the injustice of it. I am speaking not only on my own behalf, but on behalf of the 57,000 people that I represent over on the other side of the river. I was just a little bit chuckling at one of the whereases that talked about the 65% opposition to this war, because I would guess if you came to my neighborhood the figures would be providely closer to 95%. But I can --

**Leonard:** Where do those other 5% live? Laugh Alejandro Valverde i'd be curious to know that.

**Rosenbaum:** Yes. We all are. This is a very grave and serious matter, and I think what needs to be said by me and by all of us is talking about the huge toll that's been taken on Oregonians and

**November 30, 2006**

their families by this war. And for the families who have lost loved ones and the many more who have suffered injuries and their families, that loss is really irreplaceable, and there's hardly any way to talk about it. For countless other families like the mom that I was talking to the day of the Susan G. Komen race for the cure, someone I didn't even know had a child in Iraq, she was telling me about her son who's a career marine, and telling me that every time she watches the news on t.v. And hears about more casualties in an area where Oregonians are, her heart stops. And then until her phone rings, or she gets an email over the computer, she can barely breathe. And then when she hears from her son that he's ok, she's instantly flooded with relief and then her very next thought is, but that's some other mom's child. That's not my child, but it's somebody else. And so I think the human toll this has taken is hard for us to even imagine unless it's affecting us at that level. In Iraq as Commissioner Sten has alluded, the human toll is even much greater than what we're experiencing. When the Oregonian reported last week that over a hundred -- over 120 deaths a day are happening, and when all those who can leave the country and get to safety are doing that, then the only people remaining are those without the resources or the means to get away. And we really have to I think acknowledge that this is an inexcusable and immoral use of our nation's power and resources. The only thing that I want to add to my voice of support for the resolution today is to say that it seems much too small a thing for us to be doing just to be passing a resolution. And I'm well aware that many, many people in our city and state have been trying every way they can think of to bring some moral power, some financial power, some political power to bear on our government at the highest levels. I would just say to you today that I think we all need to pledge to each other whether we're elected officials or individual citizens, people who support our troops, people who care about the safety of our world that we will work that much harder to find some way to use our own personal power to bring an end to this. Because it simply has made our world so unsafe, our city, our state unstable, and ultimately our children and the children of the world are the ones who are going to pay the price if we don't find a way to bring our power and bring in to an end. I'll just close with a quote from Martin Luther King who said, "the arc of the moral universe is long, but it bends toward justice." and I think that on November 7 we saw that arc bending a little closer to justice here in our city, our state, and our nation. I am hopeful today that we will find a way for that arc to bend indeed the direction we all want it to go. I thank you again for the opportunity to testify.

**Leonard:** And thank you, and I want to make sure everybody hears that Representative Rosenbaum is -- I can think of no other person in Oregon that is such a passionate advocate for working people. She is the force behind the minimum wage in Oregon. There is nobody I served with that was more effective and articulate in fighting for working class values. So I'm -- of course you're here saying what you are because that's what you do. And I really appreciate and respect you a lot. Thank you for coming.

**Rosenbaum:** Thank you. Thank you all.

**Potter:** If you agree with sentiment that's are being expressed, rather than clapping, if you would just raise your hands like that, there you go, thank you very much.

**Leonard:** We're going to have a panel. There's 12 people, I'm going to ask you to come up three at a time. Try to limit your remarks to two minutes, and then we'll -- the mayor has a list of folks that have signed up in addition to that. But this panel is of the coalition of organizations that are working to bring the troops home, and the first three, Tom Chamberlain from the A.F.L./C.I.O., Kelly Campbell from the American Friends Service Committee, and E.J. Penn, a board member of Oregon Action.

**Kelly Campbell:** We're an 89-year-old Quaker-based organization that works on peace and social justice issues and always has. So here really to thank Commissioner Leonard for his leadership and to thank Mayor Potter and the other commissioners for taking the time today for us to have a conversation as a community about the war in Iraq. We know the war is a global issue, it's a

**November 30, 2006**

national issue, and I would submit it's also a local issue. And many of the folks and the organizations who have work order this resolution are people who are making the links between the spending on the war in Iraq and the money that would be better used for people in Portland, education, housing, health care. What I really am excited about this resolution -- it's important for us to join those ranks so that we can say to our federal elected officials, we're official now. We're on record as a community that says it's time to bring the troops home. But we're also passing a very strong resolution that talks about how funds should be redirected from spending on militarism and spending in the war in Iraq to the things we care about in Portland. And I think that's one thing that's much stronger than actually many of the other cities' resolutions around the country. One thing that I think we can contribute to the discussion as a nation about what are priorities -- what our priorities are, and to make a loud statement about what our priorities are here in Portland. There are more than 30 organization that's have cosponsored this resolution, and these are not just peace groups, but groups that work on education, housing, health care, the environment, justice, the labor community, the faith community, and the Iraqi American community are all represented here. As well as veterans and military families you'll be hearing from on this presentation today. So with that I want to turn it over to the other folks who work so hard to get this resolution on today.

**Tom Chamberlain:** Good afternoon. I'm Tom Chamberlain, president of the Oregon A.F.L./C.I.O. I want to thank you for being this forward. It's very timely. In July of 2005, the national A.F.L./C.I.O. Passed a resolution calling for the immediate withdrawal from our -- of our troops in Iraq. In October of 2005, the Oregon A.F.L./C.I.O. Took similar actions calling for the withdrawal of all Oregon guardsmen from Iraq. We had the pleasure in Oregon in the summer of 2005 to speak to trade unionists from Iraq. And their request was, get out. You're making it worse, you're not making it better. To me this is a working person's war. This is a blue collar war. This is a war not about rich folks going to fight and putting their lives on the line. This is a war about people who tried to better their lives through a volunteer army. Much like I did in 1973, when I joined the United States Air Force, looking for a better way of life for myself, for my family, a way to get college. And if need be, defend my country. Defend my country. Not to be in a police action or a referee in a civil war. That's not what I got in the military to do, and I dare say our brothers and sisters over there putting their lives on the line every day didn't want to be a referee in a conflict of this nature. Working folks in Oregon applaud you for your efforts. Please get them out as soon as they can. Thank you very much.

**Leonard:** Great words. Thanks.

**E.J. Penn:** Thank you for the opportunity to speak here today. My name is E.J. Penn, I'm a board member of Oregon Action. I want to thank you, Randy Leonard, for sponsoring this resolution and appreciate the entire city council for addressing this critical issue today. As you know, Oregon Action is a statewide membership organization that works on issues of racial, social, and economic justice. We achieve this through providing training and support to low-income and people of color communities. Oregon Action believes that all people have a right to quality health care. The safety net that provides health care to the poor and working poor must be strengthened. Oregon Action also believes wars that last -- oppose the invasion of Iraq and oppose our continuing occupation of Iraq. We believe there were better nonmilitary, nonimperial options that were never considered by our government. I run a program, first steps sports academy, that mentors kids, and I know they and their parents could benefit if we were investing in -- in the health of our community versus investing in war. For example, more than 419 million dollars spent by Portland taxpayers to date on the war in occupation in Iraq could have provided one year's head start for nearly 56,000 Portland children. Or one year's medical insurance for more than 250,000 Portland children. Or one year's salary for over 7,000 public school teachers in Portland. Or more than 3,700 additional housing units in Portland, or over 20,000 four-year scholarships at public universities in Oregon, according to the national priorities project. Thank you.

November 30, 2006

**Leonard:** Thank you all very much.

**Jenny Pompelio:** I'm jenny, this is brady, and he thanks you for letting us speak before you in support of this resolution. I'm the current board president of Oregon physicians for social responsibility, and we represent over 1,000 members, including health care providers and lay people alike. I'd like to reiterate a comment already spoken that of the 419 million dollars paid by Portland taxpayers, that could fund the care for 250,000 of our children -- he's a handful. A couple other points that I would like to make, we have a full presentation on the health effects of war, and there's too much to talk about in a brief minute or two. But we have noted that over the course of the 20th century in world war i, 14% of casualties were civilian, but as of the 1990's, 90% of casualties of war are civilian. In most -- most of us have probably read the article published in october, it estimated over 600,000 civilian deaths so far in iraq, and as we know, that continues to mount daily. We are also haunted by the fact that because of wonderful modern medical technology, more of our soldiers are surviving battle, whereas in the past they would die. So nowadays the dead-to-wounded ratio is up to 1-10, and that means we have many more medical and psychological health care burdens when these patriotic soldiers return to the united states. Of note in 2003-2004, 25,000 children were killed in iraq, and worldwide they make up over 50% of the refugee population. Which has a huge health care burden, not just on us, but on the world. So I think that's basically all that we would have to say. We fully supports and thanks commissioner Leonard for bringing this resolution to the table.

**Leonard:** Thank you.

**Martin Gonzalez:** I'm the executive director for the Portland schools alliance. I'm here to speak in favor of the resolution. When I came of age I wanted to enlist. I wanted to be like my brother. My brother was in the service, and had already served in vietnam. Fortunately my brother was more than I was at the time, and talked me out of it. He felt that in our community we needed more educated people, so he urged me to go to university. Today in not only in our communities, but -- across the nation, we need more educated people. If the president's statement and actions are an indication of, that I think we have a long ways to go. [laughter] it's noted in the resolution that to date about -- 419 million dollars, by Portland taxpayers in this war and occupation in iraq. This amount has been mentioned already, could have done already served 56,000 head start children for one year. And the salaries were 7,000 Portland public school teach else. Portland is grappling with the challenges chasing many cities across the nation, and there is middle and high school that's fail many students and families generation upon generation, although academic achievement particularly for poor, minority, employers demanding higher skills levels than many graduates have, and too many young people dropping out of high schools. As an example, about 1500 students drop out of Portland area schools every year. 89% of the new teen parents in Multnomah county have yet to complete high school. Over half of the high school age youth served by work force providers were assessed as deficient in basic reading and math skills. Only 50% of Portland's readers are at or above proficiency, and one-quarter of 10th grade african-american and hispanic students are above standards in reading only and meeting about 18-20% in math. Low-income 10th graders fare similarly with 25% in above standards. This needs could be addressed if we do what the resolution has stated f the financial resources to prosecute the war are redirected to address the urgent needs of the most vulnerable portions of our population, including education, health care, and improved benefits for returning veterans, many people say that this is a symbolic action, and it is. I think symbolic actions are what motivate all of us. Action that's lift the value of life, and I hope that you all do this and pass a resolution today.

**Albert Alcozar:** My name a albert from social activist youth. I want to share my experience as a recent high school graduate. When I was in high school, I saw the marines recruiters all the time. They came to my p.e. Classes and approached the students to tell us how good we were and ask us why we -- what we wanted to be in our professional lives. They assured us we could accomplish



**November 30, 2006**

everything we wanted in the marines. I told them I want to become an actor and they said that the t.v. Commercials are done by the marine actors and that I could get involved. I was -- so I was told I don't want to go to the war and that I know people that show me different realities of joining the military and going to war. They told me that much of that was lies. I changed them to meet with them and they finally after two years gave up on me. Though making me feel that being an actor is not being brave, which is not suitable to be in the marines. I realize how much money the recruiters cost to our country. The lie, the lie to -- they lie to you and don't really care about the youth. Their business is to recruit, get their bonuses, and the young people are left screwed with possibility to go and die in the war. I'm sharing this because I think many young people like me who want to be in the military and fighting wars, but the lies they tell you and the economic needs have made us join the military. I think all the money used in recruiting should be invested in education. Even if you want to become a soldier, you have the human rights -- to have opportunities, what happened here, what happens here is the country. The lives of hundreds of thousands of soldiers are put in danger. They are forced to kill. The mental and sigh could -- psychological damage that causes to a human being is terrible. The economic causes so big and even bigger the human cost. I am not able to go to college because I have to work. Education is very expensive. Although the government does not care about that. With the money that the Iraq war has caused Portland, me and about other 20,000 students could have the opportunity to go to college with four-year full scholarships. We could be better trained and able to support the social and economic growth of our state. It also means that to reduce poverty and crime in our communities. The human cause has been terrible with hundreds of thousands of innocent people and soldiers being killed. The damage do not end with the war. The dead and the injured, the scars stay in Iraq and also stay at home. With memories of the death and the thousands of soldiers with physical and mental damages for the rest of our lives. I think all these have to stop and as a young person, I'm here to request our city officials to support the return of our troops and work for real justice and peaceful alternatives, and opportunities for young people. Please bring the troops home. Thanks.

**Leonard:** Thank you very much. Jerry Sandoval, I see you're representing shields -- representative shields has arrived. Why don't you come on up. Jerry, I'm going to have representative shields go. Glad to have you here.

**Chip Shields:** Thank you. Pleased to be here, Mr. Mayor, commissioners. For the record, my name is Chip Shields, state representative, north-northeast Portland. I appreciate you letting me go first. Mr. Mayor, commissioner, I'm here to support the resolution and I'm here to let you know I plan to introduce with my colleagues a similar resolution in the 2007 legislative session. In 2005 I had 17 cosponsors and I, including representative Rosenbaum, introduced House Joint Memorial 38, which called on the president and congress to set a timetable and extra -- exit strategy for Iraq. With a withdrawal that would begin no later than October 1, 2006. It's what we call the Oregon Home Ward Bound Act, and it was based on the national Home Ward Bound Act, House Joint Resolution 55, which was a bipartisan resolution introduced in the United States Congress by Republican Congressman Walter Jones and Ron Paul, and Democratic Congressman Dennis Kucinich. I anticipate the resolution will get a full hearing this time and debate in the 2007 Oregon legislative session. I believe it will pass overwhelmingly. I believe elected bodies across the country need to send strong words to Washington that this is a way to bring our troops home. I think Commissioner Leonard and the Council for taking leadership on this issue. And I'd appreciate your support for the resolution today. Thanks.

**Leonard:** Thank you for coming very much. We appreciate it. If I could now call Michael Anderson from Affordable Housing now up to join Sherry. Thank you.

**Gerri Sunderval-Williams:** Good afternoon. First of all I want to thank you for convening this meeting on this incredibly important issue we have. My name is Gerry, I am the current executive director of the Environmental Justice Action Group, I'm transitioning to a job with the city. So I was

**November 30, 2006**

asked to speak about how the war affects people as far as environmental justice goes.

Environmental justice being the people with the least amount of resources in the first place. We have severe needs in our community for health, for national health coverage. We have issues with our schools, and while I was asked to describe to you how folks with the least amount of resources are affected by the war, I just keep coming back to this one resounding thought in my head that says, war isn't good for anybody. As much as it desperately impacts communities of color and low-income communities, war doesn't benefit us, period. And when you're looking at the environment and the fact that we're creating a situation that is dealing with oil, and the removal of our natural resources, we see that it benefits a certain group of people and that the rest of us, we all fall short. I have a son who's 19 years old. The thought of my son going off to war is absolutely scary. But war benefit nos one. It devastates us all, not just because it strips us of necessary resources to support a healthy, prosperous society, but because people are dying daily, senselessly. Our soldiers are dying. People are losing their sons, their daughters, their spouses, and children are losing their parents. And I feel as though on some level the federal government is at a place where even though we have this giant plank in our eye of not supporting the people that live in this country, we're trying to pull the tiny speck out of someone else's. So while we're participating in the war overseas, we also declared war on our own people. I feel as if the government feels that in ounce to save face we need to continue depriving people of the things we need most, which is a plan for peace, rebuilding, lifting up and a time to restore that which has been lost. So I want to thank you all for signing the resolution and stepping forward and changing the direction that our nation is going in. Once again, in the last few months we've done some amazing things in Portland that make me proud to be a Portlander. I was talking to a friend of mine from oakland on some environmental issues, and he had sent me a statement from an african freedom fighter that said, hide nothing from the masses of our people. Tell no lies. Expose lies wherever they are told. Mask no difficulties. Mistakes, and failures. Claim no easy victories. Our experience has shown us in the general framework of daily struggle this watt against ourselves, this struggle against our own weaknesses is the most difficult of all. I played you all for -- applaud you all for standing up and doing the right thing today. Thank you.

**Michael Anderson:** Mayor, members of the city council, thank you very much for bringing this resolution today, commissioner Leonard for your leadership. My name is michael anderson. Normally I come and speak to you on behalf of the community development network. Today I come as an individual member of affordable housing now. I come as an individual who has felt the great heart ache and hurt as the body counts grow, both of our own american citizens, but even more heart wrenching, the regular, innocent citizens of iraq who for no choice of their own have had their lives destroyed in a continual upheaval. I come to you as an individual and approach you as the stewards of the city, because just as my body feels the heart ache, the body that is the city feels the ache of this war. It was less than a year a a -- ago that I came before you and asked you and wonderfully you stepped up to the challenge to offset the 6.5 million dollars in cuts to improving housing programs we received from the federal government. Thanks to this war, there are veterans sleeping under our bridges in greater numbers to come. Thanks to this war, the housing authority of Portland was forced by cuts to raise rents on people earning under \$10,000 a year, under \$8,000 a year, under \$6,000. Thanks to this war right now, there's seniors who are unable to turn on the heat in their apartments during this cold spell. Families living in cars. I know you know this, I know this is part of the reason that motivates you to bring this resolution before, and i'm going to echo gerry's words. It makes me proud as a Portlander to have you all representing us. I applaud your action, I applaud your courage, and I echo the statements of all of the others who have spoke before me which is that this is one step. We have so much more to do because until this unjust war ends, until we begin to heal the wounds, the pain and the heart ache will just continue. Thank you very much.

November 30, 2006

**Leonard:** Thank you.

**Leonard:** Thank you and welcome.

**Michael Taylor:** Thank you. Michael Taylor, I'm Portland resident, southwest Portland. I thank you very much for taking this resolution up today, because I am a military family. My son volunteered in the army and -- in December of 2001. I think we all know the time line of what was occurring in 2001. My son, like other young people who joined at that time, I think felt that they had a responsibility to step up, just like a lot of people in the country to pull together as you said, Commissioner Leonard, and to do their part. We got involved in military families, which is a nationwide organization in about 2003 because the war was dragging on. My son was in the army, the resolution was passed by the Congress that said -- and gave the president authorization to go to Iraq, which was shocking to us as a family to sit there and watch that resolution be passed. By 2004, in January, 500 Americans were dead. My son was in Korea. We were counting the time that he might be able to get home, but he, along with 5,000 others, went from Korea to Iraq because we are underutilized in terms of our number of people in the army. He was sent to Ramadi and within one week we got an email from him saying they don't want us here. His job in Ramadi was really to do police work in the sense of going into homes, trying to draw out the insurgents. Unfortunately that strategy meant that our troops were a constant target. What they were doing was police work in a neighborhood that they weren't wanted. There was no friendly face there for them. They did their best. They put themselves out there, they tried to do their best. As I've told many people, I don't consider my son a war criminal, because he joined, I don't consider him to be having any blood on his hands because he was trying to do the right thing. But he did do the right thing. And the kids over there I think are trying to do the best they can in the situation that they're put in, but they need to get out of that situation. Last night we were watching the news and I asked my son if he wanted me to turn it off because the Iraq Study Group was saying, we ought to get troops out of Iraq. And he said, "Dad, we knew that when we were there. That's over two years ago." We compliment you and thank you for your willingness in Portland and Commissioner Leonard to take action. I think it does make a difference. I think we need a groundswell from elected officials to get involved. We need all to be involved. There is no antiseptic war. The problem was this war was there a thought it could be technologically delivered, there would be shock and awe, that we could do it from bombings, but the fact is individual soldiers are doing will duty every day and still in these cities trying to create an -- a different atmosphere. There's high casualties, there are unpredictable terms of service, multiple deployment and lack of planning and care of our troops. We know this because our son and other military family members here today are getting emails that they're still not take ever taken care of. They don't have the food, they don't have the armor at the front lines. The cost is the continued loss and death of our young people, and another unfortunate cost is the loss of trust in our government. For young people who join the army they really feel at least from our family situation, my situation, my son feels his government let him down. Your responsibility as elected officials, you're doing it. And we appreciate it. And we feel that there can be more done. It's not too late for all of us to take responsibility, to take responsibility and to make amends. And I think that's the purpose of Erik Sten's amendment, to say there is a responsibility. We all were part of getting there. And we all need to be part of getting the troops home. So bring them home and stop the loss of life, and the reckless expenditures of money. And let's make this a resolution that helps other people to understand we never again should go to war for perceived political and economic advantage. Thank you for your attention.

**Leonard:** Thank you, Michael. We appreciate you coming. Welcome back, Jessica.

**Jessica Acosta:** Thank you. I completely agree with what you've said. Thank you so much for your insight. Which is strange, because you're -- first off I'd like to thank you for your time, second off I'd like to thank Ron Wyden and Governor Kulongoski for things they've done for our state and how they've reached out to the troops. I would just like to start off by telling you something that

**November 30, 2006**

was told to me by a sergeant major when I first got to my permanent duty station there. Are four things a soldier needs to do in order to succeed in the military. The first is to be where you need to be and the second, do what you're told, the third do, what you're told, and the fourth is to do what you're told. So with that in mind, soldiers are going to keep doing what they're told. They're going to keep going to Iraq unless they want to be jailed and considered AWOL. And they trust the people who are sending them -- sending them that they're going to a mission that's going to be fruitful and not futile. The rules of engagement and the Geneva Convention outline the things soldiers can and cannot do, but it's up to our nation to pull together and keep soldiers to do the right thing. When -- where they're going. I petitioned you as a former sergeant whose boyfriend will be leaving for Iraq in mid January, that we can start with this resolution to not send him and my friends who are still in the military to a place where they are breathing -- almost breathing hate. They're going into houses, putting guns to people's head and who's surprised when these same people whose houses have been invaded dig a hole, bury an A.I.D. And blow up your van could I? They feel justified. They feel what they're doing is the right thing by fighting against us. And I'm not saying that's all Iraqi people, I'm saying that's what's happening. And I'm not saying it's the majority, but it's what we're seeing on the news. I have so much to say and I just -- the belief that we're winning this -- I don't know where this started and I don't know when I ever or let alone anyone else I have spoken with while I was in, when we felt that way, that we were winning, that we were gaining ground, that we were doing something that was effective. I don't feel like I've won anything. I lost friends, and I promoted fear in a nation of people who never even asked for my help. I was blessed to come home. My friend from California, he never left Iraq. My worry is that there are friends of mine who won't leave Iraq in this upcoming time frame. I keep hearing on the news, 12 to 18 months. That's exactly what they told us in 2003 when we went over from Kuwait to Iraq, they told us 12 to 18 months. When I left for Iraq in 2005, they told us the same exact thing, this should be over in 12 to 18 months. We're doing the right thing, guys. In close can, I thank you for your time. There's so many other soldiers who I'm sure feel a lot of different ways, and I respect their diligence on keeping the course if that's what they feel is the right thing to do. However, I have never met any of those soldiers excepting on the news. So thank you again for your time and God bless. [applause]

**Leonard:** Thank you, Jessica. That was very powerful. Thank you.

**David Leslie:** Mr. Mayor, members of the council. It's a privilege and honor to be here and also to be with veterans from the war in families with loved ones still in Iraq. Thank you to commissioner Leonard for introducing this resolution. My name is David, the executive director of Ecumenical Ministries of Oregon. Ecumenical Ministries of Oregon and our member denominations, congregations, interreligious organizations in Oregon as well as our affiliated denominations nationally, have been on record opposing the war in Iraq and have made this public through press conferences, pastoral letters, community meetings, consultations, prayer vigils and worship services involving a number of the groups here today, like physicians for social responsibility, mercy corps, military families speak out, and veterans for peace. In 2003 we were on record as supporting commissioner Sten's resolution that would have put this council on record as opposing a preemptive strike on Iraq. Our support then was based on the fact that such a preemptive strike would place the lives of U.S. troops in jeopardy, create a humanitarian crisis in Iraq, and cause our nation to incur incalculable costs at a time when state and local governmental budgets were being cut, causing people at that time to face more severe poverty. 3½ years later, war is being waged. And we have increased our outreach and support to the families who have husbands, wives, sons and daughters serving in Iraq. As well as those who have lost loved ones in the war. And we have also strengthened our call for the end of this conflict. Our objection to the war continues to be based on the inordinate costs incurred. Cost that includes lives lost, and when we think about that, we include U.S. military personnel, and U.S. civilians, Iraqis, and also people from other nations around the world. And we also oppose the war due to the costs which are now

**November 30, 2006**

hundreds of billions of dollars spent to date. Dollars that we firmly believe that could have been more wisely spent to fund educational, public safety, and social services that benefit the common good and build more peaceful and sustainable communities. But I think ultimately our objection to the war is based on our souls. You see, our vision for a better approach to Iraq is based on our commitment to building the good society in the spirit of Jesus and the prophets who called on us to serve the poor, to house the homeless, feed the hungry, and in the words of the prophet Isaiah, to beat spears into pruning hooks and not to learn war anymore. We feel that we better address the challenges in our world through multilateral international diplomacy and by acknowledging the ways in which poverty and its components served or serve to create much hopelessness in the lives of people in our communities. So it's in this spirit and on behalf of ecumenical ministries of Oregon that I urge the city council to adopt this resolution. You see, in doing so, you state publicly your support for this the cessation of combat operations in Iraq and the return of the U.S. Troops, the need for new ways to address the violence in and the rebuilding of Iraq, and the need for increased resources and re-- new commitment to serve those in greatest need in our own country, as well as those beyond our borders. Action that we ultimately believe will provide much-needed hope to those living on the margins of our society. Thank you for the opportunity to be here. We urge your support of the resolution.

**Leonard:** Thank you.

**Isra Hasani:** Thank you for having me here and giving me the time to talk and speak.

**Leonard:** Pull the microphone up just a little bit? Thank you.

**Hasani:** As an Iraqi-American who lived in this country for 11 years now, four years ago as an Iraqi-American, I had mixed feelings about the war. The Iraqi part of me that is still carrying the consequences of the suffering from the old regime and its oppression struck me then from -- stopped me then from coming out strongly against the war. Today, four years after the occupation, I'm here to testify in front of you and tell you that the occupation was wrong. And we lost the mission in Iraq. Talking to Iraqis today hopelessly desperate for security and stability, they are always asking for the Americans to leave their country. I led them -- let them deal with their own problems themselves. Problems that was created or deepened by the presence of the occupation. They always complain that Americans troops don't let them defend and/or protect themselves. They believe that the main problem is troops don't let them -- I'm sorry. They believe that the main problem is that Americans won't give Iraqis the authority in handling security, and that what caused all the problem, problems of lawlessness first and then deterioration of the situation. Which in result caused the widespread of resentment and hatred among the Iraqis toward the U.S. We are definitely not winning the hearts and minds of people there. But in the contrary, we are losing the trust of people there and the moral stand of America. Especially after many shameful incidents which occurred during the four years period that I'm sure you have heard about some of them if not all. The only solution for the dilemma we are in today is to hear what the Iraqis inside are saying, and start putting a timetable to bring the troops back home. Meanwhile, start to get the whole world involved in stopping the madness and indiscriminate killing of a whole population and losing a whole nation. As America -- as Americans, we have a lot of responsibilities toward the world and we have to meet them graciously and kindly. Thank you again.

**Leonard:** Thank you. I'm going to turn this over to Mayor Potter. Thank you all on the panel.

**Potter:** How many people do we have signed up?

**Moore:** 54.

**Leonard:** I hope that doesn't include anybody who just spoke. We've had that happen before.

**Potter:** I'm going to limit testimony to two minutes. It's going to take quite a while too get through that. I will limit I -- limit it to two minutes, and Karla, please call the first three people.

**Potter:** You each have two minutes.

**November 30, 2006**

**Jeanne Carpenter:** My name is Jeanne Carpenter, I'm here today on behalf of my local and Portland jobs with justice. I will -- I would like to share with the city council a two-minute history of the labor movements efforts nationally and locally to bring an end to the u.s. Occupation in Iraq. In January of 2003, over 100 trade unionists from union and central labor councils met in Chicago and formed u.s. Labor against the war. Their initial intent was to organize to prevent the war. By late 2004, a founding member of u.s. Labor against the war met with labor activists in Portland to help us begin the conversations among our union locals about ending the war. Subsequently my local and other locals pass resolutions asking for an end to the war. By June of 2005, six Iraqi labor leaders visited the United States for three weeks. The organization A.F.L./C.I.O. hosted a visit by two of these leaders from the General Union of Oil Employees. It was literally a world wind tour. On June 22 they left San Francisco and arrived in Portland at 10:00 a.m. They did a press conference with the International Longshore Workers Union leaders at the docks in North Portland, met with union members from various locals at the Musicians Hall for lunch, and in the afternoon they met with Portland City Commissioner Sam Adams and Multnomah County Commissioner Serena Cruz. The final event was a community meeting at Smith Memorial Ballroom. On a warm June evening over 450 people came to listen and learn of the conditions in Iraq. They spoke to us as citizens and workers of Iraqis facing 70% unemployment because of the privatization of their economy of the violence in their neighborhood, and that the u.s. Occupation was furthering terrorism. By 10:00 p.m. Union members from Seattle whisked them away for events the next day. It was a great day. As Tom Chamberlain testified, both the Oregon A.F.L./C.I.O. and the national organization have passed resolutions to bring home the troops in July and October of this -- of 2005. In closing I will say this is where the labor movement has been and where we are today. The labor movement in the u.s. is united in bringing home our citizen soldiers. The labor movement asks the Portland City Council to approve this resolution. This resolution is one of many that I've been passed in cities large and small across the United States. It is time for us to do right by those who have sacrificed so much on our behalf. We must bring our citizen soldiers home to their families and communities. We must also support rebuilding and supporting Iraq. Not just their infrastructure, but the people of Iraq. And thanks to Commissioner Leonard for bringing forth this resolution.

**Dr. Annette White Parks:** I would like to also thank Mayor Potter and the commissioners for your concern with this issue and for hearing our testimonies today. I'm affiliated with two organizations in Portland that are especially concerned with this issue. One is Code Pink, Women for Peace. And another is Sisters of the Road. A cafe dedicated to feeding the hungry in Portland. We of the United States are at a pivotal time in our history when our nation spends more on one destroyer. I'm referring to the D.D.X. 3.3 billion, and operating public housing for an entire year. That's 2.48 million in the 2005 federal budget. With basic human needs weighed against one destroyer we continue to spend billions of dollars in Iraq when we cannot scrape together comparatively small sums of money to make sure that all people are out of the weather in these coldest days and nights of the year. And instead of working on real and creative solutions to the violence within our own society, we respond to the rest of the world with unilateral violence. The city of Portland has an opportunity today to add our voices to those of the 272 other cities across the u.s. who have passed strong statements to our federal government asking them to change our priorities and actions and to cease the war in Iraq. And it's been my privilege while living in Portland to be involved with groups working for both peace and human needs. The resolution you are considering today, the two are linked. Stopping this war would bring peace abroad as well as desperately needed funds for justice in our own communities. I appeal to you to support this resolution for cessation of combat and bringing our troops home from Iraq. Please reclaim Portland's resources to support the needs of people who live in Portland. Thank you.

**Joe Keating:** Mayor Potter, commissioners, it's a pleasure to be here, Commissioner Leonard, thank you very much for bringing this issue forward. I am the -- my name is Joe Keating, I am with

**November 30, 2006**

Oregon wildlife federation, i'm a director and issues coordinator for the group, and also came recently off the campaign trail, running for governors, the pacific green candidate. And so before -- as I was out there campaigning, one of the things I really kept inside me was the fact that I was coming out of Portland and what leadership that you have provided for the city is sort of a model in the way I was progressing out there, so thank you for that. My observations on this particular issue is there's a real need for the Oregon national guard to be here. I agree with all the testimonies that have been given today in terms of the various reasons, but right now we got 300 miles of unguarded coastline. We do not have an emergency preparedness plan in Multnomah county that will work. There are no extra hospital beds in this state as we speak for any type of major emergencies. It is true that every day that we spend in Iraq, it increases the potentiality of increased instances taking place in this state that we have to deal with on a very practical basis, aside from the doing the right thing and being the good leaders that you are, we really need the national guard here. We need them trained and we need them here with the proper equipment. That's not happening right now. A major step forward would be for the city to pass this resolution to say, hey, let's bring our troops home now, let's take care of our business. I did notice very strongly out there talking to an awful lot of folks that there is a hunkering down feeling. The inability of the national government to provide the good government that we need increases our responsibility. Thank you.

**Adams:** I need to take a point of personal privilege. I've got a meeting in my office that was scheduled long before this hearing, and i'm going to have to take 20 minutes to complete that meeting. However, we do have closed circuit t.v. and i'll be able to listen into your testimony, and i'll be back in about 20 minutes.

**Adam Sanchez:** It's an honor to be before you all, and an honor to go after Joe Keating. I'm a senior at Lewis and Clark. I'm Adam Sanchez a senior at Lewis and Clark College. And i'm also a member of Lewis and Clark students for a democratic society. I'm here trying to represent a stack of signatures in this stack of papers by Lewis and Clark students who have voiced their hope that the city council will pass this resolution today. I'm very excited to be here today as Portland, the city i've learned to love and call home for the past four years as hopefully joining the other 270 over 270 municipalities to call to bring the troops home now. And I wanted to just briefly reemphasize what a couple people have said, the costs of war from a Portland student's perspective. The cost of war to the city as has been stated is over \$417 million right now, and I think this is -- has been talked about a lot already, we could have provided 18,000 four-year scholarships at public universities, could have provided salaries for over 7,000 teachers, the list goes on and on. But instead we silently supported this war in Iraq, so my question is for what? For over a half million dead Iraqis? For ensuring countries decay in the civil war? What were we fighting for? Because it certainly wasn't freedom and democracy, and i've yet to hear an answer for this. It seems easy, I really want to stress my agreement with the previous speaker from the A.F.L./C.I.O. This is a blue collar working class war. I also want to add that it's also a war being fought by youth-to- it's a war being fought by people my age. And it's easy for those in power not to think about those people who are in the war. It's easy but it's not so easy for us. And as students and as youth, I really have to stress that because we aren't funding their education and we're funding the war, we are giving these kids nowhere else to turn. So i'll quickly wrap up and I just really want to say thank you so much, and I hope in the future when we have to talk about if there are further wars, that Portland will be quick to respond, that our community will immediately realize the cost of not enacting these sort of resolutions.

**Linda Marshall:** I'm Linda Marshall and I am here with military families speak out. I have a son who had his 21st birthday in Iraq, and so one of the things as I prepared for today, one of the things I noticed, a piece of information that said that 95% of Americans including Congress in the White House, have no personal connection to this war. And maybe that explains a little bit to me Americans' inference to the combat soldiers and their families. Because for all the plastic yellow

**November 30, 2006**

magnets that I see on cars, the question I keep asking is, what are we doing to support our troops? What do you mean by "support our troops"? It has to be more than words. My son-to-said to me this morning, yeah, they all like the vets now, but like every other time, they'll get tired of them when the war is over. I think what we're asking of you today is really a rather small action. To say to our troops we care you've been lied to, and we care that you've been under supplied, and we care that the department of defense and the executive office made no realistic plans to enter or exit this war. And we care that you've done your very best in an untenable, unwinnable situation. We want to bring home now and we want to take care of you. And the cost is going to be huge. The wounds, the p.t.s.d., it's going to be a huge cost and it's going to keep coming on for years. So I want to just end with one story, because I think that it's important that people that don't have any war experience hear one. My son was at a checkpoint station, and they were sharing the duty with some army engineers. He was sleeping and his unit, while the engineers were at the checkpoint. He was awakened by an explosion. When the area was cleared, he was sent out with his other unit with garbage bags to collect body parts. He picked an ear off of a chain link fence, he picked up something he thought was a liver or perhaps it was a kidney. I make no apology for the graphicness of this because I think it's very important that we are responsible for keeping our soldiers there and we need to carry these images in our head too. Thank you very much.

**Bob Projansky:** My name is bob, i'm a member of veterans for peace, a national organization with international ties and an organization of veterans who have fought in every war since the spanish civil war. And who have fought for peace since the spanish civil war. We're also the organization who has given Portland the memorial peace park that is to be seen at the south end of the -- the south side of the east end of the steel bridge for which I thank the mayor and council for the opportunity, and we hope to be doing this for many, many years to come. In in 1965 richard forina sang, it was the red, white, and blue making war on the poor. That seemed quite shocking, but since then we've come to see it's all too true. Poor people bear the brunt of this awful roar. Poor people join the armed forces in the united states as a matter of opportunity, poor people are overwhelmingly the victims of the war of what happens over there. It's really time to leave. It's time to stop doing that stuff. The people who made this war have told us, among other things, that this is a war for democracy. These are the same people who do everything they can to suppress votes here, to steel election -- to steal elections, to do everything they can to defeat democracy. Mostly with lies over these years. 2½ weeks ago we saw the secretary of defense driven from office by an outburst of democracy. [laughter] I believe in democracy. I don't think you can deliver it to people who haven't fought for it themselves. You can pull on a string, you can't push on one. I believe a lot in democracy. This is democracy in action. Let's do it and let's do lots more of it. Thank you.

**Potter:** You each have two minutes.

**Dan Handelman:** Good afternoon. Mayor Potter, commissioner Leonard, other men's of council, i'm dan handelman, with peace -- we are pleased to speak in support of the resolution have you before you today. Our work for nearly 15 years has been focused on ending the suffering of the people of iraq that is caused by u.s. foreign policy. It's clear that in this resolution as it has become clear to most of the world that the u.s. Invasion and occupation of iraq is merely making matters worse for people who live for decades under a dictator ship and for 13 years under the most restrictive sanctions regime in history. We are particularly grateful that in addition to the casualties of u.s. Service men and women the resolution acknowledges the devastating totals of iraqis killed in the invasion. We have been working with american -- for months and I wanted to highlight a few important developments. Thank you very much commissioner Leonard who is not afraid to tell the community in the fall of 2003 he'd felt he'd been duped by the administration to support the invasion. He used the phrase, if I knew then what I know now, he would not have voted against the january 2003 resolution opposing the invasion. Second, it is notable that the voices who strongly



**November 30, 2006**

urge the council not to pass that resolution have fallen silent. Back then "the Oregonian," a Portland business alliance challenged the reasons the city would worry about international affairs. This resolution makes it clear that all politics are local. Furthermore, we have been able to garner support a wide variety of community organizations, elected officials, and even a few businesses. There are more than 50 names of groups, individuals and businesses who endorse the resolution and had the time line not accelerate so quickly, I'm sure there would be many more. There are now 163 or more other troops home resolution USA round the country. One of the endorsers of today's resolution asked me to share with you she will be working with others on such a resolution for the state legislature in the senate when it convenes in January. So we hope by passing this you're really committed to passing the word on to Oregon's elected official, to the legislature here, and up to President Bush who is talking just today about sending more troops to Iraq. So this resolution could not be more timely. And just before I give out my seat I want to present to you this is from the American Service Community and the countless, countless volunteers who went out and gathered signatures, there are roughly 2,000 signatures here in support of the resolution to show you how widespread the support is for the action you're taking today. So thank you very much.

**Martha Odom:** My name is Martha Odom, I'm a mother, a grandmother, and proud member of Portland Code Pink. I don't -- I have no way to quantify for you my rage, my grief, and my shame at this war. If I brought in 3,000 crosses for our soldiers, if I brought in the blood of half a million innocent victims, if I brought in the children of the 16,000 single moms who are deployed in Iraq, it still wouldn't be enough. So I'm going to resort to numbers. In August when this petition was started. The cost of the war was \$284 billion plus. Today it's \$346 billion plus. Oregon's share today is \$2.8 billion. In August, Portland's share was \$370 million. Numbers today were 419 million, but according to national priorities, just before now, it's 423 million. I don't know what that amount of money is. But I can bring it down to it's \$126 a minute. In the course of this two-hour hearing, it will turn into \$15,000. By tomorrow it's turned into \$181,000. That's from Portland. That's from our schools, it's from our health care, it's from affordable housing, and dollars, it's hard to translate into the moral ethical horror of this, and I so applaud Diane Rosenbaum saying we passed a resolution, wonderful. We're not done until everybody's home, until we've repaired Iraq, and until we're committed not to do this again, we have lots of work. Thank you so much.

**Betsy Toll:** My name is Betsy Toll, I represent an organization in Portland Living Earth. I'm speaking as a private citizen. We know that the scope of challenges that face our city, our state, and our nation today are unprecedented, including climate change, oil, and resource depletion, population surge, food and water security, geopolitical conflict, and war. War being of course what we're here discussing today. Pressures to deal with these very real issues will continue to mount and will define the lives of our children and our city for generations to come. Yet billions of dollars as well as our national attention and energy are being siphoned off and sent to war. Nearly four years after this ill-considered decision to invade Iraq was taken, our city budget is fairly stagnant, even though needs are escalating. Over the past four years Portland has seen we know hundreds of billions of dollars diverted to fight this war of choice. Lives of children who graduated from almost every high school in Portland have been lost in this war, the impact on the cost in our city is very real. Looking at the city's '06-07 budget, we see stagnation, even as needs increase, homelessness and hunger are evident. The office of sustainability is down at a time when population growth, climate change, resource depletion, make building sustainable communities an urgent priority. Our future well-being depends on addressing these needs in our communities. It depends on forging friendship, cultivating understanding, and depends on responsible use of American power as well as cooperation with the international community and commitment to peaceful conflict resolution toward a peaceful and just future. For that reason I urge you to pass this resolution. I thank Commissioner Leonard for introducing it. Thank you for this time.

**November 30, 2006**

**Potter:** When you speak, please state your name for the record. You each have two minutes.

**Dr. Goudarz Egutedari:** I live at 808 northeast 39th in Portland, Oregon. I am a first generation iranian american who had been living in the city of roses for more than 10 years. When I was growing up in my old country, I came to know the americans through the stories of an american peace corps volunteer. The fond image that I still have whenever I see gretchen kafoury, jackie spearberg, both all of them, the Portlanders who served in iran as peace corps, I was in preschool when john f. Kennedy was the president and I remember my class drawing a postcard to be sent to white house when caroline was born. Long years have passed since then and the image that once americans were recognized with in the middle east has changed drastically. As I graduated from college, a disastrous war was forced upon us by iraqi invasion of iran. I am a veteran of that war. And today i'm here to share with you and the rest of my fellow Portlanders who might have not seen a war and have not heard a real explosion in vicinity of their home. What my family went through those years. I lived for more than 6½ years after my military service in tehran which was under the iraqi soviet made scud missiles. The impact of those missiles would wipe out a complete block of the city. The psychological effect of those days and nights are still with us. My daughter, a graduate of lincoln high school, had never enjoyed the fireworks even for celebration of the symphony at the waterfront park. The noise always brings back the trauma of those middle of the night hurries to shelter. Although I personally felt the war against former regime of iraq, i'm here to tell you seeing the face of iraqis and images of the blood on american young soldiers reminds me and my family of the terror, destruction that no one in this planet should go through. I'm here today to salute your courage to stand against the barbaric nature of war, and this war of deception and lies. It's time to bring our troops back. Thank you.

**Maggie Pondofino:** My name is maggie, and i'm with military families speak out. I want to thank the city council for considering this resolution. And thank everyone here today who came out to support this important resolution. For many Portlanders, the war in iraq is a talking point at best. For those who signed our petition, it is a moral issue. For those of us who have loved ones who have served, who have died, or who are serving, it's mo much more. It's a personal issue, it's a family matter. My son is with the u.s. Army, 25th infantry. Currently in sadr city. He's been deployed for a little less than two months. I want the tremendous value of my son and his fellow soldiers and the incredible investment this country has made in their training to be used for the real protection of the country and not for this futile effort of a failed strategy. I want to be perfectly clear, my son tells me he's doing good work and I am immensely proud of him. He also tells me in spite of the ubiquitous yellow ribbons on americans' cars, that most americans consider him part of an expendable class of people. The dregs of society, he says. Yet he is so proud of his fellow soldiers, and I am in awe of how of their camaraderie. And I am sickened that our nation's leaders are squandering their honor, their virtue, and their courage. Please pass this resolution.

**Curtis Bell:** I'd like to thank the council also very much for considering this very important resolution. My name is curtis bell, i'm a member of Oregonians against the war, and people of faith for peace, an organization that includes a number of different churches in the Portland -- and mosques in the Portland area. My -- on a personal note, my good brother john was killed in vietnam because he didn't keep his grade point average up in college. In a war that like this one was unnecessary, was immoral, and a disaster for the united states like this one, we -- we recall at that time how the great society program of lyndon johnson was really aborted because of all the money that went into vietnam and the great dreams of lyndon johnson for reducing poverty and bringing a better life to every american were dashed. Iraq has many lessons to teach us, but I think one lesson is clear. Many of -- one lesson is clear, and that is that disasters are the -- of the worse sort occur if we just leave to the federal government all issues that affect us profoundly, like this one. Just because we don't have formal jurisdiction over those, we have our voices to speak and we must make those voices heard in every forum that we have access to. Nothing less will change our

**November 30, 2006**

disastrous course. We must tell them in every way we can what kind of a country we want. We must tell them that our dreams of empire must end, that many countries have given up their dreams of empire and are much better off. We can list them as Portugal, Spain, Italy, Germany, France, Japan. These have given up their dreams of empire and the U.S. too must give up dreams of empire if it's going to have the kind of society, the kind of world we want, and I urge you to consider these issues as you vote on this important resolution. Thank you.

**Travis Giorbi:** My name is Travis Giorbi and I'm with the Freedom Socialist Party. A socialist feminist revolutionary party and a proud co-sponsor of this resolution. I'd like to start by thanking the city council members and Mayor Potter for the chance to present these petitions and our statements. In these days of repressed dissent it's a breath of fresh air to have this opportunity. Throughout history whether by installing military dictatorships or propping up religious death spots, the U.S. uses occupation to guarantee access to global resources. This war on Iraq is no different and it has to stop now. All wars hit women doubly hard. And in Iraq they are being deprived of jobs, healthcare, schooling and mobility under U.S. occupation. This occupation has taken a once fragile secular nation and has quote "planted the seeds of ethno sectarian division preparing Iraq for civil war over and against human and women's rights" end quote. According to Yomar Muhammad, president of the organization of women's freedom in Iraq. The fastest way to end this war is to support the resistance movements of trade unionist, women's organizations, intellectuals, students and elders who want a secular and truly democratic Iraq. Bringing our troops home and reallocating those funds for social services is a great first step for Portland. But we also urge all the union members present to have their union leaders demand an end to the war and the return of Iraqis to the Iraqis. Wounded soldiers and civilians, families of dead soldiers and civilians both Iraqi and U.S. coalition deserve reparations and we demand that the U.S. multi national corporate war profiteers pay them. Lastly, we demand an end to the economic draft that makes cannon fodder of poor working class youth and a ban on military recruitment in our schools. Please not one more dead Iraqi man, woman or child. Thank you.

**Jennifer Laverdure:** Thank you my name is Jennifer Laverdure Portland radical women organizer. Thank you for considering this resolution. Radical women strongly urges the city council to pass the resolution. Over three years our troops have been dying and suffering emotionally and physically in the name of the war on terrorism. This supposed war on terrorism was created by the current administration to justify war in Afghanistan in Iraq and honor civil liberties here at home. The troops themselves want an end to this war. From Suzanne Swift who refused redeployment because she had been sexually abused by fellow soldiers to Lieutenant Irwin Wattada who has declined to return to Iraq because of the atrocities he has witnessed in the name of spreading democracy. The actions of our soldiers speak to their disgust with this war. Since March 2003 at least 2,883 soldiers have perished in the war. There has never been support for the invasion of Iraq from the workers of this country as record numbers took to the streets in protest of the war before it ever started. There's no support for this war internationally. To top it all off the bill is being paid by U.S. tax payers. As long as the war continues, precious resources will continue to be sapped from public programs like libraries, schools and social services. The killing of Iraqi citizens and U.S. soldiers needs to end. As a country we have gained nothing from this war but it has given corporations access to natural resources of Iraq and Afghanistan. If corporate America wants this war let them send their daughters and sons abroad on their own dollar. There's been many wonderful testimonies here today and there's not enough time to explain the reasons why we need to pass this resolution. But we can start by bringing the troops home.

**Herman M. Frankel:** My name is Doctor Herman Frankel. Thank you Commissioner Leonard, Mayor Potter, Commissioner Saltzman, Commissioner Sten, Commissioner Adams for this resolution. I want to add another matter of great concern in addition to those that are articulated so clearly in the resolution itself. I think it's no accident that in the climate of bullying and contempt that have

**November 30, 2006**

affected our nation in the era of the u.s.a. patriot act and the invasion and occupation of iraq. But the people of portland have become increasingly distressed by abuses of power in all aspects of our lives. We're deeply pained by discrimination on the bases of race, religion, color, gender, national origin, age, mental or physical disability, sexual orientation, gender identity, income level, marital status, immigrant status, refugee status. Secret police arrest and detention of such area residents as Brandon Mayfield. By assaults on rights and human rights in our courts, work places our streets and perhaps most hidden and most common of all by domestic violence in our homes. I express my gratitude to you for your unanimous passage on October 18<sup>th</sup> of the resolution to establish a City of Portland metropolitan human relations commission and a resolution affirming the inclusion of immigrants and refugees in civic and public life. Even as we work together to end the violence committed in our name in places far away from here we affirm our commitment to work together to make portland a community in which all people can live in dignity without fear of discrimination or abuse or violence. Thank you again for your courage your leadership, your vision we are inspired by your integrity.

**Potter:** Thank you folks.

**Manfred Zysk:** Mayor potter and commissioners, thank you for your sponsoring this resolution. I am Manfred zysk. I am a u.s. veteran and served in the air force. About three weeks ago I faxed by proposal of the iraq solution to more than 120 democratic senators and congressman. My proposal stated that a peace plan should be declared. This proposal specifies that all military operations are to be suspended and our soldiers are to be used to guard and protect all public utilities while reconstruction and repairs are being conducted on a high priority basis. Iraqi soldiers, engineers and managers would be trained side by side with u.s.soldiers and u.s. reconstruction engineers. And these Iraqis will take over complete control within six to nine months of all electric power plants, water treatment plants and sewage treatment plants. I have substantial experience and in the design and management of multimillion cement plant, chemical plants, electric power plants, sewage treatment plants and a large water desalination plant for Saudi Arabia. The reconstruction of utilities can be accomplished by experience professionals within six to nine months. The U.S. has - - was responsible to make all public utilities fully operational within the first 6 months after the invasion and the year 2003 according to the Geneva convention. The conditions in iraq have deteriorated so much in the last three weeks that my proposal may not - - may be the only option besides an immediate military pullout. The iraq resolution was also emailed to president bush and Richard cheney but they do not accept any emails. Regular mail takes 2 to 3 weeks for delivery to our senators and congressman. This war is not against an army but against civilians, against resistance movements and against religious factions who openly oppose our occupation. And the according to the latest information, president bush has absolutely no plans for concluding the war and this resolution should therefore be approved by everyone.

**Potter:** Thank you.

**Georgia Pinkel:** Gentleman, thank you. my name is Georgia pinkel and I'm the current co-convenor of the portland branch of women's international league for peace and freedom. We've been in existence almost as long as war has ... [**\*\*end of tape**] ... this resolution may well be a symbolic step but hopefully it's the first step in a paradigm change. War solves nothing long term. And it poisons everyone who participates. It's a form of mutual destruction. You've heard the statistics we are now able to kill 95% of the civilians. Those killed in war are 95% civilians. So its no longer just army against army. We've got to change the hyper masculinity that dictates we should behave as bullies. That we can take whatever we want without consultation without honoring our former relationships with countries, with individuals. Its got to be a change or were all going to suffer. No one wins this kind of activity. And I speak particularly to the statistics you've heard about the children. That's what war is it's a war on children, it's a war on the future. We can't afford it, we just can't. Thank you.

**November 30, 2006**

**Amanda Fritz:** Good afternoon. My names Amanda fritz, speaking only for myself. My grandfather was a stretcher bearer in the trenches in world war one. My mother was evacuated from the London blitz and spent the 4 years sheltered by strangers in Connecticut. So I owe my very life to American liberation forces. The difference is in this war, in those wars everyone was convinced that the cause was just and that justice would prevail. In those wars war was used as a last resort. Some may have seen the pbs special on bobby kennedy last Sunday in which bobby kennedy and his brother became convinced that a preemptive invasion of cuba would be morally wrong. This war is morally wrong. It is a moral issue and it is our duty to speak out on it. Thank you commissioner Leonard for proposing this resolution for allowing us to speak. Thank you commissioner sten for proposing the previous one. Thank you commissioner Saltzman for saying on kboo in may that you would support this resolution and mayor and commissioner adams I hope that this will be a unanimous support for the resolution. we need to speak out and let us be very clear, we support our troops we suffer we grieve when anyone of them is lost. And I believe this t-shirt is the new slogan of the Archimedes project its we can do better dot org. the Archimedes project is lead by the governor kitzhaber looking to provide health care for all Oregonians. And I'm going to borrow their statement. I believe we can do better we can do more than just speaking out we should be looking at practical ways each one of us to support our friends and neighbors who have soldiers who have soldiers in the war. Whether it raking their leaves for them if their isn't a husband home to do that. each of you I challenge to look into your bureaus to see what is that the City of Portland could do for military families. Perhaps firefighters could change the batteries of smoke detectors of families serving in iraq. Perhaps when somebody buys a community center pass they could be asked would you like to donate a dollar so that the children of families serving in iraq could attend this community center. Are citizens need to be reminded on a daily basis that we are at war that we are loosing Portlanders that we are loosing families in iraq as well as our own families here at home. And thank you. I'm an American by choice I have not been especially proud of that since the invasion of iraq but I am very proud to be a citizen of portland today. Thank you.

**Potter:** Thank you folks.

**Eric Hildebrand:** Hi my name is eric hildebrand. I'm a resident of northeast portland and I'm here as a private citizen. Last week I heard the statistic that nationally we are spending 11 million dollars an hour on this war and occupation. Other people today have said what kind of productive things could be done with that kind of money. Right now that money, 11 million an hour nationally is being used to mame and murder people to blow up buildings to wreck a society. That money is also being used to enrich war profiteers. One of the most predominant is infinitely tied with our vice president. That money is being used to create a situation of international crisis would give oil companies a chance to gouge the working people of America. And that war is being used to create permanent military bases of the u.s. in iraq. None of this money is being used for any productive purpose that will benefit anybody but the small groups that profit from the military bases, the oil companies and the profiteers. So I just want to say we need to get out of iraq we Americans know that it is a tragedy we do not want to hear the happy talk anymore. We don't want to be lied to anymore. And we applaud the city council for taking this measure and I support the resolution fully. Thank you.

**Linda Sejfulla:** Good afternoon gentleman. My name is Linda sejfulla. I come here today as a private citizen. I'm a registered voter and I vote in every election. First of all thanks to you commissioner sten, I was here on January 22<sup>nd</sup> 2003. I was very proud at the end of the day. I realized that your resolution did not pass on that day. Never the less I think that it was a great day for portland because of all of the voices who came forward to speak most eloquently. And unfortunately, war ensued. Commissioner Leonard I would also like to thank you for sponsoring this resolution today. And especially I would like to thank you for doing what so few leaders ever do is reconsider their position and acknowledge that perhaps they made a mistake. This puts you in

**November 30, 2006**

a class almost by yourself. I had every intention today because I believe that you have to show up in a democracy. But I had to wrestle with myself over and over again as to whether I would speak and at 10 o'clock this morning I decided I would not speak. And a few minutes later I decided I had to speak. Its because I heard of a birthday today and I felt the need to come and honor the birthday person and share some information with you. I have too much to say I have much more to say than I can say in two minutes. I would just like to say that personally I am despondent every day and I am outraged everyday. What brought me here today was the special date in history. November 30 of 1835, it's the birthday of Samuel langhorm clemmons who you most of us know as Mark Twain. And I realize my time is gone but I'd just like to tell you that mark twain has said something better than I could ever say and that is, and I regard him by the way as a great writer and a great patriot. Mark twain said "I support my country, always, I support my government when it deserves it". Thank you.

**Molly Malone:** My name is molly malone I'm here as a private citizen as well. my borhter and his wife are both in the army. Their from Oregon, from sandy. When they went into rotc to pay for college and then graduated in june of 2001 the army, their life in the army looked much different then it did a few months later in September of 2001. They've now been married for six years and they've spent four of those years separated because of this war. Their currently in iraq in their second tour of duty their. They've been there now for well their second tour for a few months their due back next summer. I hope that they make it back safe as the first time they went. And as they've managed to stay safe so far in iraq this time around. I very thankful for their safety and their ability to get through what they've been through over their. But so many thousands of families haven't been so lucky. And many families from the portland area are among those families that haven't been so lucky. I fear for my brother and sister-in-law and all of the people over their not only that they might get injured or killed. But that their going to come back hopefully in nine months and their going to be forever changed. And they, I'm afraid that they'll feel that they did more harm over there than good. and I know that when they went into the army when they made that choice, which they did, it wasn't their intention to do more harm than good. and they really feel that they can make a difference and they want to and I'm afraid now that they've been put in a position where they can't, they can't do what they intended to do. So I really hope that representative rosenbaum mentioned the mother of a soldier in iraq who loses her breath every time a war story comes on where a soldier has lost his life and I've gotten to the point where I can't watch the news anymore when its an iraq story. And I really hope that with the passage of this resolution it will give us something positive to see on the evening new tonight. And hopefully that will just be a first step. Thank you.

**Potter:** Thank you.

**Eugene Johnson:** I guess I'll go first. My name is Eugene Johnson and I control 2/3rds of native American media in the area and I don't make a dime which I appreciate a lot. I also come here to represent myself as well as I've been given authorization by the blackfoot traditional government to speak on their behalf as well. I believe that everyone should read the book war is a racket by smedley darlington butler. You can find that book on the internet and read it for free if you want and it discusses corporatism in the united states military and it was written in 1935 and still applies to this day. My blackfoot brother jim craven says quite a bit that one should never support a war you are not willing to take up arms in and fight in yourself because you are asking others to do your killing for you to have their arms and legs blown off for you and if your not willing to get out their and fight right their beside them then you should not support a war. I participate in a weekly anti-recruiting vigil at northeast broadway at the recruiting center there. And one time a young man stopped and chastised me for holding up a sign that says killing is wrong. Because in my opinion killing is wrong. And I hope everybody here believes that as well. And he asked me as a part of argument do I like living in the land of freedom. In my opinion I do not live in the land of freedom.

**November 30, 2006**

Because if somebody else's freedom has to be destroyed for me, than that puts me in a position of privilege not freedom. So in my opinion this is a land of privilege not freedom. And people have talked about the united states having moral authority in this issue, and this is the same government that has based, has been routed in the genocide of people like me and the blackfoot nation has indicted the united states and Canada for the crimes of genocide. And I urge you guys to do your part and to help change the world and vote this resolution in. because I believe that at least as a step in moral authority and I believe it will also inspire the people of this nation, this city in this world in order to inspire them to bring about conditions that everyone can benefit in this world and never have to suffer under war ever again. Thank you very much.

**Geraldine Foote:** Hi my name is Geraldine foote. I am here representing st. luke, saint Lutheran church peace and justice group. I'm a mother of a 16 year old. And I'm a veteran of 25 years of high school teaching in portland public schools. Daily I look at the number of soldiers who have been killed in iraq and am thankful that I don't see one of my students among the name there. But I read it everyday and like other people who have testified that sense of relief vanishes when I realize somebody else's student, somebody else's son, somebody else's husband, somebody else's wife perhaps has died in that war along with many civilians in iraq. Already were seeing the needs of veterans coming back who are not being, having their needs met at the v.a. which is overwhelmed. Were already seeing people coming home with p.t.s.d. untreated. Our job as citizens and my job is to honor the commitment and patriotism of these young men and women who enlisted to serve their country. We honor them by refusing to put them in harms way for insufficient reasons. As citizens we must go on record for bringing them home to safety, so as not to be complicit in the crimes of this occupation. You have the power to be a greater voice then I can be. I've gone to my representative's in congress many times over the last three years I've been in vigils, I've been in marches, I've been to the state legislature and the veterans affairs committee lobbying for better veterans benefits. But you have a much large voice than I do, so please pass this resolution and thank you for considering it.

**Cherie Lambert Holenstein:** Cherie lambert holenstein and I'm representing the eastside democratic club as comprised of democrats, a few ex republicans, green socialist, independents and all are welcome. Our opposition to this plan began in 1990. It has been continuous in all the years of bombings and sanctions and killings. Numerous resolutions have been presented by the eastside democratic club opposing this premeditated war, this invasion, this occupation, this evil numbing environment. Only just a couple sentences from a couple of them. This was 1996 in the bombing to lift the sanctions. The eastside democrats, democratic club condemned the resumed united states bombing of iraq as violent, politically motivated and destructive of human life. The united states acted without united nations backing. U.S. presence has a history of using military actions to increase our popularity in the polls. This was September 3, 2002, I'll just read a few. Whereas the bush administration says this might require, might require a full scale military invasion, special operations forces and or covert assignation, when you kill somebody - -

\*\*\*\*\*: Assassination.

**Lambert Holenstein:** Assassination, thank you. And whereas the root causes of our main social problems are not, and never will be solved by war, and whereas we do not want the September 11, 2001 date to be manipulated as a enduring war by the administration. Now be it resolved the eastside democratic club says no to the bombing, no to the sanctions, no to any coo, and no to the insanity of planning war. We support the eastside, we support the city councils resolution in 2003. We were the only west coast city large to not oppose this war we trusted they would be a unanimous decision. May I have just half a minute as a private citizen please?

**Potter:** Pardon me?

**Lambert Holenstein:** May I have just half a minute, as a private citizen?

**Potter:** Please go ahead.

**November 30, 2006**

**Lambert Holenstein:** Thank you. On a rainy day after a peace event in march 2005, that was two years after the war had started. The names of the American dead were read in the park blocks. The Iraqi dead were represented with a simple cloth display. It was cold, miserably, miserably cold and only a handful were left to hear all the reading of all the name of the more than 1500. Today that number is close to 3,000. I support the immediate withdrawal and I'd like to read the names from yesterday's paper. Jeremy West, 20, Michael Lindstrom, 24, Maurice Moreno, 19, Nicholas Repavi, 22, James Prestatt, 39, James Davenport, 20, Donavan Watts, 46, Keith Warner, 19.

**Potter:** Thank you.

**Martha Perez:** Hi, happy holidays. My name is Martha perez. I'm a general activist. I reside at 920 nw Kearney street, #110, portland, 97209. First, I am proud to sign and support a resolution to bring home our troops serving overseas. In doing so I uphold the four principles of peace, nonviolence, love and compassion. Today we request the city to unanimously affirm this resolution and send a message to d.c. that we mean business. To end I wear the peace symbol as a concerned parent and mother who is compelled to stop this insane war once and for all. Thank you.

**Judith Barnes:** Hello, thank you for the opportunity to be here today. My name is judith barnes. I reside at 1425 southeast 37<sup>th</sup> avenue in portland. I'm here today as an individual who was able to help gather signatures on the petition under the auspicious of the American friends service committee and the other members of the coalition who presented those signatures to you. I would like to, I've submitted written testimony but I want to take this opportunity to address one point. And that is the question that I ran into as I gathered signatures. It wasn't hard to gather signatures on a petition like this in southeast portland but there was a question that was asked of me and I believe its important to address it because it think that the sticking point for many individuals still in this country. And that question was what happens when we leave? Won't it get worse? And the way I would address that was to refer to my experience, 35 years ago as a citizen participant in the effort to bring the troops home from vietman. I remember only to clearly that we were told about the blood bath that would ensue if we left that country. And I also remember the peace that actually did. While a parallel is not completely accurate, in that when we withdrew from Vietnam, there had been a civil war and a war for independence being waged there for decades. And that war is not as old in iraq. The leadership, the factions had coalesced in vietman. That is not completely taken place in iraq but that's where things are moving. We cannot end the civil war anymore than we could end it in Vietnam. However, there is one lesson we can learn and that is what happened in Vietnam is that when a foreign occupying force, and this is what we are in Vietnam, leaves that country, the dynamic changes, the chairs gets moved everything is a chance for everyone to make a new decision as to whether they will fight each other or work for peace. The source that fuels the resistance is gone and I believe that is our only hope in this situation. Iraqis want their country back and they want the chance to make their country fully their own, it's time to leave now. Thank you.

**Harvey Thorstad:** I'm Harvey thorstad. Retired navy commander, Vietnam vet, member of veterans for peace. I've been voicing a couple of sentences on this situation for a couple three years now. It goes along this line. There is no clean way out of iraq, get out now before it gets worse. And everyday its been doing just about that, getting worse. I've been to Washington d.c., and they offices of Gordon smith, ron wyden, blumenhauer and sometimes with aides. With ron wyden I was actually at his welcome breakfast, not breakfast but a welcome Oregon visitors. Stated the same thing. I'll just state it again, there is no clean way out of iraq, get out now before it gets worse.

**Laurie Knightly:** I'm laurie knightly I want to bring up as far as the affiliation with groups anything that has middle east in the title and I identify the most strongly with the national solidarity movement in Palestine with whom I've served as a witness during the invasion of 2002. I want to mention two things that shocked me. The last time when this resolution was turned down as I understand for the reason that this was not a portland city council issue somehow. When the united



**November 30, 2006**

states wages war against a country that's not in a belligerent position against us or anyone else, I think it's a portland issue. And I think there are a whole lot of, thousands of people who also think it's a portland issue. Even if saddam had weapons of mass destruction, invaded other countries and didn't obey u.n. resolutions, I suppose that were true. That describes the united states and Israel as well as a good many other countries. The second shock I had that's been brought up, was Randy Leonard's reverse of a position. If he seeks higher office, I shall support him for not other reason. The other thing I want to raise is priorities. Even if we had so many billions of dollars in this area that we could solve every human problem, this war is still wrong. Even if we could do it on the cheap or whether were going to wreck our country with a nation debt its still wrong. On the issues on the justices of the war only not other things we'd like to buy with the money. The last thing I'll bring up is to take the word alleged out from in front of the word torture. This is really a disservice to the people who have been tortured by the united states military and there isn't any question about the fact that they were tortured. And I would really like to see you consider the word alleged. There's nothing alleged about it. Thank you.

**Yvonne Simmons:** My name is Yvonne simmons. I'm with peace and justice works, women in black and women's international league for peace and freedom which is 91 years old. Women from all of the world went to the Hague to try to stop this world war. There was one school teacher from Kenton, a principal from Kenton high school that went from Oregon, portland. She was the only one west of the Mississippi that went to The Hague. Of course there were people from war zones, women from war zones that went to The Hague to try to stop the first world war and they didn't. I never knew my grandfather because of the First World War, I never knew my father because of the Second World War. And I just think of the children today of the soldiers that have been lost in iraq, the u.s. soldiers. And also the children that have been left behind of the Iraqi that have been killed, how their going to grow up without having family, family is so important and were destroying family, were destroying so much. And in wars women and children are the ones that suffer so much. In iraq there's some terrible things happening to the young women. Which I won't describe which is really terrible what's going on there. And its to do with domestic violence and rape by many, many different people. I have a sticker on my car and it say's "war doesn't decide who is right, only who is left" and its not really what is true because even bringing the troops home which I really urge you to decide on that today. Will not bring back all the one that have died and I also got rid of the five big bases that they have. Their like cities in iraq and the green zone that has water, electricity airports all the moderns things you can think of in America and you look outside people don't have sewer, they don't have electricity, they don't have jobs, they don't have anything. Lets try to rebuild life, peace is where its at, war does not create peace. We need a culture of peace where people I love everybody that spoke here and its great to be here. Yeah. Thank you.

**Joe Walls:** Mr mayor this is my third time speaking on this issue. I've come before you last year when it was about 1700. And I talked about the veterans problems when they were returning home. And now we have about 150,000 waiting to see a doctor. 150,000 not 20,000 wounded, 150,000. there have been over one million military sent into iraq. When you look at the statistics you see only the people that are there, not the people that are coming. And not the people that have left. We have sent almost the same amount of military into iraq as we did in Vietnam. Think about that. think about that. and I'll leave you with this message mr mayor. One of the things that always impressed me about you is beginning of all your city council meetings you say we have a thing that we do we ask how are the children, the children in portland are doing well, children in Baghdad are not. Please pass this resolution, that spent nine years defending this country and I believe in a bill of rights and we are loosing it all. Thank you.

**Potter:** Thank you folks. Commissioner Adams?

**Adams:** The turnout has been great it's messing with commitments I've made this afternoon so I will be voting by phone and listening in by phone unless anyone objects.

**November 30, 2006**

\*\*\*\*\*: Mayor potter, as there is no descending voice this afternoon and it is assumed that the resolution will be passed and hopefully the city then will be - -

**Potter:** Sir you've spoken and we have to get to the rest of the folks. Thank you.

**Marianne Morris:** Hi I'm Marianne morris and I'm here today wearing the hat of aunt Marianne. My nephew who was my foster child for a year, Kevin morris is currently serving his second year in iraq. When I think about this war I feel like I'm looking at the world through a kaleidoscope where reality is fragmented, and it doesn't make sense. I'd like to make two point about, well I'll make one point. Stop loss hasn't been mentioned but I find it atrocious. Stop loss is where the enlisted individual can't go home and won't be discharged when his time is up. My nephew was suppose to come home February 1<sup>st</sup> and he won't be coming home because he was sent to iraq for his 2<sup>nd</sup> year july 31<sup>st</sup> for no less for 365 days. I'm sorry. So he's going to be in the army for 8 months longer than he ever intended. He'll be signed up for four years but the army has him and he can't legally leave because the army won't let him. He will be court-martialed and I find that this term, stop loss is a euphemistic term if I ever heard one. Did you know what stop loss is when you have money in the stock market? You get to take it out, anyway I'm sorry, it seems what's happening to stop loss is what's happening in guantanamo where many prisoners due to being in the wrong place at the wrong time. My nephew is a prisoner of a different sort, because when he was 18 he didn't fully understand the fine print when he signed his enlistment papers. And we know I'll be done in a second. That for most individuals the reasoning and judgment part of the brain which is called the prefrontal cortex isn't fully developed until one is in their 20's. so we have 18 year olds signing things that they don't fully understand. And I'm done, sorry.

**Ben Fain, Jr.:** My name is ben and I'm from aloha. I really think you folks are quite civil in spite of what we hear out there mr potter. I appreciate you allowing everyone to speak here today. I belong to the Washington county peace vigil also. And we meet weekly on Wednesday at 6:30 p.m. at southwest 5<sup>th</sup> and Holland in Beaverton. We've go about 50 to 60 active members and 250 to 300 people that come when they can. We support this step that you are taking and if you pass this resolution today, please communicate this to the people that we elected from Oregon that are in congress. We need to beat the drums loudly and vigorously. No more cover your rear study groups America can do better than war and lets get out of iraq now and thank you.

**Edith J. Gillis:** My name is eddy gillis. I've heard you say that getting out of the war means the money that's spent on war could be better spent on what you're legally, fiscally and ethically required to do which is manage your finances and your resources wisely. I haven't heard you talk about it means a loss of income from the people who are too disabled, to despairing, to drug addicted, to imprisoned as a result of their bad feelings about the war and what war does to them to earn money to pay taxes. I haven't heard you talk about the loss of income of the war going on from people who are no longer willing to pay taxes. No longer willing to do things to support what you are required to do. I don't hear you talking about how the longer the war goes on the more the corporations who are not paying taxes the federal, state, regional or city level are further enriched and therefore have more money and resources which to undermine our democracy. I don't hear how the longer the war goes on those who are profiteering from that are also attacking you personally, professional, politically and our city and state particularly. I don't hear about the sign that's up on top making the city better by volunteering. People cannot volunteer when their dead, they cannot volunteer that well when their disabled or overcome with post traumatic distress disorder. Despair, cynicism, resentment. The war makes it harder for all of us to involve in the schools, the parks everything. It also means if we have a society in which is based on dehumanizing people we don't have the underlying thoughts that we need to have unity and community, caring, daring, awareness to solve the many problems that are going to get worse as a result of this war going on. Including worsening global weather change. Its going to change our coastal lines, our floodings, our sunami's, earthquakes, the pressure that's going to happen here in

**November 30, 2006**

portland. Were going to have much greater costs and fewer people willing and able to cover those costs.

**Potter:** Thank you. Thanks for being here folks when you speak state your name for the record and you each have two minutes.

**Gavin White:** Mr mayor, commissioners, fellow citizens of portland, thank you for opposing this war. I'm honored today to represent the 200,000 voters registered as democrats in Multnomah county whom I serve as their party chair. My name is gavin white and I'm here today representing those voters. The volunteers who made over 16,000 contact attempts a day in the last 5 days for this most recent election. And the staff, donors, friends and families who made that work possible. These people, and I would venture to guess, the majority of the people in this room are the democratic party. And we have a legislative agenda adopted at convention that includes the immediate and orderly termination of the u.s. occupation of iraq. We are glad to stand together with you in support of this resolution. we support his resolution because we believe real security requires a strategy that is both tough and smart. Tough enough to tell the difficult truth that we rare mired in another countries civil war and smart enough to get out of it. Smart enough to recognize our obligation to support Iraqis in rebuilding their country and tough enough to let the Iraqis themselves direct that reconstruction. We support this resolution because we believe the money being spent now on war would be better spent on basic human needs, housing, nutrition, education, healthcare and to create and maintain viable, livable, sustainable communities and support our cherished families and children requires attention not only to be as current opportunity costs but also to the long term costs that our moral values will demand that we undertake when our citizen soldiers come home. For these reasons and many others for security for our childrens, families, communities we give thanks to all those opposed to war and today in particular to you the mayor and the commissioners of the City of Portland.

**Teresa Teater:** Mayor potter, commissioners thank you for finally putting this resolution through. My names teresa teater, I'm an anti war protester with the portland peaceful response coalition. I have a quick quote for you. franklin Roosevelt said in 1938 we have all learned the lessen that government cannot afford to wait until it has lost the power to act and I feel that george bush has lost his power before it ever got out the gate he had none what so ever. I feel that the leaked white house memo yesterday of him basically calling malicky an idiot is kind of an oxymoron, the kettle calling the pot black, etc. I don't think it was appropriate at all because bush has not led us out of it just into it. I'm going to come at this from a different perspective. I haven't told you this portion of my life or why I'm in an anti war protester. 1959 I was illegally adopted in Nebraska moved to wrightman airforce base in Missouri and the foster brother that I thought was a biological child of george and lola laman, my name was changed to terry lee layman. My foster brother was kidnapped on airforce transfer in 1954 and his mother was told because he was 14 brothers and sisters would bring him to American and give him an education. They got a phony birth certificate for him that I have and I remember seeing it recently to prove that I'm telling the truth. I can't believe the government would let something like this happen. And he left school, he was a classmate of bob Lincoln the 911 commissioner and he enlisted. It was mandatory but the laymens didn't want him to they didn't want him to get caught in American. When the selective service people kept coming to the house to look for him. They kept saying they didn't have a son they only had me. They followed him home from school and searched the house and found him tied up and gaged in the closet with a sock in his mouth. He went into the army to get away from these folks. We've got ? all over america doing this he and I got left behind. When he got out he came to find me it was too late I'd already been abused for 10 years beaten and made to be as slave, etc and I told you about my great grandfather being in the civil war and running the underground railroad and I was treated no less then a black American from the 1800's and I'm appaled at the way my life has turned out. I'm still a drain on the federal government. Clackamas housing authority pays for part

**November 30, 2006**

of my rent. I'm 50 years old and this is all from the Vietnam war in the 1960's the master sergeants, things at the air base they ? me for 10 years, post traumatic stress, sit in there walking around functioning pretty darn well considering. But - -

**Potter:** Teresa your time is done.

**Moore:** Excuse me mayor. Commissioner Adams would like to connect.

**Potter:** Okay. Commissioner Adams are you on the line?

**Adams:** I am thank you mayor.

**Potter:** Okay were still taking testimony.

**Tim Flanagan:** I'm tim Flanagan, I'm a local teacher. I speak for active resource dot org. I'll be brief. The cynical use of our troops to enforce no bid cost plus contracts on iraq and her people is an American tragedy. Our troops will no longer be targets when the occupation and industrial exploitation of iraq is ended. Retro colonialism has proven more dangerous and fatal than the attacks on 911. we must rebid and redeploy this way our troops can come home and our nations, cities and neighborhoods can heal.

**Potter:** Thank you.

**Sharon Nasset:** Thank you very much. My name is Sharon nasset my address is 1113 north Baldwin avenue. And I'm pleased that you are continuing to look for peace and search for peace. I did testify before and I am thankful that you are sending this and I think its one of the best things that you can do and I know your going to pass it. I'm also asking that you go a little further. I would like to see our governor who has gone to many of the funerals, has a list that he sends out to those that our interested every time a soldier is killed so that their flag can be dropped to half mast. Several of the people in town here follow that. I would like to see the city of portland institute it inside the city limits that the entire time that we are at war that our flag is at half staff. Our flag does not want to wave happily in the stars when we have heroes and we have people who are dying at war. Our flag wants to bow its head in honor it does not like to stand up when there are things as such. I am fortunate enough to have seven brothers. Five of my brothers were in Vietnam before I was in first grade. It is something when you have every meal that their missed. Everything that you do, every time their names our called you think of them. They came back as changed. About as changed as anybody can be, losing their entire youth. Lowering the flag will make every person look up and know there is nothing more mournful then to see our flag hung at half mast. I'm hoping that next time that I come here and your looking to do something. It will be to sanction our current president and vice president and as for the third person in command which is the person majority which would not be nancy Pelosi. To take over the governing of our country because of the illegal acts we have done in lying to get into this illegal war [applause]

**Potter:** Folks, thank you just wave your hands.

**Nasset:** the same type of lies that brought us into the other war because they are war crimes and those people need to be sanctioned. We need nancy Pelosi to really earn her bucks not very often the third in command gets a chance the next two years will be wonderful and I hope you will consider that bringing forth as a resolution next time randy. Thank you.

**Bonnie Tinker:** I'm bonnie tinker, I'm the director of love makes a family. An organization of lesbian, gay, bi and trans families. One thing we do is to oppose bullying in schools. And as a part of our stand against bullying we also take a stand against the use of bullying as a form of international policy on behalf of our government. The iraq war is a clear instance of international bullying. Its also an instance of war crimes as far as I'm concerned. I hope that in passing this resolution this will also send a message to our youth. When we ask how are the children lets also ask how are the youth. Our youth in portland are not well they are distressed with their government. In particular I hope it will send a message to the police that when they are interacting with young people at protest that these young people should be treated with respect. They should be treated as patriots. They should not be bullied and intimidated. On October 5<sup>th</sup> I joined my son

**November 30, 2006**

at a protest and after I saw him and many of the other young people bullied and intimidated by the portland police, shot with rubber bullets, shot with pepper spray. I was arrested along with them. I am proud of that. I hope that in the future the portland police when they are interacting with protestors will treat them with respect that is worthy of a city that passes a resolution like this. Thank you.

**Herb Chow:** Mayor potter, member of the council. I thank you for this time addressing this issue on resolution. I just heard about this, I'm not a part of any group, I'm just a concerned citizen who heard that this hearing was going on on radio yesterday. So here I am. Its so difficult to sometime sift through this stuff if you will. There's so much information that we don't know about. And it comes out over time. For example were told that there was never any w.m.d. in iraq and now that information is being declassified we find that there were 56 saudi flights flown into serria under humanitarian guides controlled by the soviet union a top secret organization that moved those w.m.d. that now believed to be in serria. This among many other things tells us theres so much information that we don't know why we make this decision as a city why we making as a people. Some say this is comparable to Vietnam. Vietman what a lot of people don't hear about what a lot of people don't understand is there was an agreement reached. The south Vietnamese were holding their own and we made three agreements. And some of those agreements we provide them with support if the Vietcong crossed over the demilitarized zone what was believed to be some kind of agreement there that we would protect them we would come back in we would protect them with air support and navy support. Vietnamese held their own but we said that we would provided them with weaponry, supplies for their ammo you know for their guns and things like that and what happened was in congress in the senate there was a sweep of anti-war movement. We pulled out. Surely the people that were there were left to go on to training camps. What would be equivalent to concentration camps. Only 10% survived. If you look at some of the numbers between Vietnam, Laos and Cambodia because of the anti-war movement it is estimated at least 6 million or over that died between those different countries, by popots savagery. May I have 30 seconds? It is believed even in those particular situations that so much bloodshed has been done and we don't hear about it and now were asking the city here to make a resolution to say okay in our ignorance lets go ahead and put a resolution up and not support our troops in the field. They have to do what they have to do. we'll pull out theres enough good figures in to change things around, theres obviously a political environment to get us out but let them make the decision. Let us not get in a business area where we don't belong. Please vote no, because we really don't know. Thank you.

**Potter:** Thank you folks.

**Nasset:** There's always one.

**Potter:** Is that it? Commissioner adams has asked to vote by phone, any objections? Hearing no objections karla please call the vote.

**Adams:** Hello. I want to thank commissioner Leonard for bringing this forward. Am I ready to talk or not?

**Potter:** Yes.

**Adams:** I want to thank commissioner Randy Leonard for bringing this forward. I also want to thank everyone who took the time to testify this afternoon. The testimony we've just heard has far more eloquence than I could put in words here to close. But I do want to say that this was a ill conceived action on the part of this administration. And has been carried out in a manner that has cost the lives unnecessarily of Oregonians and soldiers from across the united states and we need to get out of this as soon as we responsibly can. And it is with great enthusiasm that I vote aye.

**Leonard:** I come by my notions of freedom and patriotism not from as a student or even just as a person that is fascinated by the subject but by my ancestor [telephone disconnecting], is that done? Good. As I said I come by my notions of freedom and liberty and patriotism not by my background as a student or as a person of - - who's always been in my life interested in government and politics,

**November 30, 2006**

but from my ancestry. I've been able to document full my great-great grandfathers who fought in the revolutionary war and one of those were actually a member of the boston tea party, Thomas white. And I'm very proud of that heritage. I also am a person who is rightly or wrongly loyal to a fault at times. I believe what other people tell me at first blush and if I adopt a position I hope notwithstanding my various shortcomings, people will say I can be counted on to do what I say. I have the same amount of ferocity when I feel I've been lied to, just the opposite. And I feel deeply that not just myself obviously, but the country and the world had the sense of injustice that all of us felt. The sense of violation all of us felt after September of 2001 exploited to meet a political purpose which I haven't quite figured out what that might be yet to invade iraq at the cost of now 3,000 almost 3,000 american lives. And depending on which numbers you look at anywhere from 55,000 to 655,000 iraqi civilian lives. Last month over 3,700 iraqi civilians were killed alone in October, a record amount of people that died in one month. As I have kind of come to the position I'm at it isn't - - it wasn't just that this occurred to me when the folks came to talk to me about this resolution as folks will recall, I urged mayor potter and the council to join me shortly after the mayor took office to withdraw from the joint terrorism task force. If certain conditions weren't met and we did withdraw. I strongly think that it's patriotic to do what these folks are doing here today.

This is what Thomas white fought for, this is why he gave up a son in the war of 1812. This is why all of our ancestors fought for what they believed in. To have this kind of forum to have this kind of discussion to not be impeded in our ability to demonstrate to say what we think and to stand up for what's right in the world. And one of the I think most humiliating things for me as an American is to know that the rest of the world realizes that - has been the united states has been in this last five years at a time when actually we should be if anything out of the tragic set of circumstances setting an example. We have become as bad as those that we suggest were going to hunt down in my view and I'm sad to say that. But I have a right to say that. my family has a right to say that and my ancestors fought for me to be able to say that and so to those who'd say that this forum is not the appropriate forum the city council you just missed what is right about this country. So this city council, city councils in the east coast and the mid west that have passed these resolutions, portland now being 273<sup>rd</sup> city. This is what democracy is, local citizens coming to their elected representatives through us communicating to our federal representatives in Washington, d.c. This is what this is all about and you know we may have our differences up here from time to time but their differences based on passion. And their differences not based on differences on ideology. All of us feel very strongly about this the five of us that are up here. Freedom and fighting for freedom the right to free speech and people are to be respected. I'm sorry to go on and on but this resolution captures a lot for me what it is that this country is about and I hope and I pray that the, that our representatives in congress and the united states senate and the president understand that it isn't a degradation of their roles to admit there was a mistake made, because there was. There was a mistake made and its time to stop losing the young peoples lives based on a series of misstatements and misinformation that it just has to stop. I thank everybody for their testimony today which was excellent hearing some of the testimony was quite moving and I really appreciate everybody coming together. Aye.

**Saltzman:** Well I want to thank commissioner Leonard for bringing this most needed resolution before the city council. And while in hindsight I guess with respect to our invasion to cause the purported reason for us invading iraq apparently were not true. But to me the end result of removing saddam Hussein from power is a good thing. He's a war criminal, he's being tried as one and he deserves to be treated as one. What I do regret, I regret the loss of American lives, I regret the loss of Iraqi lives in removing Hussein, saddam from power. But what I most regret, I guess, is the fact that Iraqis had democratic elections, 12 million people vote for the prime minister maliki government. They adopted a constitution again turn out numbers put our country to shame. But what has become apparent and unfortunate is that the democratically elected government is not

**November 30, 2006**

taking hold due to increasing sectarian violence and the presence of al Qaeda in that country. And I support our troops I think the U.S. military is second to none. But there being faced now with a situation that is impossible for them to play any role constructively in promoting democracy in Iraq. Their finding themselves increasingly trying to be in the middle of a civil war. And that is something for which our military has those skills in doing and in fact it's an impossible task. And it is time to begin to withdraw our troops. And I say that without some regret for what I believe will be many, many majorities of Iraqis who are peaceful loving people and do not support any of the violence that's occurring. Once the violence escalates, and I believe it will escalate, what the study state is it reaches none of us know. Many more innocent Iraqis will be murdered in the months ahead, years ahead. We are simply incapable of stopping that. As I watched the joint press conference with prime minister Maliki and president Bush, midnight our time, I find it incredible that we are now pursuing a strategy that could possibly involve enlisting the support of Syria, a country support al Qaeda and many terrorist organizations in the middle east and talks with Iran as ways to find a way to peace. Iran developing nuclear weapons, Iran's president believes the Holocaust did not occur. To engage with leaders, I believe are totally without credibility is how desperate our strategies have become. So it is time to begin a withdraw. I think the elections of just a few weeks ago certainly demonstrate that most Americans in this country have reached that same conclusion. And I think for president Bush its time that he understands that he needs to begin the action. I know that Congress will be prodding him but its time to recognize we have to cut our losses. There is no victory, there's no victory strategy. It's a question of how bad or how worse things will become in Iraq. And they will get worse but American military I believe can do nothing at this point to stop that. So I'm pleased to vote aye.

**Sten:** well I want to thank all of you and I want to thank commissioner Leonard for sponsoring this. I find myself very sad at this moment. It's sad to sit here years later and share a conversation with many of you. We've been talking for some time and acting and I don't think there's any real honor in having been right that this war was wrong. I think the honor is continuing to fight. And I think the honor is reaching out to people and trying to find new allies, new voices. I think this country is changing I think people's eyes have opened up. And its interesting, I don't think Sam used it on purpose, I'm not even sure that this war was ill conceived I think it was conceived exactly as its become. There was no value put on Iraqi life. There was no value put on anything other than U.S. superiority. I think all the evidence which at the time was there its become more clear it points now that this war was planned long before 9/11 its absolutely been proven. And all the ties that have been argued are not true. So what we have to do now I think is keep pushing and I think the most powerful testimony that has me so quiet right now is just the relatives the loved ones all of you people who are so brave to come and share your stories with everyone about what is happening to your families because of this. And you take that and you realize that in this little room on this small part of this big country, we have so many connections already to the couple of thousand which is a huge number of Americans who have died and maybe 10 times that have been hurt. Can you imagine the hundred of thousands, because I don't think anybody in their right mind believes that the 50,000 Iraqi dead is accurate. It's much closer to the high end by any reasonable estimate. Can you imagine the number of people and connections around the world that have been shattered by this war? And Saddam Hussein was a war criminal but two wrongs do not make a right. And that's what this country is perpetrated. I also think a lot -- that's enough to be at stake but I think there's more. I think that this country is teetering on the edge of losing its position in the world and we haven't always used that position for good but we are the greatest democracy to ever be on this planet. And we've done a lot of good things and we should be very proud of our country and very patriotic. And when America acts right, we are very, very important place in this world and were a place that people come. Everybody in this room is probably one generation back from somebody who if not somebody who came to this country and that promise is still here. But when we take the

**November 30, 2006**

moral position in our freedom and so abuse it as we've done, we begin to lose our ability to effect the world. And so we need to this overreach has most importantly the lives that its cost. The tragedies that it's wrought. But it's also put our country in a precarious position. I thought it was very important to talk about the opportunity cost of the money. But you know at the same -- let's remember this is the same administration that has said to us that we should cut taxes and spend more on frivolous goods in order to be patriotic. At the same time were running a deficit that is going to bankrupt our kids and our grandkids. This is not a program of just making a bad decision on a war, it's an overall strategy to bankrupt the federal government there's a stated intention to pull money out of things that we all need, like social security. But what I do see is an optimistic trend. I'm not a optimistic at the moment as you can tell. But I do see this country liberals, conservatives, democrats, republicans, independents said absolutely not to privatizing social security and what I'm trying to say is these agendas are related. The argument was to go into the middle east, gain control of the oil fields and at the same time lower our federal governments important contribution to this society by cutting taxes. And I think you've made those links and I think what we've got to do is start talking about these things as you have for so many years. Keep making it and come up with positive and constructive ways to move forward. We have no choice but to find a way to bring the troops home. At the same time and that's why I worked with commissioner Leonard to add a little bit of language that I think is important to say we have to then be part of the peace keeping. We have to be part of the rebuilding. One of the things that I think that money should continue to go to is iraq. I think we have made ourselves party to that situation. And some of that money that's being spent on military I hope to be spent on peaceful reconciliation, on rebuilding that country and doing everything we can as commissioner Saltzman said to help the majority of peaceful Iraqis get what they can back immediately and start to work. Its going to be a long, long time before that country is whole again and we need to be there everyday until it is. And so again my thanks you so very much you know I don't even think the argument that we shouldn't even be talking about this thing is worth addressing. This is exactly the kind of thing communities need to do. Our mayor is fond of saying this is your city hall we need to do it here. And anyone who thinks that this city council whatever we might get characterized does these types of things lightly just isn't a student of history. We don't pass resolutions very often like this were very slow to do it. Because its very hard to know when your right and the pain that this council felt and these are all friends and colleagues of mine as we debated this in '03 and I had no way of knowing what was going to happen or who was right or wrong. Its difficult and so what we do is trying create a forum, let people talk. It's important to hear each other and I think you know I hope that by us passing this resolution that some of the folks that need to will also hear you. and that they will use this as a vehicle to hear your voice which was so eloquent today and for that I thank you and I implore you to keep it up. Aye.

**Potter:** Randy, thank you for bringing this to the full council and to these good citizens of portland. I first want to thank that gentleman who voted against this measure. I think that's what were really protecting here is a democracy where you can differ with your government. And sometimes to the degree that it really makes a difference. And so I'd like to thank that gentlemen and our good friend from aloha. Peace to all the good folks in aloha. And I want to also thank the rest of you who testified today. Your words are much more eloquent than anything that I can say. And thank you for speaking up and having spoken up over the years. I have a deep admiration for all that you do and what this represents to the community of portland. And I look forward to the day that we can have a celebration at memorial coliseum because all of our soldiers have returned here. I vote aye.

[applause]

**Potter:** We're adjourned until next week.



**November 30, 2006**

At 4:48 p.m., Council adjourned.