



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF JUNE, 2001 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Sr. Deputy City Attorney; and Officer Peter Hurley, Sergeant at Arms.

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

	Disposition:
<p>*654 TIME CERTAIN: 9:30 AM – Amend City Code Title 31 Fire Regulations, repeal City Code 14.32.060 through 14.32.090, and adopt the Uniform Fire Code 2000 Edition as amended by the City (Ordinance introduced by Commissioner Francesconi; amend Code Title 31 and 14)</p> <p>(Y-5)</p>	175646
<p>*655 TIME CERTAIN: 10:00 AM – Adjust Fiscal Year 2000-01 Adopted Budget for Spring Budget Adjustments (Ordinance introduced by Mayor Katz)</p> <p>(Y-5)</p>	175647
<p>s - *656 TIME CERTAIN: 10:30 AM – Amend City Code to establish the Independent Police Review Division (Ordinance introduced by Auditor Blackmer; Previous Agenda 621)</p> <p>Motion to accept substitute: Moved by Commissioner Hales and seconded by Commissioner Saltzman.</p> <p>Motion to accept amendments: Moved by Commissioner Sten and seconded by Commissioner Hales.</p> <p>(Y-5)</p>	SUBSTITUTE 175652 AS AMENDED
CONSENT AGENDA - NO DISCUSSION	
<p>657 Accept bid of Emery & Sons Construction, Inc., to furnish Insley parallel trunk sewer project for \$2,822,385 (Purchasing Report - Bid No.100611)</p> <p>(Y-5)</p>	ACCEPTED PREPARE CONTRACT
<p>658 Accept bid of Tice Electric Company to furnish traffic signal reconstruction for \$588,510 (Purchasing Report - Bid No. 100749)</p> <p>(Y-5)</p>	ACCEPTED PREPARE CONTRACT

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Mayor Vera Katz		
*659	Authorize Short Term Subordinate Urban Renewal and Redevelopment Bonds (Ordinance) (Y-5)	175627
*660	Authorize interim financing for Urban Renewal Areas (Ordinance) (Y-5)	175628
*661	Authorize acquisition of property at 1280-1300 SE Gideon Street for the Bureau of Fire, Rescue, and Emergency Services (Ordinance) (Y-5)	175629
*662	Amend Intergovernmental Agreement with Oregon Department of Fish and Wildlife for addition of Effects of Bank Treatment and Near Shore Development on Anadromous and Resident Fish in the Lower Willamette River (Ordinance; amend Contract No. 32936) (Y-5)	175630
*663	Contract with Snyder Roofing, Inc. for the Kerby Garage re-roof and provide for payment (Ordinance) (Y-5)	175631
Commissioner Jim Francesconi		
*664	Request and accept tax-foreclosed properties from Multnomah County for park and recreation purposes (Ordinance) (Y-5)	175632
*665	Authorize contract with the Federal Emergency Management Agency for \$11,000 for Community Emergency Response Team training in Colorado (Ordinance) (Y-5)	175633
Commissioner Charlie Hales		
666	Accept contract with Parker-Northwest Paving Company for improvements on SE Ivon Court / SE 125th Avenue Local Improvement District as complete, release retainage and make final payment (Report; Contract No. 51328; C-9962) (Y-5)	ACCEPTED
*667	Contract with CMTS, Inc. to supply qualified street construction inspection personnel upon request and provide for payment (Ordinance) (Y-5)	175634
Commissioner Dan Saltzman		

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<p>*668 Purchase surplus property from the Water Bureau in support of the Bureau of Environmental Services Water Quality and Retention Project No. 6932 (Ordinance) (Y-5)</p>	<p align="center">175635</p>
<p>*669 Contract with four consulting engineering firms for design related services as needed in support of sewer, wastewater treatment and pumping, drainage and water quality facility projects and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175636</p>
<p>Commissioner Erik Sten</p>	
<p>*670 Agreement with Portland Impact for \$136,000 for the Transitions to Housing and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175637</p>
<p>*671 Contract with Portland Community Land Trust for \$400,000 to provide homebuyer assistance and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175638</p>
<p>*672 Agreement with Portland Housing Center for \$500,000 to provide first-time homebuyer assistance and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175639</p>
<p>*673 Contract with Brentwood Darlington Community Center for \$37,000 for the community center services and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175640</p>
<p>*674 Agreement with Community Alliance of Tenants for \$65,000 for the Anti Displacement Project and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175641</p>
<p>*675 Contract with Southeast Uplift for \$52,000 to undertake neighborhood revitalization activities along SE Foster and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175642</p>
<p>*676 Amend agreement with the Community Alliance of Tenants for the provision of the Renter Stabilization and Education Project and provide for payment (Ordinance; amend Agreement No. 33065) (Y-5)</p>	<p align="center">175643</p>
<p>*677 Accept a U.S. Department of Housing and Urban Development for an Economic Development Initiative Special Project Grant in the amount of \$598,680 for the Portland-Vancouver Regional Housing Affordability Pilot Program (Ordinance) (Y-5)</p>	<p align="center">175644</p>
<p>*678 Contract with Cascade AIDS Project for \$75,000 for the Transitions to Housing Pilot Project and provide for payment (Ordinance) (Y-5)</p>	<p align="center">175645</p>

REGULAR AGENDA

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Mayor Vera Katz		
679	Authorize submission of the Fiscal Year 2000-01 Spring Supplemental Budget to the Multnomah County Tax Supervising and Conservation Commission (Resolution) (Y-5)	36000
680	Adjust the administrative fee charged by the Portland Police Bureau for impounded vehicles to reflect actual costs (Second Reading Agenda 643) (Y-5)	175648
Commissioner Erik Sten		
681	Support the Housing Authority of Portland application to the U.S. Department of Housing and Urban Development for a HOPE VI Revitalization Grant to redevelop the Columbia Villa public housing project, and commit financial assistance (Resolution) (Y-5)	36001
*682	Amend Intergovernmental Agreement with Multnomah County Department of Juvenile Justice to hire at-risk youth in work experience positions in the Water Bureau and provide for payment (Ordinance; amend Contract No. 30894) (Y-5)	175649
683	Grant a franchise to Global Crossing Local Services, Inc. for a period of ten years (Second Reading Agenda 516) (Y-5)	175650
684	Authorize an agreement with Harza Engineering Company, Inc. and provide payment for services for Bull Run Dam No. 1 Outlet Works Improvements Project (Second Reading Agenda 641) (Y-5)	175651
Communications		
685	Request of Brian Quinn to address Council regarding preservation of historical City artifacts (Communication)	PLACED ON FILE
686	Request of Julia Liedel to address Council regarding preservation of historical City artifacts (Communication)	PLACED ON FILE
At 10:23 a.m., Council recessed.		
At 10:35 a.m., Council reconvened		
At 11:58 a.m., Council recessed		

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WEDNESDAY, 2:00 PM, JUNE 6, 2001

**DUE TO THE LACK OF AN AGENDA
THERE WAS NO MEETING**

JUNE 7, 2001

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF JUNE, 2001 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Francesconi and Sten, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Deputy City Attorney.

<p>687 TIME CERTAIN: 2:00 PM – Amend the Comprehensive Plan Map and change the zone of property at SW River Drive, Partition Plat 1999-129, Parcel 1 from CXdg, Central Commercial with design and greenway overlay zones, to OSdg, Open Space with design and greenway overlay zones, and Partition Plat 1999-129, Parcel 2 from OSdg, Open Space with design and greenway overlay zones, to CXdg, Central Commercial with design and greenway overlay zones (Hearing; Ordinance; LUR 00-00690 CP ZC)</p> <p>Motion to amend to remove emergency clause and pass to second reading: Moved by Commissioner Sten and seconded by Commissioner Francesconi.</p> <p>(Y-3)</p>	<p>Disposition:</p> <p>PASSED TO SECOND READING AS AMENDED JUNE 14, 2001 AT 2:00 PM</p>
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At 2:11 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 Transcript.

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Closed Caption Transcript of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JUNE 6, 2001 9:30 AM

Katz: All right. Let's go over consent agenda. Any items to be taken off the consent agenda by members of the council? Any items to be taken off the consent agenda by the members of the public? If not, roll call on the consent agenda.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye.

Katz: Okay.

Francesconi: If I could introduce this. First i'm going to take just a brief moment, a personal privilege, to introduce my father, who asked me not to do this. My father, leo, Francesconi fran, who's back there. I wanted to say hello to my dad. In terms of this agenda item, we have the new fire chief -- well, you're not new anymore. Now you're on the job. Ed wilson.

*****: I'm going to use that "new" for a little longer.

Item 654.

Francesconi: We're here to talk about the fire code, but more specifically to the fire inspection fees. This program was initiated three years ago under commissioner kafoury, the fire commissioner. The idea was, how could we increase inspections. And which was a high priority for the bureau. So we've done that. And there's some very good news. Total fires per 1,000 residents have declined by 12% and structural fires by 36%. That's over the past ten years. Fire deaths actually increased in 1990 up, but generally there's been a downward trend and loss of life is very rare. The number of structural fires is below average compared to other cities. Part of the reason, we're still evaluating this, is this fire inspection program. But there has been some controversy. In fact, jim meyer, who's here to testify, who's a terrific citizen in a variety of areas, called me one day and said, "what is this fire inspection fee thing all about?" and he had some comments about it. This happened about a year ago. More than a year ago. Year and a half ago. And so then I said to him, "jim, I want you to help chair a committee reviewing this system, because it's time to take a look at it and because of who you are and your connections in the business community, and more importantly your good judgment, i'd like you to chair this committee." and then sharon fleming-barrett, who I think may have originally, I know she wasn't excited about this about this program, but --

*****: Maybe she was.

Francesconi: So we asked her to be a active member of this, if not a co-chair. They'll be here to testify because we assembled this group to analyze the program and make recommendations for changes. They've come up with some very good things. The last thing I want to say by way of introduction is deputy chief marshall has done a terrific job here -- crawford, i'm sorry -- in helping organize this. How quickly we forget. [laughter] and the comments i've received from jim meyer, sharon, but other business folks, jim crawford, about what a business like approach you've brought to this effort, has really given credibility, not only to the fire bureau, but with the whole city work force. Because of your intelligence and your common sense and your practical business-like approach to this. So we have some good recommendations to present today. Chief wilson.

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Ed Wilson, Fire Chief: Good morning, mayor Katz, members of council. Ed Wilson, fire chief for the city of Portland. For the first time in Portland fire and rescue's institutional memory we've inspected every known business occupancy in the city of Portland. That's an important indicator of the success of the enhanced fire prevention program and is a proven approach to reducing fire death and loss of property. It's also a result of a partnership with the private sector that makes me very proud, and you'll be hearing from some of our private sector partners later in our presentation. In comparing the results of our first 33 months of the enhanced fire prevention program against the 33-month period immediately preceding its implementation -- again, if I could maybe reference the first two pages of your handout -- what we find is that the number of inspections over that -- well, I won't read it to you, but the number of inspections have been significantly increased over that 33-month period from the preceding 33 months, the number of hazards found has increased significantly, and the number of hazards corrected again has been significantly increased. In that same 33-month period, our fire rates or our fire experience in the commercial property has been reduced, as it has in the multi-family, but unfortunately we've had a slight increase in the number of fires in our hotel-motels. So I guess my point is you're seeing -- we're seeing a significant benefit to this program. But we haven't stopped there. Significant aspect of the enhanced fire prevention program success is our continuous evaluation and improvement, specifically we've recently accepted recommendations from our external prevention advisory council. Our advisory council has proposed some changes to streamline the inspection process and make it more efficient. In other words, business owners have voiced their concerns to us and we've heard them. In fact, we've taken significant steps to directly address those issues. And at this time I'd like to ask our fire marshal, Jim Crawford, to outline the proposed changes to our enhanced fire prevention program.

Jim Crawford, City Fire Marshal: Thanks, Ed. Mayor Katz, members of the council, Jim Crawford, city fire marshal. First of all, commissioner Francesconi, thanks for your comments. I appreciate that very much. There are two basic parts to what we're talking about today. One is the basic changes we're making in the inspection cycle and the program that we refer to as enhanced fire prevention or the fee aspect of it, and the adoption of title 31, the updated version of the model code that we use, uniform fire code. So dealing with one at a time, I won't go through the details, but the change comes as a result of our recognizing -- and you do have handouts to this effect -- it recognizes the inherent problems that were there with our risk-based matrix. It was pointed out by the auditors, it was confirmed by the prevention advisory council, it was something that we knew as well as going to be difficult. Frankly I didn't anticipate how difficult it was going to be to try and bounce around the cities and try and pick up different properties at different rates, but you can see given our productivity and given our projections for what kind of an inspection cycle was going to be occurring every year, it would be going up, going down, going up, going down, depending on who was available or who was in the hopper due for an inspection in that year.

Saltzman: Is that residential or are we talking commercial inspections on that chart you just showed us?

*******:** Regular and special.

Saltzman: Okay.

Crawford: Regular or special or -- it is all commercial, correct. The important point that I was trying to make is that we're converting to a two-year inspection cycle, which moves closer to what the auditor recommended, an annual inspection cycle, and the way that we're able to do that is -- and to make it cost neutral for the business community -- is to reduce the fee structure. By doing that we intend to reduce the number of inspectors that are available. We hope to have a more efficient system that flattens out the number of inspections that we have available, every week, every month, every year. We're planning on reducing our staff by three inspectors and becoming more efficient and generating approximately the same amount of revenue and being cost neutral to the business community. If I'm making sense at this point, that's the basic premise of changing from

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a risk-based matrix to a regular inspection cycle. It's much more easily manageable and much more predictable for the business community and it's in keeping with national studies and recommendations from the auditor that say "this is the direction that you should be going." in addition to that -- and I won't go into detail, but your staff has been briefed on the usual changes to title 31, that's the fire code, and we reference the uniform fire code. Most of the changes that you see in that are routine editorials, some standard updates. There are a few changes. For example, we are taking blasting and explosive permits from transportation and moving it over to the fire code. That was done in conjunction with the department of transportation. So we're working with them and a few other minor changes that came as a result of recommendations from the prevention advisory council. So if I can stop at this point, and I'll say whatever questions and final comments that I've got until the end, I'd like to turn it over to the chair of the prevention advisory council.

*****: Thank you. Good morning.

Katz: Good morning.

Jim Meyer, Chair, Prevention Advisory Committee : I'm Jim Meyer. As commissioner Francesconi told you, he and the fire marshal, Jim Crawford, believe strongly that for the enhanced fire prevention program to succeed it needed continuing input and guidance from the people who are most affected by the program. And to that end commissioner Francesconi formed the prevention advisory committee, which is a group of citizens representing a cross-section of the affected businesses to provide ongoing advice to the commissioner and to the fire marshal. I chaired that committee, as you know, and I want to express my support of the process, the commissioner set up and my faith in the end result. And I also want to tell you -- well, I'll tell you first that the committee included members from the multi-family housing council of Oregon, the Oregon apartment association, the building owners and managers association, the association for Portland progress, the Columbia corridor association and the institutional facilities coalition. Now obviously all of those groups have a specific interest in the nature and quality of this program. And I would tell you that I was very impressed throughout this process, not only of the knowledgeability of the members of the committee, but the objectivity that they brought to the process, and the commitment to doing the right thing for the city and for the fire bureau as well as for their own constituencies. We convened for the first time in February of 2000 to review operation of the program during the 18 months which had preceded that. After several meetings with the staff of the fire marshal's office and the commissioner's office, the committee met with a commissioner at the beginning -- well, at the beginning of this year in January to present our recommendations. And as you can see, we recommended major restructuring of the scheduled for inspections and the number of other changes to simplify the program. Commissioner Francesconi accepted these recommendations and he directed Portland fire and rescue to bring them forward, and I'm here today to offer my support and to request that you pass the ordinance and hope that you'll adopt the changes. And I'd like to introduce Sharon Barrett-Fleming, who's a member of the committee for her comments.

Katz: Come on up. I didn't know that -- Jim, I didn't know that you had time to serve on committees, so -- [laughter] now that I know that --

*****: We all have the same amount of time.

Katz: Yes, thank you. [laughter] you've just been freed up.

Hales: You learn a lesson here. You complain, you end up being chairman of the committee.

Sharon Barrett-Fleming: Good morning. Sharon Barrett-Fleming. I also am here much to the amazement of several of you to support this program and its changes. Initially our organization, the Oregon apartment association, with its 1100 members representing almost 50,000 rental units in the city had dire concern over where this was going. It took a great leap of faith for us initially not to show up here and oppose this entire idea. It is to your -- I'll compliment you as a council, and especially the bureau -- it's to your credit that we believed your word when you said "if there are

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problems we'll work together and solve them." and all of us kept our word. We're very pleased with the bureau, with its commitment to hearing our concerns and solving those concerns. I was a member of the prevention advisory council on behalf of our organization. We were very concerned about the fee schedule. We were very concerned about the self-inspection idea. We were very concerned about, "oh, my gosh, here's government going to come and help us." we're very pleased that government has been there and has helped us. This inspection program has made a great improvement in the system in the city of Portland that protects our citizens. And we're proud that we were a part of that. Again, we support this. We especially support this because of the adjustments to the fee schedule. One of our primary concerns with the fee schedule was that those of us who own a three-plex with no common area, for the inspection in our common parlance would be a drive-by inspection, nothing to look at, we were going to be paying the same rate as a much larger building. After the first year when we started meeting on this and talking about the schedule, we have adjusted that schedule down to where it's something that is clearly a benefit to us and not a huge financial burden to our tenants, which was our concern. We've worked very hard with the city on affordable housing issues, and any time there's a new fee that's going to impact housing we have to be concerned. We know we don't pay fees. We know our customers do. So we were very concerned about that issue. We're very happy now with the progress that's been made. We're very proud. We're proud of the bureau. We're proud of the city of Portland. And we're proud of our involvement in helping support this. Thank you for letting us do that. Thank you for letting us be heard here today. I'm here to say yes for once.

Katz: You know, i'm sitting here, I can't remember -- commissioner, you're probably right, but all the years of working in the legislature, sort of flash before my eyes, and I can't recall any time when you came in and did that kind of a wonderful presentation. So I got to --

Hales: She might say the same about us.

Katz: I know, I took a risk in saying that. You must have done a good job, all of you. Questions?

Saltzman: I have a question.

Katz: Okay, go ahead.

Saltzman: I was looking through the major policy analysis, and I don't know if this is a typo or not, but it talks about another important element of this proposal is increased efficiency of lower staffing level, and it says that "this will be achieved through around-the-block inspections." I was hoping that was a typo and meant "round-the-clock inspections." am I right?

Crawford: If I may, jim crawford. Commissioner, no, that is not a typo. It's intended to get us to a more regular inspection cycle. The risk-based had us going even to an individual property where we had different occupancy types there at different times of the year and different years. We were bouncing our inspectors all over the city. This inspection cycle is going to be much more efficient for us because it will allow us to do more around the block or take a section of Portland and say "this is your year to be inspected" and we'll hit that part of Portland all at one time. Is that answering your question?

Saltzman: Yeah. While we're on the point, I mean does round-the-clock make any sense for this program for further efficiencies, I guess? There are plenty of businesses that are open in off hours.

Crawford: We do some night inspections. We have a special public assembly inspector and our fire investigators who are on a different work schedule do night inspections of the public assembly occupancies that are open in the evening time, but generally, for the normal 9:00 to 5:00 business community that wouldn't work out. So I think we're handling that part of it effectively.

Saltzman: Okay.

Katz: Chief, let me ask you a budget question. You still owe us over \$700,000 ongoing.

*****: 779.

Katz: I knew it was a little more than that. Is this going to assist us in getting there?

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Wilson: The reductions that are built into this change, the three inspectors, that's being spent by reducing the fees. In other words, the fees are being reduced and we're going -- so, really, does not.

Katz: Because those fees were used to pay --

Wilson: That's correct. We are, as you know, in the process of implementing company inspection programs beginning july. The training is actually taking place today -- yesterday, today and tomorrow. So long-term, it's our desire to be able to continue to reduce the number of our 40-hour inspector positions as we have more companies involved in that company inspection. The short term, probably will not get to the 779 by that alone. We'll have to make other --

Katz: Okay. I know that's not going to be easy. All right, thank you -- jim, i'm sorry.

Crawford: One final comment, if I may beg your indulgence.

Katz: Yes.

Crawford: I would be remiss if I didn't recognize the program manager who bird-dogged this program from the beginning. Fontaine hagerdorn. He's been invaluable to us and he's retiring for good.

Katz: Is he really? Not riding the bus anymore.

*****: He's done a great job and deserves great.

Katz: Thank you. Congratulations and good luck in your retirement. Okay. Thank you, everybody. Anybody else want to testify on this item?

Moore: We have dora mccray signed up to testify.

Katz: On this one?

Moore: Did you want to be on the other one? The independent police?

*****: Yes.

Moore: Okay.

Katz: Dora, the testimony will be just on the amendments today.

*****: That's fine.

Katz: All right. If not, roll call.

Francesconi: Just a couple points. One is it's great that -- the testimony, there wasn't the opposition. And the reason is because we worked through this thing in a very good process, but also we did some substantive things. One is we actually reduced fees, which is a good thing. And so this is -- this is good, especially with this changing economy that we have. And I want to compliment the fire bureau, because that translated into three less positions, so there was consequences to that, but it was the right thing to do. The second thing, which wasn't really highlighted too much in the testimony, but the other way that the fees were changed was to build in incentives so that if good behavior and no violations, then it costs less, repeat violations cost more. So that was also a very good thing. I liked what jim -- how jim meyer introduced the group. He said "these were people that cared about the city, cared about their fire bureau, but also represented their own constituencies." and that's really what we need. I want to especially thank all the representatives of the committee. I guess I want to tell you that as we move to implement company-based inspection, which chief wilson is already doing at the request of the council, we need some ongoing help from the business community, looking at that issue and how it plays itself out. The other area that we need help from the business community on is how, as we get more into emergency medical services and prevention of injury and accidents, and we're working with the county in that regard, as we take advantage of our paramedics, have -- work with the county, we need advice from you as to how to proceed. Because we have talented folks here, we have a lot of uninsured Multnomah county residents, especially children, and how we proceed in that regard, we need some advice. So long and short of it is -- the mayor doesn't get to you because I have other things in mind for you. So I want to thank you all, and we're moving in the right direction. Aye.

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Hales: Bravo, jim. To you and your staff and your office, and to the fire bureau staff for getting to this result. You know, we use that overused phrase about public-private partnership all the time, but actually it really does mean something here in Portland. I think this is a classic case of what it should mean, and that is we expect our businesses to be responsible citizens, but when they have a legitimate grievance they expect to get heard here and to have us take that seriously and then try to do something about it. So this is just a real success story along just those lines and took what was an object of great discomfort and disgruntlement in the business community and gotten it to the point where people can say "okay, that's reasonable and the city's working with us." that's exactly the result we hope for. Are not always able to achieve it on a difficult issue like this. But great job, everybody, involved. Aye.

Saltzman: Good work. Aye.

Sten: I want to chime in. I think we knew when we did this that we needed to do it, but that it had some kinks to be worked out. Some big ones. I want to thank the bureau and citizens and commissioner Francesconi. This I think is and feels much better. Aye.

Katz: Commissioner Francesconi, that's good work on your part and on the part of the bureau and the citizens, but you still owe us over 700,000 this fiscal year. Aye. [gavel pounding] thank you, everybody. 655. It's 10:00, that's fine.

Item 655.

Katz: Okay, come on up.

Larry Nelson, Bureau of Finance and Planning: For the record, my name is larry nelson, bureau of finance and planning.

Randy Webster, Bureau of Financial Planning: I'm randy webster, principal financial analyst, bureau of financial planning.

Nelson: I'll go into it here. The bureau of financial planning has prepared for council consideration spring budget monitoring report and minor supplemental ordinance. In the spring budget monitoring report, city bureaus project revenues and expenditures to year end and make appropriate adjustments. At this time bureaus may also request carryover for appropriations for projects continuing into the next fiscal year and in addition request appropriation from the compensation set aside for appropriation if needed to prevent overexpenditures and personal services, which brings me down into requests from the compensation adjustments. The bureau of financial planning is recommending distribution of about \$3.8 million from the compensation set aside for 13 various bureaus, which include cable, fire, attorney's office, mayor and commissioners offices, parks, office of finance and --

Katz: This is the colas?

Nelson: Yes.

Nelson: In addition, allocate carryover of appropriation for various projects which will continue into next fiscal year. This is going to total approximately \$1 million. And it should be noted, however, that appropriation may or may not be available for these projects. I just wanted to stress that. And these affect the following bureaus -- the attorney's office, the special appropriate operations set aside for the ductu agreement, and also the planning bureau, licenses, and the bureau of housing and community development.

Katz: Randy, did you want to say anything on this? Yeah, that is of little concern to me, so i'd like to come back very shortly and see what we can do to make sure those resources are available. To continue the work of those bureaus.

Webster: Yes, ma'am.

Katz: Identify yourself for the record.

Webster: This is randy webster, bureau of financial planning. One of the strategies we're doing is making sure that the distribution of cola right now is exactly what the bureaus need, no more, no less, because that of course will affect how much balance is available to bureaus -- to you next year

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in september. There's an interplay between what we do now with the spring bump and what happens in the ending balance. We're mindful of that.

Katz: Go ahead.

Webster: One other small note. At the conclusion of the spring bump, should you approve all of these actions, general fund contingency will stand at a balance of \$1,050.

Katz: Here's --

Hales: Plus or minus.

Katz: Here's the dilemma --

*******:** We round to the dollar.

Katz: Here's a bureau manager's dilemma. He or she keeps a pretty close grip to the budget, may not expend it all and keeps vacancies -- i'm thinking of one of the bureaus that we had discussions with -- and then loses all that money at the very end.

*******:** Right.

Katz: So you're punishing bureaus for being prudent or not doing all of the work they should be doing, when you could balance it one way or the other. So that's sort of a dilemma. And then those bureaus that expend everything get to use all the money. All right.

Saltzman: I have a question. I'm compelled to ask this question on behalf of my staff. This may affect your ending balance, but I don't know my office listed in here for the coal.

Webster: We usually interpret that to mean your office has done very well.

Saltzman: We have done very well. Is that truly the situation?

Webster: Yeah. Our projections show that you don't need cola to cover your personal expenditures till the end of the year.

Nelson: However, we do have the overexpenditure ordinance coming in another two weeks, which we could make an appropriate adjustment if that was the case.

Saltzman: So you've worked with our office on that?

Webster: Yes, we have.

Saltzman: Great.

Hales: But they only have a thousand dollars left, so --

Katz: And the other part of the dilemma I just described is that you don't get any credit for doing this. In fact, if I recall all the years, the police bureau returned money to the general fund and now, well, now they won't be able to. So you don't get any credit and you may be punished the following year. I mean, it's a dilemma.

Francesconi: I wasn't going to bring it up, but now that you've brought it up -- it's unfair this situation, frankly. Not only is it unfair, but it's not fiscally the most responsible policy because it does not encourage some fiscal discipline on -- it's an inappropriate system. So have there been some options developed? Has there ever been an analysis done? Has any council ever been presented with some alternatives? Because frankly i'd like to see them.

Webster: You're referring to what happens at the end the year?

Francesconi: Right.

Webster: This is a classic dilemma, if we go back to our college days, we can hear about -- I remember reading about the problem of budgeting in bureaus and the issue of expenditures at year end. So it's a long-time recognized problem. It revolves around the fact that these bureaus are also using general fund discretionary. We haven't done a thorough overview in the most recent years, but we are in the midst of updating the general fund financial policies right now and we can take a look at those in this light again. They'll be coming to you in the next couple of months.

Francesconi: Okay.

Katz: 'Cause you've got bureaus with zero plus or minus. There's no loss, no gain. You've got others that have returned money to the general fund.

*******:** Right.

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Katz: And you have others that constantly go full bore to the general fund. And the history is never captured.

Francesconi: So you're telling me that we collectively will look at this over the next several months and maybe develop some options. We need the mayor's leadership on this. But if you -- please do this. And we'll participate anyway we can to help you.

Katz: Okay. All right, further questions? Anybody else want to testify on this? If not, roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye.

Sten: The reward for good deeds is not always obvious, but it comes around, so I think the bureaus that save money will be recognized somehow. Aye.

Moore: Katz?

Katz: I'll remember that. Aye. All right, we're a little early for the time certain, so let's go on to the regular agenda. Don't go away, folks. 679. Council members, you're going to have to tell me if you need to wait on this. Most of this are second readings. 679.

Item 679.

Katz: Okay.

Jordan Epstein, Bureau of Financial Planning: I'm Jordan Epstein, bureau of financial planning. The resolution you see is -- it's authorized submission of the supplemental to the tax commission, and that hearing would be on June 21st. At that time, if they pass the -- if they pass on the supplemental, then you'll see an ordinance then. But just for some background as to what's in it, there are only nine funds this time that are doing anything. 29.7 million total is being appropriated. Four of the funds are in -- under Bes's jurisdiction, involves making 108 debt service transfers and also transferring money from the rate stabilization fund to the operating fund. Because of losses they want to make sure they have enough money there for both coverage and to pay the bills. Transferring in the housing and investment fund, recognizing some -- it's preservation line of credit money that they're going to transfer to the PDC, be able to purchase affordable housing. A couple of debt service funds, River District, Length Town Center, which are recognizing debt revenues and paying interest on that. Special debt service, same thing. Those are involved with two things, Max Project and Convention Center expansion. And the other one is Parks Construction Fund. They are recognizing SDC money and they've got money coming in -- I forgot what the other one is -- from PDC to up improvements at Jamison Square. And the SDC money they're recognizing. They've gotten more than they expected and they've already spent most of the money.

Katz: Okay. Randy?

Webster: No comments.

Katz: Questions? Anybody want to testify? Roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. Thank you. All right, item 680.

Item 680.

Katz: Second reading. Roll call.

Hales: Aye. **Francesconi:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: This will buy us back three police desk clerks and we're looking to see if we in fact are at cost of service, and that work is continuing to be done. Aye. All right, 681.

Item 681.

Sten: Mayor, we had a council informal on this. This is a major project to just about rebuild the entire Columbia Villa, double the number of housing units, but do so with a wide range of incomes. And it's a very, very exciting project. I probably won't reiterate it at all. The housing authority was going to send somebody by today just in case we had questions, but I think everybody's up to speed. This is support for the application. It's a \$35 million grant that would spur about \$140 million worth of redevelopment. So obviously it's a big, big deal. The application is due next week. We're counting on our own Steve Redman to deliver this, although he's not here because he has to work on

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camp dignity before he gets out of here. That's where he is right now. I'm just looking for the council's support and we'll cross our fingers and see what we can do with this application.

Katz: Okay. Anybody want to testify on this? We heard about this, as you all remember, at a work session. Roll call.

Francesconi: This is a terrific opportunity for north Portland, for home ownership, for a combination with university park, as we rehabilitate that community center. Very exciting thing. Thank you, commissioner Sten. Aye.

Hales: Aye.

Saltzman: We'll keep our fingers crossed. It could work. Aye.

Sten: Aye.

Katz: Mayor votes aye. Take a look at 682. Does anybody know if -- do you have people coming for this one?

Item 682.

Sten: I don't think so.

Katz: Let's read 682.

Katz: Does anybody want to testify on that? Roll call.

Francesconi: This is very good. Aye. **Hales:** Aye. **Saltzman:** Yeah, this is very good. Aye.

Sten: Aye.

Katz: Mayor votes aye. 683.

Item 683.

Katz: This is the second reading. Roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. 684.

Item 684.

Katz: Second reading. Roll call.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. Let me ask you, is brian quinn here?

Moore: They both are.

Katz: Let's do 685.

Item 685.

Hales: While brian's coming up, just an informational point, I don't want back to it, and I didn't even bring it up when we were voting on it, but we just voted on another franchise. Are we going to bundle those and is this just a bundle of one or am I remembering that incorrectly, that we're going to batch those on a quarterly basis or something instead of doing them as they come over the transom? We ought to revisit that. I thought that's what we were doing.

Sten: It's my proposal, but I can't remember.

Hales: I can't either. We're both operating in the dark.

Sten: I'm 100% sure that what we're doing is batching the request to tear up the streets. I'm not sure we're batching franchise approvals. I need to double check that.

Hales: Yeah, you and I should talk about that after council, because it's a good idea, i'm just not sure how far we've implemented it.

Katz: Brian, go ahead.

Brian Quinn: Hi. My name is brian quinn. I'm glad to hear you talking about tearing up streets. That's why i'm here.

Hales: We don't like tearing up streets.

Quinn: On the streets in the older part of the city, there are sidewalk signatures that people put in after they finished laying sidewalks all the way from the turn of the century to 1930. And i've noticed that currently, when we jackhammer sidewalks, tear out streets, we're tearing these things up along with it. So i'm asking if you would consider cutting these out and reinserting them

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whenever we replace a sidewalk. I think it's historically significant. I've called everybody's office here. Been trying to get through for the last two years. And somebody called me back recently and said these are supposed to be preserved as historical landmarks. So if that's the case, I just want to let you know, we're not doing it. My favorite one was just taken out on 30th. Somebody had put the date in their own name and the company they worked for, and it was 1903. So I think this is worth saving. I don't know what you have to do to do it. I hope you don't have to form a committee to discuss it for a while, because these are probably disappearing maybe 15-20 of them a day would be my guess. I've made attempts to talk to people who have private companies to see if they would do it on their own. Some of them said they would. I took them out in front of my house and I kind of got a gauge of what it would cost. I don't think it's going to cost anything. I think you probably have concrete cutting saws. Just a matter of cutting out a square, setting it off to the side and then reinserting it when they lay the new concrete. That way we preserve it. So I hope that -- I think it's just a matter of making a phone call to the right people and telling them to do it. That's my guess.

Katz: Usually we don't respond on this.

Quinn: Oh, I see.

Katz: But we sometimes, if in fact we're violating our own rules and regulations. I think every bureau has a piece of this. And we need to be very vigilant about that, as well as the horse rings.

Quinn: Right.

Katz: Because those are being torn out and not replaced.

Quinn: Yeah. I mean, it's just a piece of our history. And it seems so easy to do, I just think we ought to do it.

Hales: Let me have the bureau of maintain get ahold of you. Unfortunately, it's not as simple as --

Katz: Well, because it's private property.

Hales: We tear out corners and replace them with handicapped accessible corners.

*******:** Right.

Hales: Americans with disabilities act.

Quinn: Those are the ones on 30th, my favorite one was just torn out by the city.

Hales: That's the city. But most of the time it's the property owner doing that work under city regulations. So let us look at it. I'll get the bureau of maintenance to figure out what they're doing in terms of practices and get back to you and have them look at the larger issue.

Quinn: Okay. I work at the best high school in Portland -- jefferson. You can get ahold of me there.

Francesconi: If you could, on your way out, just stop at my office right down the hall here and leave them your name and number .

Katz: Commissioner Hales, we do know when the private property owners do that, so we may want to let them know they need to save them.

Hales: They're usually doing it under our inspection. So it's not like we have some line of communication.

Quinn: I read an article in "the Oregonian" that got published, and this was a response "to destroy these pieces of history makes about as much sense as jackhammering the bricks with names on them out of the pioneer courthouse square." that was from mr. Hammond, whose father-in-law was one of the people who put sidewalks in. His signature is at nature's on division, underneath the carpet, when you walk through the front door.

Katz: Thank you for flagging that to us.

Quinn: Okay. I think I have a young friend who wanted to --

Katz: Yes. Julia liedel. Could you identify yourself.

Item 686.

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Julia Liedle: Yeah. My name is julia liedel. And I go to harriet tubman middle school. I'm in sixth grade. Go to the best middle school in Portland. And do I need to give my address also?

Katz: No.

Liedle: Okay. Forgive me for being a little nervous. This is the first time I did this.

Katz: You only have three minutes. That will make you get more nervous. [laughter]

Leidle: Okay. Well, I would just like to say that to me this seems like it should be a simple issue. It doesn't really cost anything to save these sidewalks stamps, so it just seems like a simple issue me. And when I walk through my neighborhood, I really enjoy seeing the sidewalks stamps down there. And I also enjoy seeing the misspellings of various words. It's kind of weird, 'cause they're so old. I also like seeing the old street names. Very interesting to see how they've changed. And I think that preserving them, it's a low or no-cost, because the part containing the stamp on the sidewalk, it can just be incorporated into the new sidewalk. And these stamps, they're part of the historic character of our neighborhoods. I think they're really important. They're the same as the hitching rings that can still be seen around the city, but like you said they're being destroyed also. And so, you know, my children might not be able to see them in the future, and I want them to be able to because they're important to me. And I just think, like I said before, it's a simple issue. I don't think that the city -- i'm not expecting the city to force homeowners to replace them, but when the city is replacing curbs, I think they can do, since it's them, that they're paying the contractors to do it, they can preserve the sidewalk stamps. They don't have to tell the homeowners anything. It's what they're doing. So like I said before, I think it's a simple issue.

Katz: Thank you. Okay, we have about ten minutes, so why don't we take a recess for ten minutes and come back exactly at 10:30.

At 10:23, Council recessed.

At 10:35, Council reconvened.

Item 656.

Katz: Karla, why don't you read 656.

Katz: Gary, why don't you come before us. I understand you have a substitute ordinance.

*******:** That's correct.

Katz: That incorporates changes.

Gary Blackmer, City Auditor: That's correct. Gary blackmer, Portland city auditor. Based upon the issues raised by council two weeks ago in the hearing, I made amendments to the proposed code and also to the cover ordinance going with it and --

Katz: Before you go ahead, I need a motion to accept the substitute. Do I hear a second?

Saltzman: Second.

Katz: Any objections? Hearing none, all right. Let me tell you what we're going to do, because there are people in the audience that might not know. Gary is going to spell out the amendments that he made as a result of the hearing that we had the other day. Commissioner Saltzman has an amendment that we're going to have to act on. I'm going to open it to public testimony, but just for the amendments. Not anything else, because we've had public testimony. We've had significant amount of public testimony on the entire issue. But just on the amendments, and then we'll take a vote on it today. Okay.

Blackmer: Okay. Let me briefly describe the amendments. First i'll talk about the code. One of the issues council had heard about was the definition of a citizen, that we need to distinguish that it's not an i.n.s. -- the immigration naturalization service definition. So we defined a citizen as any person who is not an employee of the bureau, meaning the police bureau. Second, there was discussion around the size of the citizen review committee. We proposed that we increase the size to nine citizens instead of the seven that was originally in the proposal. Also there was discussion around the citizens that the mayor and commissioner identify as their representatives on the

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committee. And so what the -- the code does is gives the mayor and commissioner citizens preference over other applicants with equivalent qualifications. So that gives you the opportunity to have extra say in terms of the composition of the committee. Also, since we increased the size of the committee to nine, we increased the number of one-term citizens in the beginning from three to four, so that allows us to have staggered terms. So one year, four citizen positions will reach the end of their two-year term and the next year five will reach the end of their two-year term. Since we went to nine I thought it would be appropriate to say that there would be a chair of the citizens review committee. That was one of those things I thought it could be something the seven decided upon and make it part of their internal rules, but I thought it would be appropriate to make sure that we have a chair formally identified. I removed the term "vexatious" which was something that council was concerned about. Also, there was concern around the analysis of closed files, that it was something that piac had been doing and we didn't want to lose the opportunity and process of doing that, so I lifted the language from the piac code, just literally and put it into the same place in the ipr code so that is recognized in the code as well. So those are the amendments to the proposed code. The ordinance has two changes to it. One is it commits the auditor to propose by december 31, that I will bring code before you to review police shootings and deaths in custody. So that gives about --

Katz: Review the policies.

Blackmer: Well, I didn't get down to that level of detail. That's one of the things I would really like for a number of reasons more time to work on that. So that I can get a better idea from all the council members what they think is appropriate for us to do.

Katz: Okay.

Blackmer: Get the director of ipr involved in developing that process, and also look around to other jurisdictions and see how they do it. So i'd like to make that part of a more formal methodology so that we can come up with and bring it to council and have hearings and discussions about it as well.

Francesconi: But the clear intent of all five members of the council was to review the policy issues.

Blackmer: I recognize that. In terms of what i'm committing to, policy, you may all have the same idea what policy is, but that's something we can delve into when we get into more details. So I do recognize. I took extensive notes on that and I think I have a sense of it, so we'll start from there and go forward. The other change was because this slipped over another week into june in terms of a vote I put on that this is an emergency and so that we can at least begin on july 1 the process of implementing this. So those are essentially the nine changes that have been made since the council hearing two weeks ago.

Katz: Before I get to commissioner Saltzman, any questions with regard to those changes? All right, commissioner Saltzman, you have another amendment that you wanted to bring up.

Saltzman: Yes. This amendment relates to the issue I was inquiring about at the last meeting, which is when ipr is doing an independent investigation, which is the sort of the most severe form of investigation option, that rather than having the ipr investigator have to direct his or her questions through the iad investigator and then have the iad investigator choose to repeat the question or ask the question or not, my amendment simply says that the ipr investigator ask the question directly to the bureau personnel and the iad investigator may still, as under the old language, either repeat the question or direct the employee to answer the question. I've talked with many -- i've talked with our attorneys. Our attorneys gave us a memo on this issue. And I think their conclusion was there was no concerns about doing this. This is -- it was perfectly within our purview to do it this way. I talked to will atchison, police union attorney, and he assured me he agrees with this language, it raises no constitutional issues and does not raise any union contract concerns, not to say the whole ordinance doesn't raise some potential union contract concerns, but

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this particular contract doesn't raise any additional union contract concerns. So having heard all those assurances, I propose this, and I propose it, as I said last time, I think it's just an important body dynamic and important perception issue, that the ipr investigator be able to directly ask the question.

Katz: Why don't you read the language.

Saltzman: Okay. The language would be to section 3.20.210 paragraph d, and delete the last two sentences of the second paragraph and replace them with "when bureau personnel are being interviewed by ipr personnel, the iad investigator may either repeat the question or direct the employee to answer the question." again, as I said, I think it's important, both from a perception issue, I think it removes any perception that there's a filter in place, and strictly from the body dynamics of having a meeting like that, I think it makes -- it's an independent investigation. I think it makes it more straightforward to have eye contact and ask the question directly rather than turn and ask it to a third person.

Katz: Do you want to comment on that?

Blackmer: At least from what the city attorney said, that commissioner Saltzman's change doesn't really change the legal or operational issues. I'm okay with it. My only other concern was a process, whether we could actually vote on all this and enact it today or --

Katz: Yes, we can. It's an emergency ordinance. So what i'm going to do, unless there are -- are there any other amendments by the council? What I want to do -- are you finished with your testimony?

Blackmer: Yes.

Sten: I don't have an amendment, but a question.

Katz: Question.

Sten: I wanted to kind of ask if there's -- I can't remember if you had made any formal considerations in this for when and how we're going to review the success of this.

Blackmer: Yeah. We do have in here that we will be reporting to council on a quarterly basis and an annual basis.

Sten: Okay.

Blackmer: One of the concerns I have is I think I would like council to step up and define when and how it wants to evaluate this program. And we'll be happy to work with you to help define that, because evaluation can be a wide range of things from council looking at the reports and the statistics and having an informal audit to hiring outside experts to come in. I'm not sure exactly where you want to go with that. So -- but you have my commitment that I will do whatever you think is appropriate to determine, to your satisfaction, whether this is working or not.

Sten: Well, yeah, 'cause I think -- I don't have it just right yet, but, you know, I think one of the things we need to develop on this, and I think it's better to do it more carefully rather than to try to do it on the fly, which is why I tried to do it and couldn't completely do it satisfactorily, is a pretty clear set of benchmarks for what's success. Because, I mean, as i've told people many times, i'm -- you know, i'm one of the people in this bunch, and maybe not everybody's in this. A lot of people think they know exactly what's going to work on this deal. My read is I don't. And so i'm open, if this isn't getting the results we want, to moving to something much more like the majority report, but we need to define what will be success. Is it, you know, a number of complaints, is it the quality of complaints? So what i'm thinking is that maybe that same, you know, end-of-the-year time line that you're looking at the -- you know, we have to have some real public discussions before that, but maybe I think over the summer and into the fall, i'd actually even be interested in not having a huge session to just -- but almost having some public discussion of what does success look like on this thing so that we can judge -- I mean, because the idea for me is not to roll this through and say "we fixed the oversight system," but say, "okay, this is a very sincere aggressive experiment that's going on, and do we know if it's working or not?" sort of a one-year basis is a nice

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round number to look at, but there needs to be more work to decide how we're going to judge that before we get to that year.

Blackmer: Yeah. And having a little data to begin with would help us being able to say what we can get and some baseline measures -- what some baseline measures would be. If I were to think of four key objectives of this organization and measuring the success, it would be timely, thorough, and fair investigations, and trying to develop measures for that objective. Reducing complaints through prevention, which is like policy and other training and other elements that we can address. Greater satisfaction from the complainants in the complaint process.

Katz: At the front and at the back end.

Blackmer: Right, exactly. And increasing public trust. I mean, those -- if I were to sit down and try and come up with four broad objectives, and then to take those objectives and say how can we measure whether we're achieving them or not. And so to that degree, having some dialog and say "are these all or are these the big ones?," and then "are these the kinds of measures you'd like to see?" and then we can start gathering data and start saying "here's where we are now, where do you want us to be in a year?" and look at that data and see if we can make sure that we're improving and making impacts in terms of all these measures. And then be able to report to you on those. I mean, that's -- that's a process that we could work on.

Katz: Yeah. And you would have to start at least on the customer satisfaction almost immediately in terms of measuring where you want to measure the customer satisfaction. Are they happier with the intake? I would imagine that most people would be happier during the intake, but the more critical is how do you measure satisfaction at the customers -- of the customers at the final completion, even though you may not be supporting their claim.

*****: Uh-huh.

Katz: So and their recommendations of how you can -- how you can better the system, whether they were successful or not.

Blackmer: Minneapolis has a good sway that it sends out to its citizens and officers. I'd like to use a lot of those questions, so we could actually compare ourselves with what's happening there.

Francesconi: Gary, those four are very good ones. The one that i'm not sure I heard in there enough is relating to the bureau itself, and not the perception, but the reality, in terms of the numbers of complaints, but also the types of complaints. So I know that the chief has those kind of performance measurements built into a strategic plan, but if you could also work with the chief on the types of complaints, where they're coming from, precincts, that specific, and integrate it with him.

Blackmer: Okay.

Francesconi: If you could add that either under one of those four or in addition to those four, and maybe present us with some options that we can have a public discussion about as opposed to us thrashing around.

Katz: And that triggers another issue. Let me just piggyback on what commissioner Francesconi just said. Most of the complaints as we've analyzed them, about I think over 60% of them, were communications complaints. And I want to see that number decline dramatically. And so that -- it's being done within the bureau, but it's -- it also would be interesting to see how much of what you're going to be doing, or your staff is going to be doing in the process is going to be doing to further reduce those. I don't know how we get to that. But those are the complaints that are taking most of the time of the citizens -- citizens, piac citizens today, and those are the numbers. I mean, if you had to pick from a tree, those would be the first ones that you would go after, 'cause those are easy ones and natural ones to do. Okay. We'll vote on commissioner Saltzman's amendment after we hear -- and then on the substitute after we hear the testimony. Is that all right? Because I want people to have an opportunity to comment. But I just want to warn folks, this is just on the amendments that you heard. Okay. Karla?

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Moore: We have dan handleman, diane lei, and dora mccray.

Dan Handleman, Portland Copwatch: Good morning, city council. My name is dan handleman. I'm with the Portland cop watch. The city auditors revised proposal for the ipr is i'm afraid destined to fail. The sloppy work of the original ordinance combined with revisions only reinforce arguments in favor of a independent police board. At the may 24th public hearing about 30 people testified in favor of an independent board as opposed to two or three who supported blackmer's plan. City council directed auditor blackmer to make changes, but very few of those revisions appear in the code. First the auditor postponed implementation of reviews of shootings and deaths until december 31st despite the council's clear directive to take these cases on. Black her has sent it back as an emergency, and how this ordinance, written in two months as an emergency, while the reviews of the most serious force of police can wait for seven months is unclear. Despite the fact that the mayor's work group crafted a credible, well researched plan over the course of five months the auditor has slapped together his ordinance. Here's some problems with the original ordinance still not fixed. While we appreciate commissioner Saltzman's strong wording allowing the ipr investigators to ask direct questions, the so-called independent investigators will still be dependent on the iad without the purchase to compel testimony the ipr is really the dependent police review board. I would also like to point out that new information just came to me that the piac citizens advisory looked at all the recommendations that have been made from the monitoring subcommittee for the last 20 years, and 51 out of 59 of the recommendations dealt with internal affairs process. So as long as you're continuing to allow iad to do most of the investigations, most of the recommendations are going to be about iad instead of about police policy. The review board is not explicitly given the power to recommend discipline, which damages their legal ability to compel officer testimony. In addition, the ipr ordinance omits a current part of the current code which gives the city council the ability to compel officer testimony. Despite concerns that were expressed, there are still two sections of the proposed code that give the city council to withhold information which would cripple the ipr. It has less members than the current piac. Currently citizens can review a finished complaint and either agree with the finding or, send the case to council for a changed finding or request that further investigation be done. The auditor's proposed code strips the citizens the ability to request more investigation. Also by removing neighbor coalitions as a conduit for applicants and only suggesting that city council be able to nominate members who may be given preference over others, the door is left open for a citizen board consisting of nine white republicans from southwest Portland. Officers would not be able to use the ipr, the chief of police may still have final say as to whether the complaint should be sustained because the code does not explicitly state the chief must accept the council's finding. Ironically this is one of the key reasons that the council agreed to restructure the current system. Currently if this proposal is adopted, the ipr will rely on a weak document as opposed to a strong system. In short, by rushing his proposal into effect without listening to the overwhelming testimony, they bring an independent board, the auditor's handing over a great gift.

Francesconi: I just have one question. Is this system that's being proposed better or worse than the current system?

Handleman: As i've said, there are many ways in which it is worse. The citizens will not have the power to send it back.

Francesconi: Right, but that wasn't my question. Overall, is this a better system in terms of civilian oversight -- just a better system.

Handleman: No. Because what you're doing is creating a car with no engine. Without the independent investigations, you've changed a whole bunch of stuff, some of which we wrote into our proposal, but without that the independent investigation, it is not better, no.

Katz: But there will be independent investigations, and currently there are none.

Handleman: But they're dependent investigations. They're not compelling officer testimony.

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Francesconi: Just so i'm clear, you would prefer us to keep our current system?

Handleman: I'm not saying that necessarily either, but I think that -- if those are the options on the table, then, yeah, piac should probably continue.

Katz: All right. We're not going to get into that debate. Yes?

Saltzman: You make the point that the police chief may still have final say as to whether the complaint should be sustained, and I don't see that at all in reading the section you referenced. It's pretty unambiguous to me, that there's no role for the chief to alter the finding of the council.

Handleman: The language says if the finding is not supported by the evidence the council should decide what the finding is. The director should inform the complainant of the council's decision and enclose the complaint, but it doesn't say that the chief must accept that recommendation. Doesn't say the chief can't then subsequently make it, you know, --

Sten: We'll clarify that, but --

Katz: All right. Good morning.

Dora McCrae: Good morning. My name is dora mccrae and i'm a legal registered voter here in the state of Oregon, however, I do not know all of the ramifications that makes this so-called legal system work for all people. I am constantly bombarded with the important and necessary paperwork that is required by this state regardless of what it is, a driver's license, a permit to build a house, to get a new birth certificate or put your money in the bank. So much red tape. And sometimes too much red tape. I am here this morning to express my objection and concern regarding a proposal or an amendment to be adopted for the good of the city commission and the police internal investigation, or whatever it is called. This committee should be a body of public citizens concerned with and for the council and the people of Portland, Oregon. It seems to me that this amendment only addresses the rights of the council. It should address the problems that are brought before the council. Every case brought before this body is important and should demand appropriate attention in an honorable manner, no matter how long it takes. It is important that all of our people be treated equally, whether they have the money to pay for a, quote, mouthpiece or a piece of paper that is required to pursue a case. I am against this amendment that is presented to us this morning. It doesn't address the needs of the people. It only addresses the needs of the council. It should address both. For instance, I am currently going through the system after two years-plus, two trials, and two city council meetings, failing to get justice, and it still seems bleak.

Katz: Thank you.

Diane Lane: Hi. I'm diane lane. With the exception of the review of deadly force cases, amendments do little to ensure the goals of police review. Especially inspiring community trust and changing police behavior, because they do not allow the ipr to compel officer testimony and do not allow all police misconduct cases to be investigated by civilian investigators. The piac work group offered documented research that review boards with those two powers do obtain trust as well as improve police behavior, but perhaps it's not impressive that the san francisco review board guided officers to use pepper spray in a less aggressive manner or that the thoroughness of the minneapolis civilian investigation resulted in a physically abusive officer being fired. Will the auditors amended system bring such thoroughness to iad investigations? No, because it's hard to change an attitude such as the one displayed by an iad commander when asked why witnesses to an excessive force incident, which occurred at lunchtime in pioneer square, were not sought. He stated that iad could have contacted the entire Portland community, but it just wasn't practical. By the auditor's own admission, citizens would prefer nonpolice investigations, so why don't the amendments grant the ipr the ability to investigate all police misconduct cases? The ordinance states that civilian investigation can happen for complaints in categories that have received inadequate and untimely iad investigations. Therefore, it should happen for all misconduct cases since piac has already identified serious deficiencies and a chronic lack of timeliness in iad investigations for over seven years in many different complaint categories. In order to be effective, the amendments must grant

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the ipr the power to investigate all misconduct cases and the power to compel officer testimony. Instead of relying on iad to ask ipr's questions during officer interviews, remember the ordinance currently states -- and even the new amendment currently states -- that iad may ask those questions, meaning that they also may not ask them given the iad's current attitude and behavior it is clear that ipr's civilian investigation will not be independent as long as it is selective and relies on police cooperation. Thank you.

Katz: Okay, thank you. Questions? Next, karla.

Moore: We have bee quinn, diane lambly, and allen brett.

Alan Graph: I say age and beauty before me. My name is alan graph. And I first of all i'd like to say, let's call this board what it really is. It's not independent. This is a ruse. Let's call it placebo. It should be termed, I dubbed placebo police review, ppr, because that's what it is. It's making the public feel good. It's not really independent. I also want to say that I really have to respect the guts of commissioner Saltzman for putting out some amendments to -- that have some substance to them. And I want to thank you for that. And I wonder if any of the other commissioners didn't do this because they want the job of mayor one day. And I think it's unfortunate. I want to talk about the review of how you're going to actually, you know, put this in place. You think that's funny, mayor Katz, but, you know, that's --

Katz: Allen, allen --

*****: That's the reality. That's the way politics work.

Katz: You're impugning the rest of the council on this, and I think that's appropriate. So just go ahead and continue.

Francesconi: Saltzman wants to be mayor too. Don't let him off the hook.

Graf: I'm not interested at all. How are you going to review this a year from now? Are you going and ask homeless people what they think about this? Are you going to ask the african-american community that gets stopped 2« times more than the white people in this town? Are they going to even be willing to talk to some sort of review? Any review that doesn't really include that is meaningless, because that's what this is really all about. And what about -- you know, this new december issue about reviewing policies, but not the actual investigation in that again is a placebo. It makes the public feel good but doesn't address the real problem which is absolute power with no checks and balances. I think this is a council that supreme court justice antone scalia would be proud of, but for me this is disappointing and a sad dad for democracy. Thank you.

Katz: Okay.

Darlene Lemley, League of Women Voters: My name is darlene lambly, with the league of women voters. The league has several concerns with the ordinance as amended, as we had concerns about the original ordinance. One of the things that first off -- the first page is that the appeals of complaints will be delayed until a new complaint handling system is operating. We all know how long that it takes already for a complaint to be heard. Please at least -- until this system is up and operating -- keep piac going. I don't see any reason to delay this -- delay justice for these complainants any longer. Another concern is -- was partially addressed, but not nearly enough as I -- I and the league thinks is important, and that's the increase the number of citizens from seven to nine. We think 11 is an absolute minimum, and 13 would probably be better. We have a diverse community, and I think they have a -- that many people feel they would not be represented with such a small committee. This is a volunteer group, and we all know that absenteeism and vacancies exist with these kind of committees. So I would really urge you to increase that number as I said to a minimum of 11 and preferably 13. I would like to also talk about evaluation. It's been stated here that we're going to evaluate and one of the things that the -- that mr. Blackmer is concerned about is timeliness, thoroughness, and fair and a reduction of complaints. Let me tell you the best way to have a reduction of complaints is to reject complaints. And it seems to me that that has to be a -- has to be qualified if you're going to use that as one -- as one of the measurements. And also, again,

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if we have the same -- same situation in which we have this group evaluating itself, we've got the same problem as we have with police evaluating their own complaints. I am glad for commissioner Saltzman's amendment, and we think that perhaps will help, but we also think that it is a misnomer to call this an independent review system.

Katz: Thank you. Karla?

Moore: We have walter brown and christian williams.

*****: Good morning.

Katz: Good morning.

*****: I was invited yesterday to --

Katz: Walt, you do need to identify yourself.

Walter F. Brown: I will identify myself. Madame mayor, city council members, the name is walter f. Brown, 16 southwest monticello drive, lake oswego, Oregon. I taught procedure at lewis & clark law school for ten years. I have an excess of 20 years of law enforcement experience, 18 in the federal government and over 20-plus as a county council and deputy d.a. And during my 12 years in the Oregon state senate I represented a couple of obscure parts of Portland that lie within the county of clackamas, which --

Katz: I didn't remember that.

Brown: In fact, I defeated a republican senator who was a resident of Portland, who lived in garthwick, and there are a couple pieces there, the anomalies of geography. I've had an opportunity to read mr. Handleman's testimony. I concur with it 100%. I would also concur with the testimony of the representative of the league of women voters, that 11 members would be a better size, because this is a diverse community, more diverse than most of us really appreciate. I'd like just to close with one area of special thought. I'm not sure if the city of Portland has a risk management manager, but it seems to me that's where this subject should be referred, because the fact that o.j. Simpson got acquitted must have been some relief to him until he faced a civil suit. And many of us, not the council and certainly not lawyers, appreciate that a quibble in -- a criminal in a criminal court or a lack of an indictment by a grand jury does not -- is not persuasive, is not evidence in a civil court dealing with malpractice by city police. At 2:00 this morning I was trying to catch up on my "new york times" and I was reading some statements of four democrats in a debate, and they were discussing the killing of this ethiopian gentleman who was shot I think 40 times unarmed on the stoop of his townhouse. And they said, well, the court has said it's not a crime, but the court said it's not a tort, it's not malpractice on the part of the police. And one of the candidates were -- for mayor said the responsibility is not with those four police officers who did the 40 shots into the unarmed body of the decedent -- i'm paraphrasing -- it's with the training and procedures that led to that. Well, this is a part of the procedure. When I was on malheur county council, if one of our deputies had shot a member of the malheur county bar on the stoop of his house while he was suffering from aggravated dementia caused either by motor infarct strokes or alzheimer's or one of our deputy --

Katz: Walt, your time is up. Get to closure.

Brown: Right. -- then I would be looking at risk management. And I do not see that this change is going to reduce your risk. I think it's probably going to increase them. So I would propose that you keep what you have until maybe the initiative passes.

Katz: Thank you. Okay.

*****: My name is christian --

Katz: You need to move the mic or move your chair.

*****: Okay, how's that?

Katz: Okay.

Christian Williams, Portland Copwatch: My name is christian williams. I'm a member of Portland cop watch. I'm going to start about deaths while in custody. These cases are arguably the

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most important cases that the ipr will review, so i'm glad to see they're on the table and being discussed. But because they're so important I don't think that they should wait another seven months. By putting off -- by putting it off, you're basically betting that the police aren't going to shoot or kill anybody during that time, and as such you're gambling with the lives of those people. I would also like to comment that of the three cities that blackmer visited, one of them, san francisco, actually investigates police shootings and deaths in custody. Another one, san jose, does reviews of the investigations. He commented earlier that in order to implement this he would have to go and look at how the -- how those investigations are done. And that seems a little bit puzzling since he visited both of those cities. I think maybe that speaks to the quality of the research that he did while he was there. I think it also shows some amount of bias on his part as to what elements he was paying attention to and what he wasn't. Concerning the definition of misconduct, I brought this up when I testified a couple weeks ago, and i'm glad to see that citizen has been redefined in a way that's now inclusive, but as it's written the ordinance would still exclude misconduct which does not involve nonpolice citizens. That is misconduct which has another officer as a victim would not be subject to ipr review, and likewise misconduct in which there's no single victim is in misuse of funds or cheating on overtime would also be excluded from ipr review. So iad would still investigate those, but there would be no civilian check to make sure they had done a good investigation. Lastly, i'm glad to hear that -- that there's a will to revisit this and i've heard a year. I hope that when that review is done it will be done by an outside agency and not by blackmer's office itself, unless we reproduce the phenomena of agencies investigating themselves and coming back with stellar results. For the most part I thought that the objectives that blackmer outlined as to measuring the success were mostly grate good, but one pretty serious reservation, which is that the goal of police review should be to reduce misconduct, not to reduce complaints. And actually, if you produce a credible system, at least in the short term, the number of complaints should increase, because people will have faith in the system and people will file complaints, whereas before, you know, an instant would pass and nobody would file a complaint because they don't think it's going to do anything. So I think it's important to be very clear that the goal should be to reduce misconduct on the part of the police and not to reduce complaining on the part of citizens.

Katz: That's a good point. Okay, thank you.

Moore: We have jada may, timothy herman and terry holstein.

Katz: Jada, go ahead.

Jada Mae: You sure are looking pretty handsome up there. Council, i'd like to talk to you about law encouragement versus law enforcement. I've been running for sheriff in many counties since 1984 with the same motto -- law encouragement versus law enforcement. And that would mean that we have to go to the schools that teach our future peace officers how to punish without remorse. The fringe people, the war on the poor, and the -- especially the war on the native american indigenous people, and this is a reality that i've had to live with for 30-some years in Portland, but it doesn't keep me from being happy every day, because there's wonderful things, there's wonderful people here in Portland. But I do think it's important that we investigate the schools that teach officers how to harm the poor. And i've witnessed it. I make so much noise when this happens that the oldtimers in the police department, they make sure they're not doing any crimes against citizens when i'm anywhere around. And also, the outlaws in town don't commit anything in my sight either or they're in trouble of getting some loud noise coming out from this old lady. So I think that when I get to be the next sheriff of Multnomah county, elected office, I can promise you that me and my deputies, I will retrain for law encouragement versus law enforcement. And will just probably be have to arrest naughty blue jackets for committing crimes against civilians, indians especially. And outside of that, i'm happy every day I have hot and cold running water and a wonderful home to live in now. Thanks.

Katz: Thank you.

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Timothy Herman: City council, my name is timothy herman. 333 southwest park downtown here. I just want to kind of bring some perspective to the big picture here on some of the wording being used. We're not your customer and we're not the Portland police bureau's customer. To say that we're the customer implies that we have some choice in the use of services that we would like to have. And that's not the reality of the situation. We are the employer, at least until there's conviction, we are the city council's and the police personnel's employers. That's what we are. We are not customers. Customers of the system. Police chief satisfactorily is \$140,000, and I won't bother to ask what yours is, vera --

Katz: A lot less.

Herman: Well, who works for who here, really? I have seen past police killings, mentally unstable personnel -- let me correct my language -- i've seen reports of those killings. And unarmed people, 15-year-old kid shot out there at glisan and about -- glisan exit. I don't know, I think that probably all these police are probably still on the job. That really, really bothers me. You know, i'm not asking for a conviction. My faith in the justice system is -- you know, it doesn't work or we wouldn't be here. So I don't wish it upon police officers any more than the rest of us, that they shouldn't be on the police force where they can do it again. The Portland city council's own lack of concern for the citizens right to privacy, passage of ordinances where the f.b.i. Shares files with the Portland police bureau on the base of arrest only, not conviction, I don't know how vicious you can be about passing ordinances. I don't know how much more vicious y'all can be against the citizens of this city than to pass ordinances with an agency who has repeatedly been unfavorable to the citizen, in the cases of waco and ruby ridge.

Katz: Could you reference the amendments?

*****: What i'm saying here is that the overall perspective is to -- is to baffle with bull when you can't dazzle anybody with brilliance. Because, mayor, you're in charge, theoretically police chief kroeker works for you, and you don't have to drag us all through all these hearings about language that erik Sten admits he hasn't fully read or doesn't understand, and I don't think much of the else of us do either, but we can see the big picture.

Katz:

*****: So that's the address of the language.

Cherry Holenstein: Cherry Holenstein. Mayor and city commissioners, to limit the testimony of concerned folks to only the amendments testifies once again to the control this council desires to administer. The amendment to postpone until december 31st the question of review and police shootings and deaths in custody fails to address the escalation of police force. To make this an emergency fails the true emergency of orders behind the citizens concerns. The absolute reality of police force. Chief kroeker has said something to the effect that the police officers have a right to get home safely each evening, so do the people to live, work and visit here. They also have a right to get home safely each evening. I've repeated to many people that every agency failed mr. Putz had each action. Has anyone asked in the place of power asked him if he had a ride home after he was released from custody? It's pretty cheap.

Katz: I realize that, but we're having a hearing, because we had an hearing on the --

Holenstein: It's my three minutes, vera.

Katz: I'll give you three times, but it is to the amendments, sherry.

Holenstein: It's cherry, sherry. I've heard several times here that many people know exactly -- excuse me. I've heard several times here that some people know exactly what it is going to work. I've never heard anyone say that, rather they said thought there might be better ideas. I first testified at city council about 8-10 years ago for an independent civilian review commission. I went to my first health care for all meeting 29 years ago. Neither one is yet in effect. Neither the auditor's report, nor the amendments will work. If any of you care to sign either petitions I have, I have them

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in the back of the room, one for health care, one for civilian review. All you have to do is be a registered voter and care.

Katz: Thank you.

Moore: Dr. Michael hess.

Katz: Anybody else?

Moore: That's all we have signed up.

Katz: Anybody else want to testify? Okay, michael.

Mike Hess, Police Internal Investigations Auditing Committee: I'm mike hess, piac examiner. First of all, I want to disagree with dan, respectfully disagree with dan. I worked very closely with him and the mayor's work group last summer, and I feel that the ipr is definitely an improvement over what we have now, and the reason I say that is that I have had my hands tied behind my back for two years. It's a very frustrating experience to have to come before the city council, knowing that we have -- or feeling very strongly that we are right about something and have it go to the police and be turned down. I've seen in the willamette week over and over again phillip dotty calls us all the time toothless. As a dentist that kind of gets to me. We have been toothless. We have no power. Our citizen advisers, I feel so sorry for them. They want to please the people that come before us. They want to do what's right. They have no power. This system that mr. Blackmer has come together, and it's not just out of his head, he examined the minority report. He visited the towns -- the cities that have other citizens that were recommended to him. I say give it a chance. Give this a chance. I've got all these doomsayers up here saying "it's not going to work, it's not going to work." but one year is probably not enough time to see if it's working or not. Sure, we need to evaluate it from day 1, but we probably won't even have a staff completely hired until probably a director will be hired by august 1st, maybe the staff will be on by september 1st, so we've already lost a couple months there already, so I think you need more than a year. The other thing I agree with christian from cop watch that our main goal is to reduce misconduct, not to reduce complaints. Because that can be very well manipulated in statistics. I agree with mayor Katz that a lot of the complaints we see are communication. That's one of the most frustrating things we have. Police officers who will not give their cards to people, who will not give their i.d. Number, will not -- police officers who use profanity when there's no need to use profanity. These are frustrating things for us, but i'm more concerned basically about the use of force and disparate treatment. Those are the things that i'm concerned about. But when you do evaluate us, after a year, and whenever that is, please evaluate us on the things that we do. No employee wants to be evaluated on things they have no control over. And I don't feel that we have any control over the types of misconduct that are happening. That we will see, hopefully, over 2-3 years, but as a public health dentists on indian reservations my goal was always to increase the health of the indian people on reservations, to increase their oral health, but our goals to reach that were to reduce the number of cavities, to do more fillings, things like that. So please look at the things that we can do, not the goals that we won't be able to -- I hear the bell. So --

Katz: Thank you.

*******:** Thank you very much for letting me testify.

Katz: Okay. Gary?

Moore: We have one more person signed up.

Katz: Okay.

Moore: Robert wells.

Robert Wells, PIAC: Good morning, your honor, commissioners. I've already testified previously as to what was at least on my agenda concerning this new ipr ordinance. The only thing I would like to emphasize, just one more time to you folks, is that I thought a long time about mr. Blackmer's idea finally to nine people perhaps. Diversity is extremely important for our citizen advisers in a previous piac that's current, and I feel strongly that I kind of -- kind of thinking about

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it, and I guess the art of compromise, if you will. I would like to see 11 members on this committee. It doesn't have to be 13, but at least 11 people to completely, as I said before in previous testimony, complete cross-section of Portland. And I do believe we need at least 11 people to do this. That's the end of my testimony. Thank you for listening.

Katz: Thank you. Gary? Did you want to respond to anything that you heard?

Blackmer: Actually, just one or two little things. One was I did say reduce complaints through prevention, which for me is reducing the -- that misconduct, and that ultimately reduces complaints. So in no way do I want to, you know, fiddle with the numbers or make like we're getting fewer complaints when in fact we are. The other thing was I didn't intend to indicate that I was going to be going to other cities to look at -- how they review investigations. We can certainly do that by telephone and e-mail. So -- and I guess the final thing in terms of the compromise, we had 13. I proposed seven. And if we want an odd number, then the compromise is either 9 or 11, and I lean toward the smaller number just because I -- I like the idea of being able to focus training on a smaller number of people, having a smaller group to -- to -- they feel like they're needed more and they're -- they're engaged more and it's kind of like a big dinner table at a holiday when multiple conversation start up with when you have a certain larger number of people, that having a smaller group gets them focused I think on the task on hand. So to that degree, you know, I could have gone a compromise of 11, which either one of those is between the 9 and the 13, and I did lean toward the smaller number.

Saltzman: Somebody asked me this question. Were you envisioning having alternates at all for nine members?

Blackmer: I didn't. But I envisioned if we want to see an outreach that this group could essentially create other task forces that a couple of their members could be leaders on and focus on a particular kind of community issue. So it isn't that -- this is kind of a core group that could engage other people in the community to help out on specific topics and areas of interest. So that was the other way that I thought we could -- we could, you know, draw in more community members and have other people that come in for special projects.

Francesconi: Gary, you didn't address the issue about who makes the final decision here on whether misconduct has occurred that was raised.

Blackmer: That's exactly the way that we worded it, we thought, that owe.

Saltzman: Is there any ambiguity in that paragraph?

Blackmer: I didn't think so. You know, that's the end of it. If the chief can't -- can't tell the council a different finding, that that is the finding that council determines, and that's the final finding. So I was a little surprised at that other interpretation of it, because --

Katz: But that is for the intent of this, is that the finding by the council is final.

Blackmer: Uh-huh. And I have been saying that throughout our discussion.

Sten: Mayor, could we just ask the city attorney to quickly tell us if they need a couple more words in there to make that clear or is that clear?

Katz: Okay.

Sten: The chief cannot overturn the council under this.

Katz: Right. The chief can --

Saltzman: Or change the findings, yeah.

Katz: Right. Okay, anything else, council? All right, we'll then take a motion for commissioner Saltzman's amendment.

Sten: So move.

Hales: Second.

Katz: Second. Any objections? Okay. [gavel pounding] commissioner Saltzman's amendment is adopted. If there's no further question, then we'll have roll call on the substitute amendment as amended.

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Francesconi: I'm going to favor this. This is a more effective and a more credible system for police oversight. And it is for four substantial reasons. One is it strengthens civilian control over the police, which is essential. And it also creates the ability for independent investigations. And that decision's made by people other than the police. And it allows civilians to over -- to review policy issues involving shootings, and it creates specific requirement for evaluation. In this current system -- and, michael, that was the best testimony i've heard from you frankly -- but in this present system, where all the council can do is review the adequacy of an investigation and the decision is made somewhere else, is not a fair or credible system. So testimony that this current system is better than what is proposed doesn't make any sense to me. Secondly, on the independent investigations, we now have the auditor and civilians making the decision as to whether the investigation is adequate. Sitting up here and reviewing these that are inadequate, but then just sending them back, is not the way to proceed. And now we're going to have some independent -- the ability for independent investigations. And third is, you know, we need not take guns in a -- into mental hospitals. We need to do more in how we care for the mentally ill. And this can be done now with civilians reviewing policy issues that conflict with practice. And this is good. And finally, we're going to have an evaluation system even outside of law enforcement to evaluate this. Now, the question, though, is whether we are going to come together as a community to make this work, folks, because what's a little surprising to me is the police are us. And the issues that the police are dealing with are the issues we're dealing with as a community. There are good signs through this debate that we are coming together as a community, starting with the police chief and the police commissioner, who put more resources into this to make these investigations timely, and we're devoting resources happen. Second thing, tight budgets, where we cut money, we put \$500,000 into the budget to make this system work. And the advocates, cop watch, dan, league of women voters, you should take credit for this, because you pushed us to make sure civilians are involved, to make sure that the decisions are made here, and that is very good. But the police chief and the mayor, for the first time in our history, is allowing those decisions to be made on conduct, which affect an officer's livelihood by us, not by the police chief. And that, the police chief and the police union, are to be commended for. So I don't think we can decide if this is the best system in just a year's time, but we have to make collective efforts to make this thing happen. It is a time -- now listen to me carefully on this point. It is a time for us to support the police, not with blind loyalty, but with a system that pushes them to do better and improve, and particularly from my standpoint in the areas of dealing with the mentally ill and dealing with the issue of disparate treatment, and we need the help of the union, the help of the police chief, strengthened civilian review and we need the council. One of my basic disagreements with some of the advocates on this is I think you are letting the city off the hook when you think that an independent civilian review will magically solve all these problems. I believe that we ask employers have a responsibility to our citizens to make sure that management is the one that looks at these issues. And you need a strong police chief and a strong police commissioner working with civilians, working with the auditor, to make this work. My request to all of us now is for us to take a collective breath, realize we're moving in the right direction, work to make this thing work for -- that's fair for the officers, but pushes us more towards community policing and addresses the legitimate issues of our citizens. And let's tie to make this thing work. If it doesn't, we'll have some objective criteria that we can continue to improve it. Finally, I want to add, I have never seen a person step up into a situation, into a no-win situation the way gary blackmer's done. The attacks that he's received from some legitimate organizations is unfair and inappropriate. So gary, I appreciate your efforts in this regard, and let's work together to make this thing happen.

*****: Thank you.

Francesconi: If not, we'll improve it. Aye.

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Hales: I agree with jim's comments about the substance of the issue in front of us and why we should approve this. But I want to emphasize some of the points that you talked about, jim, and sort of how we address an issue like this. I mean, let's go back to the fundamental big picture question here. We had a call for reform from the community for the most serious power that the city has -- the police power. And the elected body, civilians all, of the citizens of Portland, grappled with that question, one member in particular, and came up with a responsible proposal, the person who proposed that responsible reform is beholding to no one, neither the other elected officials, nor the police bureau, nor the activists, and that's what's before us. And now we hear that despite that classic exercise of the democratic process, some of the folks that are so concerned about this issue, legitimately concerned about the issue, say, "didn't get my way, i'm going to the ballot." now, we're talking about a system, as if a system will solve our problems. He let me harken back to another example of just that phenomenon, where people said, "you know, the legislature is out of touch, we're going to the ballot and we're going to change the state of Oregon to a system that's going to get us better government, term limits." how's it working? Oh, and how easy is it to change it after we go that route? So how smart is it to take your ball and go home when you don't get everything you want in the democratic process? How smart is it to chain the community to my version of the system like we did with term limits? My plea is not just let's give this a try, but be careful what you wish for. Thank you, gary. Aye.

Saltzman: Well, my original position -- or I guess my involved position over -- evolved position over all the hearings that we've had on this was to ultimately express a preference for independent review using private investigators. But that's a model that the auditor clearly doesn't want to have. And I think that that's something that there's been sufficient expressions that let's give this model a chance to work or not work, and so i'm satisfied with revisiting the issue of independent investigations to the evaluation period, a year, whatever. I am glad -- i'm glad that we added the audit for policy review, implications for shootings and death in custody. I'm certainly glad that we've allowed under the independent investigation mode that the investigator can ask the questions directly to the officer involved. And I think the increase in the committee size was good too. And so I think it's a vast improvement over the current system to my mind. We've got to give it a chance to fail or succeed. And it deserves to be tried. And I just harken back to gary's willingness to take this on. I mean, this was something way back when, we asked the auditor to take this on. And we asked him to take this on because so many of you came to us and testified how you distrusted piac being in the mayor's office. Well, in this form of government, you would probably distrust it being in any of our offices. And the auditor is the most logical source, independently elected official to take on the responsibility. Because he's independently elected, he did not have to take this on. So I want to commend him for taking this on. I think you've done a great job. As I said, we need to give the system a chance to work and hope it works well. And ultimately hopefully it reduces the number of complaints, but also satisfaction with interaction with the system. And so we will revisit these issues. We'll evolve it. And hopefully this will be the best mode. And I want to thank gary for stepping up to the plate and taking on this responsibility. Aye.

Sten: Well, you know, this is obviously one of the most important discussions this community is going through right now for all the obvious reasons. I don't think it's over yet. I just wanted to take a couple of minutes around share why i'm supporting this. You know, there's been a lot of thoughts about what's motivating people. My motivation is that after looking at this, I think this is the next best step. And here's why. I'm very much of the conclusion in my 4« years on this council that the internal affairs process team with piac is not working. There's a variety of reasons for that. But suffice it to say the investigations are not timely. Many of them have been not thorough in my opinion. And I think the adversarial process in which a citizen makes a complaint and the absolute literal version of that complaint is -- is investigated and either voted up or down by iad basically is not working. And there has to be a lot more move to try and both get complaints done on a quick

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and timely and fair basis, and there also has to be more work to try and interpret on the front, middle and back end what actually happened in that interaction. Because what i've seen time and time again, somebody's upset, they write down a complaint, and maybe they got the terminology wrong and the literal interpretation is what's being talked about. That's one. And two, there are situations in perhaps a general order was followed, but there was a better way to get through the situation. In that case the officer is exonerated, but we don't take a step forward. That's exactly what will happen in an adversarial civilian review process. If the general order was followed, the person will be let off the hook. And my issue on that case isn't so much should they be disciplined, is how do we avoid that in the future? As I look at this, I think I agree for the most part with the analysis of the current situation put forward by the majority report. As you move down the road, however, we get to a philosophical difference. And that is I have an optimistic view despite that bad history at some point we get the police system to work with ongoing civilian development. The reason I believe that's worth trying is that I think the chance of an overall chance of success, which is what I want a very different interaction is higher. I cannot guarantee you it will work, but I think the chance of success is higher if the police are involved in that transformation. That's what I believe. If I am naive on this and it's impossible to get continues citizens -- and I got to tell you to the people on the majority report -- I believe you're also pushing pretty hard to say that can't happen, that you either have it this way or it can never work. I want to take a shot at working with gary to try and transform the iad process. That is an optimistic and hopeful statement. And if it doesn't work, I will be there 100% on just how civilians do it. The primary difference as I see it between the majority report -- and there are other technical differences -- in auditor blackmer's proposal, under the majority report 100% of the investigations are done by private investigators. In this case gary has the ability to do 100% private investigation, to redo an investigation and to sit into an investigation. So it's a cooperative effort between a citizen review board and iad. I would like to believe that there's a shot at making that work. I think the chance at getting the brass ring of much higher change, not did you nail this incident, but changing the way we interact between police and citizens I guess higher if police stay at the table. That's why i'm supporting this. If it turns out that the rift between the citizen activists, the police and the police iad department is so deep that there's no way that bridge can be crossed, then we ought to go to an adversarial process where the citizens are 100% running it, but that's really what the difference is in my mind. That's why i'm supporting this. Not because of political considerations, not because of the will to compromise, all those other things, I think there's a shot at a better end with this. It's just a shot. Part of why i'm willing to take that shot, and I have thought about this long and hard, and I have read this stuff. What I said is I don't know which system will work. Not that I don't know what the stuff says. And I really don't, and I think people who really testify that they know for sure what's going to work, my review of the other systems is that some are better than ours, but none of them are what I aspire to. They're better than what we've, maybe we've got a 3 and they're at a 5. I'm looking for a 10. And that's the goal here. The other reason i'm going to support this is that I do have -- auditor blackmer is one of the most honest, thoughtful, hard working people i've ever seen. I've heard it said, and i'm not an educational expert, that the one thing that all high-performing schools have in common is a very good principal. It doesn't matter socioeconomics so much as who is in charge. At the end of the day we've got to have somebody who is accountable and well known and willing to own the results of that. So that reason I also have -- and I want to be very straight about this -- give some deference to gary's opinion on what he would like to try and make work, because I think at the end of the day people solve problems more than systems do, and i'm looking at a person who has stepped up and said "give me the tools to solve this problem." he wants to have it laid out so he can take a shot at this. With me, I believe he's saying, "if this doesn't work, let's go a different way." so for those reasons i'm going to support this system. I'm very hopeful we can turn this into something that will be better than any of the other systems. If we can't do it, I certainly will support changing

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it, but I think this is the right way -- right way to start. And I really would like to -- I also -- I do want to thank the activists who push very hard. I don't think you're wrong in that. I think this is an emotional, passionate issue. I very much appreciate it. I just hope that, you know, as you take whatever steps you need to take, that you help create an openness to at least try to make this thing work, because the one guaranteed is to the extent that everybody that cares about this issue is at everybody's throat, your system, this system, the current system, cannot work. So I hope people will take a little bit of that attitude into it knowing full well there will be other things going on. That's fine. It is a democracy. You should take whatever steps make sense to you. I just want to be clear I think this is the best chance of the big win. That's why I'm supporting it. Aye.

Katz: Thank you. I'm going to vote aye, but let me start by thanking gary. You all did a wonderful job thanking him. I happen to work closely with gary on the progress board, Portland-Multnomah county progress board, so I know the character of this gentleman. He is independent. His reputation is impeccable. He has never abused his position as auditor, and he has helped us to become better, which is what this is all about. It's how do you improve institutions that we have in this community. And by his position, he tells us how we need to do our job to improve the institutions of the city of Portland. I believe that he will do the kind of job that I think everybody here, even the opponents, will be satisfied with. And I think that when he comes back and tells us "this part is working, this isn't," that you all will believe him, because of his reputation and his concern on making this work. So gary, I did put you in a position because of all the political machinations that were around the mayor's office, even so I can say honestly I never got involved with the piac issues, other than come to the meetings and listen to the appellants and to the discussion by the piac citizens. I want to also thank the piac citizens. As well as gary. And all of us. You've taken a lot of abuse and you don't deserve it. You've worked very hard at this. It is hard work. You had your hands tied. It was time for a change. And I'm the first one to say that we needed to make some change. And I think the direction we're going is the right one. I have said this over and over again, commissioner Sten keeps saying it over again, no system is perfect. I wish I was as smart as some of you who think that your system is going to work and is going to be a perfect system for this community. I don't know what's going to work yet, but I think this is a nice first start on a change. As I said just a few minutes ago, the key here is to improve institutions. If you have a totally independent system, you are letting the police bureau off the hook. And that's not where I want to be. I want to hold them accountable. And I want to make sure that they improve as ipr director or the citizens do their work. I just also want to say that the police bureau by their own work with the council's discussion, with their own internal strategic plan, over the years have done some wonderful things for this community, and we rarely give them credit because we're always here to criticize them. It was them that developed the domestic abuse and child abuse unit. They're the ones that recognized also that elderly were abused and began training officers to deal with elderly abuse. They created the crisis response team. And they created the crisis intervention operations. My hope is that every officer becomes trained in crisis intervention. They have provided new techniques to deal with rape victims, to make sure that the perpetrator is punished. They have come up on their own with less lethal and now they're investigating whether even that is the best use. They're looking at other opportunities and other -- and other methods to stop people who are maybe more violent rather than using deadly force to stop them when they are a threat. They've worked to take guns off the street. They have reduced the crime rate to a 30-year low. And they have a team now that when there's a gang shooting, they investigate it within -- in the middle of the night if they have to. It's a 24 oncall. So there are things that are being done because they know that they have to improve the way they do business. They're doing these things also because I want them to do it as well as members of the council as well as all their advisory committees that they have in the community and the chief's forum. There is a lot more that needs to be done. This -- this is one of them. I think we're on a good start. And I have said publicly, if gary

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comes and tells us this is not working or this needs improvement, even if he identifies things that need improvement before the year is over, it will be done, because the council has such high hopes for gary's ability to manage this process. So I want to thank everybody. We will move as quickly as possible so that we can start immediately or at least as early as possible, beginning of the fiscal year, and give gary some time to gear up before we do the deadly force discussion. The sooner we do that the better I will feel, because I think that there are opportunities for the citizens to look at what the -- look at what the policies are that need to be changed. As a matter of fact, with regard to mr. Putz tragic death, those policies are already being looked at by the police bureau themselves. I also want to invite -- well, let me give you an example of one of those. This council started with the help of Multnomah county and the business community project response, which is a group of mental health people who are on call and who come on to the streets or into our offices when needed. But unfortunately they're only available in the downtown core of the city. And we've been talking about the possibility of expanding project response so that when an incident that should not be dealt with by the police bureau or anybody else that appears to require certain training, that just the way we call ambulances for medical treatment, we ought to be calling the project response team. That will require additional resources and further cooperation between the county and the city. I do want to invite everybody to the public meetings that go on now with regard to overrepresentation of minorities in the criminal justice system. They are public meetings. They're wonderful citizens who aren't here who are involved in that, who are asking the right questions and demanding the answers, and are beginning really to understand that just throwing numbers around is not enough, that there's a lot of information behind the numbers that need to be analyzed, reviewed, explained, and then solutions to be identified. So it's the overrepresentation of minority task force, as well as the chief's racial profiling task force that is also open to the public, and that information is coming to the community for discussion, for analysis, and those citizens that are involved with that are truly appreciative of the ability to have their input. So there are other things that the community needs to do. It's more than this issue. Though this issue is very, very compelling, but there are other very compelling issues that are being dealt with by the community, and I want to invite all of you to participate. Thank you. Aye. Everybody, thank you very much. This was not an easy task for anybody. I want to thank all of you for hanging in there and we are adjourned until tomorrow at 2:00.

At 11:58 a.m., Council recessed.

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Closed Caption Transcript of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JUNE 7, 2001 2:00 PM

Moore: The mayor is absent.

Francesconi: Thank you.

Moore: President of the commission will fall to commissioner Saltzman.

Saltzman: Let me get the right agenda here. The council will come to order. [roll call]

Saltzman: Okay. I'll turn it offer to duncan.

Item 687.

*******:** Thank you. I'd like --

Moore: I should read the item.

Saltzman: Do you need to say anything, kathleen?

Kathryn Beaumont, Sr. Deputy Attorney: I think I can dispense with my opening remarks.

Saltzman: Okay.

Dunan Brown, Office of Planning and Development Review: I'm with opdr, i'd like to introduce deborah ottis, who also helped me on this review. You have before you a comprehensive plan and zone amendment, comprehensive plan amendment and zone change, excuse me, at the corner of river drive and montgomery street. Okay. It's to revise boundary between central commercial and open space designations that will add about 15,000 square feet of open space and change just under 400 square feet of open space to central commercial in alignment with some lots that were created a couple of years ago. This site is in southwest Portland, downtown area at the foot of the marquam bridge. Here is an aerial photo of the site. It's outlined in red, showing the land that is now in two parcels, south waterfront park extends along the north and east sides of it. Here's the current zoning and the proposed zoning, as you can see under the current zoning, it -- the red is the zone line, and it's a little askew of the black line on the north side, which is the lot line and then of course on the east side there's a little area that is in the waterfront park that is also zoned cx. Here's a schematic showing the net change in the different zones, the green area is the area that's now zoned commercial, which would be zoned open space, and the red area is that which would be changed to commercial. Here's an aerial photo showing the site, and as you can see, that triangular area that would go to open space is now a park. Here's one photo of the site showing the -- showing the lot that would be developed in the near future. And this corner is the northwest corner of the -- of that lot, and the 300 or 400 square feet that would go from commercial -- excuse me, open space to commercial. Ironically, that open space zone does not include the tree to the right. Okay. This is the walkway that would be -- that is now in the commercial area that would be open space. And the waterfront area. And then taking a look back toward the downtown area. And the park area that's now developed. Staff recommendation is for afir place of the hearing's officer approval rendered on march 1st to allow the comprehensive map amendment and zone change from os to cx for just over 15,000 square feet, and from cx -- excuse me, from cx to os for about 15,000 square feet, and from os to cx for about 400 square feet. Any questions?

Saltzman: Did we initiate this plan change?

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Brown: Pdc.

Saltzman: Oh, pdc. Okay. Anybody here to testify? It doesn't appear that way. Okay. We just need to approve the plan change.

Baumont: What you have before you is an emergency ordinance that would implement the plan change. Since there are only three of you here, you would need to have a motion to remove the emergency clause and pass it to second reading.

Saltzman: Okay.

Saltzman: So moved.

Francesconi: Second.

Saltzman: Okay. So this moves to second reading then. We're done. We stand adjourned.

Francesconi: Well done, mr. President president.

At 2:11 p.m., Council adjourned.