



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **24<sup>TH</sup> DAY OF MAY, 2017** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

Commissioner Saltzman left at 11:00 a.m.  
Commissioner Fish left at 12:05 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Assistant Clerk of the Council; Denis Vannier, Deputy City Attorney; and Elia Saolele and Roger Hediger, Sergeants at Arms.

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

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>522</b>	Request of Ashwin Pillai and Parsa Nasri to address Council regarding community concerns from the youth perspective (Communication)	<b>PLACED ON FILE</b>
<b>523</b>	Request of Meira Fiber-Munro and Lily Segna to address Council regarding community concerns from the youth perspective (Communication)	<b>PLACED ON FILE</b>
<b>524</b>	Request of Andrew Kashiwagi and Smrithi Raj to address Council regarding community concerns from the youth perspective (Communication)	<b>PLACED ON FILE</b>
<b>525</b>	Request of Adriana Mon Belle and Melisa Mamakli to address Council regarding community concerns from the youth perspective (Communication)	<b>PLACED ON FILE</b>
<b>526</b>	Request of Camille Weber and Addy Reid to address Council regarding community concerns from the youth perspective (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>527</b>	<b>TIME CERTAIN: 9:45 AM</b> – Proclaim May 30, 2017 to be Vanport Day of Remembrance in Portland (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 20 minutes requested	<b>PLACED ON FILE</b>

528	<p><b>TIME CERTAIN: 10:05 AM</b> – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk and stormwater improvements in the NE 27<sup>th</sup> Ave and Holland St Local Improvement District (Resolution introduced by Mayor Wheeler; C-10059) 15 minutes requested</p> <p><b>Motion to amend resolution to exclude 2706 NE Columbia Blvd as stated in staff May 23, 2017 memo:</b> Moved by Saltzman and seconded by Fish. (Y-5)</p> <p>(Y-4; Eudaly absent)</p>	<p><b>37286</b> AS AMENDED</p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>		
<p><b>Mayor Ted Wheeler</b></p>		
529	<p>Appoint Greg Douglass, John Karasaki, and Milo Coy to the Mechanical Code Board of Appeal for terms to expire May 23, 2020 (Report)</p> <p>(Y-5)</p>	<p><b>CONFIRMED</b></p>
530	<p>Appoint Michael B. Wallace to the Noise Review Board for a term to expire May 31, 2020 (Report)</p> <p>(Y-5)</p>	<p><b>CONFIRMED</b></p>
<p><b>Bureau of Environmental Services</b></p>		
531	<p>Authorize contract with Brown and Caldwell, Inc. for engineering services for the Columbia Blvd Wastewater Treatment Plant Waste Gas Burner Replacement Project No. E10649 for an estimated amount of \$293,939 (Second Reading Agenda 493)</p> <p>(Y-5)</p>	<p><b>188379</b></p>
<p><b>Bureau of Planning &amp; Sustainability</b></p>		
*532	<p>Authorize City participation in a partnership agreement with the U.S. Department of Energy's Home Energy Score program to implement Portland's residential energy performance rating and disclosure requirement (Ordinance)</p> <p>(Y-5)</p>	<p><b>188380</b></p>
<p><b>Bureau of Transportation</b></p>		
*533	<p>Authorize an Intergovernmental Agreement with the Oregon Department of Transportation to define the roles and responsibilities for real property to be obtained and used as part of right-of-way for road, street or construction of public improvements for the St Johns Truck Strategy Phase II Project (Ordinance)</p> <p>(Y-5)</p>	<p><b>188381</b></p>
*534	<p>Authorize a contract with the lowest responsible bidder for the Burgard/Lombard at North Time Oil Road project (Ordinance)</p> <p>(Y-5)</p>	<p><b>188382</b></p>
*535	<p>Authorize a contract with the lowest responsible bidder for the NE Columbia Blvd at Oregon 99 East/Martin Luther King Jr Blvd project (Ordinance)</p> <p>(Y-5)</p>	<p><b>188383</b></p>
<p><b>Fire &amp; Rescue</b></p>		

May 24-25, 2017

<b>*536</b>	Authorize application to the Mt. Hood Cable Regulatory Commission for a grant in the amount of \$119,700 to increase network capabilities for fire stations (Ordinance) (Y-5)	<b>188384</b>
<b>537</b>	Accept a donation from the Friends of Portland Fire & Rescue Foundation in the amount of \$594 for the Portland Fire & Rescue marine program (Second Reading Agenda 500) (Y-5)	<b>188385</b>
<b>Office of Government Relations</b>		
<b>*538</b>	Authorize an Intergovernmental Agreement between the Portland Development Commission and the Office of Government Relations for Federal and State legislative and lobbying activities in the amount of \$35,000 (Ordinance) 10 minutes requested (Y-5)	<b>188386</b>
<b>Office of Management and Finance</b>		
<b>*539</b>	Pay claim of Holly and Steve Schaaf in the sum of \$22,177 involving the Bureau of Environmental Services (Ordinance) (Y-5)	<b>188387</b>
<b>*540</b>	Pay claim of Jesse Deanda in the sum of \$10,509 involving the Bureau of Transportation (Ordinance) (Y-5)	<b>188388</b>
<b>541</b>	Extend term of right-of-way use agreement granted to Verizon Wireless LLC dba Verizon Wireless for mobile telecommunications services (Second Reading Agenda 501; amend Ordinance No. 185717) (Y-5)	<b>188389</b>
<b>542</b>	Extend term of a right-of-way use agreement granted to Sprint Spectrum, L.P. for mobile telecommunication services (Second Reading Agenda 502; amend Ordinance No. 185717) (Y-5)	<b>188390</b>
<b>543</b>	Extend term of a right-of-way use agreement granted to New Cingular Wireless PCS, LLC for mobile telecommunication services (Second Reading Agenda 503; amend Ordinance No. 185789) (Y-5)	<b>188391</b>
<b>544</b>	Extend term of a right-of-way use agreement granted to T-Mobile West Corporation, Inc. for mobile telecommunication services (Second Reading Agenda 504; amend Ordinance No. 185790) (Y-5)	<b>188392</b>
<b>Office of Neighborhood Involvement</b>		
<b>*545</b>	Authorize grant agreement of \$12,900 with the Kenton Action Plan, dba North Portland Community Works, to give out as neighborhood small grants in North Portland Neighborhood Services district (Ordinance) (Y-5)	<b>188393</b>
<b>REGULAR AGENDA</b>		

May 24-25, 2017

546	Ensure tax fairness in the sharing economy and delegate subpoena power to the Revenue Division (Resolution introduced by Mayor Wheeler and Commissioner Fish) (Y-5)	<b>37287</b>
547	Amend fee schedules for tree permits (Ordinance introduced by Mayor Wheeler and Commissioner Fritz) 10 minutes requested	<b>PASSED TO SECOND READING MAY 31, 2017 AT 9:30 AM</b>
548	Accept contract with Kodiak Pacific Construction for the construction of the Road 10 MP 3.0 - 4.6 and Road 10 MP 4.6 - 6.2 Project as complete, release retainage, and authorize final payment (Report introduced by Mayor Wheeler and Commissioner Fish; Contract No. 30005307) <b>Motion to accept report:</b> Moved by Fish and seconded by Fritz (Y-5)	<b>ACCEPTED</b>
549	Authorize a contract with Carollo Engineers, Inc. in an amount not to exceed \$291,852 for design and construction support services for the Conduit 2 Trestle Upgrades Project (Ordinance introduced by Mayor Wheeler and Commissioner Fish)	<b>PASSED TO SECOND READING MAY 31, 2017 AT 9:30 AM</b>
550	Authorize a contract with the lowest responsible bidder for construction of the Council Crest Roof Replacement Project at an estimated cost of \$550,000 (Ordinance introduced by Mayor Wheeler and Commissioner Fish)	<b>PASSED TO SECOND READING MAY 31, 2017 AT 9:30 AM</b>
551	Authorize an agreement with Clackamas County in the amount of \$210,425 to acquire a 30-acre conservation and access easement (Ordinance introduced by Mayor Wheeler and Commissioner Fish) 10 minutes requested  Rescheduled to May 25, 2017 at 2:00 p.m.	<b>PASSED TO SECOND READING MAY 31, 2017 AT 9:30 AM</b>
552	Authorize an agreement with TriMet for an estimated amount of \$20,080 to implement the Environmental Services project SW Yamhill/Morrison-SW 1st/13th Project No. E10886 (Second Reading Agenda 492; Ordinance introduced by Mayor Wheeler and Commissioner Fish) (Y-4; Saltzman absent)	<b>188394</b>
553	Authorize a competitive solicitation and contract with the lowest responsible bidder for construction of the Citywide Sewer Rehabilitation Project No. E10562 for \$7,800,000 (Second Reading Agenda 507; Ordinance introduced by Mayor Wheeler and Commissioner Fish) (Y-4; Saltzman absent)	<b>188395</b>
554	Authorize the rates and charges for water and water-related services during the FY beginning July 1, 2017 to June 30, 2018 and fix an effective date (Second Reading Agenda 520; Ordinance introduced by Mayor Wheeler and Commissioner Fish) (Y-4; Saltzman absent)	<b>188396</b>
555	Revise sewer and stormwater rates, charges and fees in accordance with the FY 2017-18 Sewer User Rate Study (Second Reading Agenda 521; Ordinance introduced by Mayor Wheeler and Commissioner Fish) (Y-4; Saltzman absent)	<b>188397</b>

<p><b>Mayor Ted Wheeler</b></p> <p><b>Bureau of Planning &amp; Sustainability</b></p>		
<b>556</b>	<p>Revise residential solid waste and recycling collection rates and charges, effective July 1, 2017 (Second Reading Agenda 519; amend Code Chapter 17.102) (Y-4; Saltzman absent)</p>	<b>188398</b>
<p><b>Bureau of Transportation</b></p>		
<b>557</b>	<p>Authorize \$100,000 for the establishment of the Portland in the Streets Community Grant Program to award grants through a competitive process for the period of July 1, 2017 - June 30, 2019 (Ordinance) 15 minutes requested</p>	<p><b>PASSED TO SECOND READING MAY 31, 2017 AT 9:30 AM</b></p>
<b>558</b>	<p>Revise transportation fees, rates and charges for FY 2017-18 and fix an effective date (Second Reading Agenda 488) (Y-4; Saltzman absent)</p>	<b>188399</b>
<b>559</b>	<p>Vacate a portion of NE Couch St east of NE 3rd Ave subject to certain conditions and reservations (Second Reading Agenda 512; VAC-10112) (Y-4; Saltzman absent)</p>	<b>188400</b>
<p><b>Office of Management and Finance</b></p>		
<b>560</b>	<p>Approve FY 2017-18 cost of living adjustments to pay rates for nonrepresented classifications and Elected Officials, specify the effect upon employees in the classifications involved, and provide for payment (Ordinance) 10 minutes requested</p>	<p><b>PASSED TO SECOND READING MAY 31, 2017 AT 9:30 AM</b></p>
<b>561</b>	<p>Authorize revenue bonds in an amount sufficient to provide not more than \$20 million to finance space in a project to be located on SW 4th Ave and SW Montgomery St (Second Reading Agenda 515) (Y-4; Saltzman absent)</p>	<b>188401</b>
<b>561-1</b>	<p>Accept bid of Paul Brothers, Inc. for the Spring Garden Park - Development project for \$3,100,659 (Previous Agenda 475; Procurement Report – Bid No. 00000555) <b>Motion to accept report:</b> Moved by Fritz and seconded by Eudaly. (Y-4; Saltzman absent)</p>	<b>ACCEPTED</b>
<p><b>Portland Housing Bureau</b></p>		
<b>562</b>	<p>Approve Rental Rehabilitation Conditional Grant Product Guidelines (Ordinance; amend Code Section 30.01.090) 15 minutes requested</p>	<p><b>PASSED TO SECOND READING MAY 31, 2017 AT 9:30 AM</b></p>

At 12:12 p.m., Council recessed.

May 24-25, 2017

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **24<sup>TH</sup> DAY OF MAY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Assistant Clerk of the Council; Linly Rees, Senior Deputy City Attorney; and John Paolazzi, Elia Saolele, Nicholas Livingston and Roger Hediger Sergeants at Arms.

<p><b>563</b>      <b>TIME CERTAIN: 2:00 PM</b> – Presentation to City Council by the family of Quanice Hayes: Quanice’s Life for Change Tribute (Presentation introduced by Commissioners Fritz and Eudaly) 2 hours requested</p>	<p><b>Disposition:</b></p> <p><b>PLACED ON FILE</b></p>
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At 4:00 p.m., Council recessed.

May 24-25, 2017

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **25<sup>TH</sup> DAY OF MAY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Denis Vannier, Deputy City Attorney; and Roger Hediger, Elia Saolele and Nick Livingston, Sergeants at Arms.

<p><b>564</b>      <b>TIME CERTAIN: 2:00 PM</b> – Amend relocation assistance regulations in Affordable Housing Preservation and Portland Renter Protections (Ordinance introduced by Mayor Wheeler; amend Code Section 30.01.085) 1 hour requested</p> <p><b>Motion to (a) in Subsection C to remove proposed changes to 14 days; (b) in Subsection D to remove proposed last sentence; Housing Bureau is directed to return with a recommendation on (a) and (b) in 30 days with or without recommendation consensus from the Technical Advisory Committee:</b> Moved by Eudaly and seconded by Fritz. (Y-3 Fish, Saltzman, Eudaly. N-2 Fritz, Wheeler.)</p> <p><b>Motion to remove emergency clause:</b> Moved by Saltzman and seconded by Fritz. (Y-4. N-1 Fish)</p>	<p><b>Disposition:</b></p> <p><b>PASSED TO SECOND READING AS AMENDED MAY 31, 2017 AT 9:30 AM</b></p>
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At 4:14 p.m., Council adjourned.

**MARY HULL CABALLERO**  
Auditor of the City of Portland



By Susan Parsons  
Acting Clerk of the Council

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

**This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.**

**Key: \*\*\*\*\* means unidentified speaker.**

**May 24, 2017 9:30 AM**

**Wheeler:** We are not bringing the council into session just yet we have a very exciting pre-gavel celebration here today. Obviously we have the 2017 rose festival court in our presence today and some of the adults that work with them and some of the parents. A special thank you to the rose court for being here this morning, commissioner fish and I had the opportunity to have breakfast with these young ladies and I can tell you they are an extremely impressive group of young leaders and I also want to thank Jeff Curtis, Brett baker and Leslie Goodlow for helping to coordinate this visit this morning. Just briefly on the rose festival, it has been part of Portland's popular culture for over a century. It was identified and acknowledged in 2010 as being the official festival of the city. It was a very brilliant move on the part of former community leaders back in the early part of the 1900s to create the rose festival to help put Portland on the global map, and to brand it the summer capital of the world. They have dozens of events as everybody is aware throughout the festival supporting a diverse set of interests and cultural aspects of our community. The rose festival makes a positive impact on hundreds of thousands of lives annually, and it brings smiles to the faces of locals and guests from all around the nation and all around the world. The bottom line is that the rose festival makes Portland a better place to live and to visit and the court is certainly the highlight of the entire event. So with that Brett I will let you do your introduction and we'll let the ladies introduce themselves.

**Brett Baker:** Super. Thank you Mr. Mayor. So I am Brett baker, the president of the nonprofit Portland rose festival foundation. Why the, while the ladies assemble behind me I want to take the opportunity to thank the city of Portland. The reason the rose festival is here is for the citizens of the city and the state, and without the support of the city there is no way that the festival this size could take place so thank you Mr. Mayor and the city council. We appreciate it very much. And with that I am going to go ahead and turn it over to the rose festival court who I believe we are going to introduce themselves. Also I want to recognize Leslie Goodlow Baldwin, an esteemed employee of the city and chair of the court and past president of the Portland rose festival in its centennial year 2007. [applause]

**\*\*\*\*\*:** We are the 2017 rose festival court presented by the united community credit union. We would like to introduce ourselves and tell you what's happening during this year's rose festival.

**Anna:** I am Anna and I go to Lincoln high school. I am on the constitution team and represent my school at the statewide culture outload competition. In my free time I work on my fiction novels and studying the stars. Come and enjoy the rose festival for a brilliant solar event on august 21. Then on waterfront park when we watch the sky's grow dark [inaudible] Eclipse will be on site to protect your eyes from day to night.

**\*\*\*\*\*:** Ermina.

**Ermina:** I am from Jefferson high school; I participate on the track ohsu in hopes to become a pediatrician I enjoy spending time outdoors, breathing in fresh air and exploring new paths on my running adventures. All my fellow runners come and join the rose festival half marathon on Sunday May 28. You can't run the 13.1 full amount, sign up for the worlds shortest half marathon the port one run. This popular race is 528 feet and starts



May 24-25, 2017

and finishes and the city fair on Saturday May 27. Come and join the fun at one of our runs.

\*\*\*\*\*: Maggie.

**Maggie:** I am Maggie from Wilson high school. Someday I hope to become a writer for film and television, as for now I am a young professional at the Oregon children's theater, I am a lover of fashion and photography, and the best place to take a snapshot is at my favorite event rose festival city fair. Bring your family and friends to city fair on the waterfront for three weekends of fun. Make crafts in the kid zone, see animals that walk on the wild side and hop on your favorite carnival ride, it all starts on May 26 with opening night networks.

\*\*\*\*\*: Korah.

**Korah:** I am Korah from Roosevelt high school. I am a performer in several ways. I dance, cheer, sing, and play various instrument, one of my greatest highlights as a performer has been cheering with my team during the grand floral parade route. Come see the brilliant performers at the spectacular spirit mountain casino grand floral parade on Saturday June 10, watch for the amazing horses and dancing groups and marching bands and all floral floats including the mini float representing the communities from around the region. You can see it from the streets and reserve seating at the veteran's memorial coliseum or live on kptv fox channel 12.

\*\*\*\*\*: Tiffany.

**Tiffany:** I am tiffany from David Douglas high school where you can find me serving on the student counselor, mentoring freshman or cheering on the sports team. One of my favorite memories is when I dance among the lights at my favorite rose festival event the starlight parade. Bring your family to downtown Portland for the pge star light parade on Saturday June 3 at 8:30 p.m. Come and see the brilliant displays of illuminated floats, marching bands, dancing groups and special entries that light up the sky at this night time event or watch them live on kptv fox channel 12.

\*\*\*\*\*: Mayranni

**Mayranni:** I am Mayranni from Parkrose high school. I am a student athlete who also loves the arts and who dreams of being a veterinarian. During my free time I enjoy volunteering at retirement homes, reading and hanging out with my pets and spending time with my family. Bring your family to see the ships line up on the water front park sea wall June 7-11. The rose festival is excited to welcome ships back to Portland from the united states navy, u.s. Coast guard and the royal Canada navy and while here climb aboard for a free tour for a complete fleet week experience.

\*\*\*\*\*: Mele

**Mele:** I am Mele from the Madison high school, I'm the co-student body president, I love to travel which inspired my desire to become a professional airline pilot. When I am not singing, playing sports or dreaming of flying my favorite thing to do in Portland is to walk across the bridges. If you love the water as much as I do come and see the dragon boat races on the Willamette river near the Hawthorne bridge on June 10 and 11, the dragon boat races are not the only ones in the river this year. On Sunday June 25 come and cheer on kids and their families in the classic event, the milk carton boat races.

\*\*\*\*\*: Keely

**Keely:** I am Keely from franklin high school, when I am not playing varsity tennis or trying new vegan recipes you can find me attending school government fundraisers and meetings, I take pride in doing what I can do to lead by example in my high school community, show pride in your community by keeping the streets of Portland clean and green. The Portland rose festival has been named the cleanest and greenest, working hard to keep the street spotless for over 20 years.

\*\*\*\*\*: Sade

May 24-25, 2017

**Sade:** I am Sade from grant high school. When I think of this year's rose festival brilliance I think of Maya Angelou's poem "phenomenal woman." as a poet and mentor of the youth basketball coach I strive to inspire others to believe in their inner brilliance. Join me and the phenomenal women to see who will be crowned the queen of Rosaria, the queen's coronation presented by unitus community credit union will take place on June 10 8:30 a.m. in the veteran's memorial coliseum, watch the crowing take place right before the grand floral parade and we appreciate your support.

\*\*\*\*\*: Mahi

**Mahi:** I am Mahi from central catholic high school. I am the co-president of the multi-cultural club, member of the african-american student's union and the girl's alliance club. My favorite place in Portland is the Hoyt arboretum I enjoying learning about ne plant species and following the views of Portland. The Portland rose festival is proud to announce the bloom project as the official charity, the bloom project creates beauty and joy to hospice places around the community. Keep your eye out for more information on the creative bouquets where volunteers will work to repurpose and make flowers into special bouquets to share with those in need of comfort.

\*\*\*\*\*: Biftu

**Biftu:** I am Biftu from Cleveland high school. As a mentor, a student body leader, and an older sister I am proud to be a role model for others. I hope to take the same approach with me as I begin my studies in prelaw and business. My favorite rose festival event is the junior parade where we celebrate our brilliant youth. Show your support for local youth by joining us at the Fred Meyer junior parade Wednesday June 7<sup>th</sup> in the Hollywood district. Watch floats, community groups, baton twirls and marching bands and dance teams go by. Can't see it in person watch the event live on kptv fox channel 12.

\*\*\*\*\*: Lucy

**Lucy:** I am Lucy from St. Mary's academy. I value creativity in my life. I dedicate my time to photography, videography and speech writing, my junior year I was given the opportunity to present a ted talk, entitled the power of music which focused on the physical, emotional and philosophical music around the world. If you are a music lover like me make your way downtown for a series of concerts happening this season in the row zone. We partnered with your favorite radio stations to bring you a variety of concerts. Check out the kink h2o show, the brew presenting Ceaser and the bull's country fest featuring joe Nichols. Come down and join the musical fun.

\*\*\*\*\*: Michaela

**Michaela:** I am Mikayla from century high school representing the metro west area, I enjoy the great outdoors and spending time with family and friends, I work with organizations, such as key club international and Hillsboro youth advisory council. As a member of the Hillsboro community I aspire to exemplify our community slogan, grow great things, you know who else grows great things, the international rose garden at Washington park, the rose garden will be celebrating their centennial year with 100 years of roses. Visit the rose garden store to get your memorabilia for this brilliant event.

\*\*\*\*\*: Maddie.

**Maddie:** I am Maddie from Oregon city high school representing the metro east area, empowering women is an important part of my life, my work as a girl scout ambassador and founder of my own anti-bullying organization continue to find kindness. Our mission is to educate youth on how to recognize and resolve bullying through the power of kindness. This year we are empowering women by bringing out the about its women golf pros in the world, the cambia Portland classic will be at the Columbia Edgewater golf course on labor day weekend. Your rose festival souvenir pin will get you in free to the city fair and the cambia Portland classic. Share your support for these brilliant women.

May 24-25, 2017

\*\*\*\*: Krishay

**Krishay:** I am Krishay from Benson high school where I am an honor student, Athlete working to become a nurse practitioner. I enjoy playing volleyball and volunteering with the red cross organization to inspire others to live their life to the fullest by leading healthy lifestyles. Now hike or dance your way down the parade route at the preparade bank of the west grand floral walk. Wear a funky costume or a brand new tee-shirt as you walk the walk past hundreds of thousands of spectators cheering you on. There is no better way to get your 10,000 steps in.

\*\*\*\*: Thank you for hosting the 2017 rose festival court presented by unitus community credit union. We'll see you at the rose festival. [applause]

\*\*\*\*: I would like to personally thank all of you, everyone on the council for hosting us and present all of you with a signed poster from the princesses and welcome you to the rose festival family.

**Wheeler:** Very good. [applause] let's open these gates and let's have the ladies come over here and get a picture with the city council before you leave. Does that sound good?  
Holland.

**Wheeler:** Good morning everybody, this is the regularly scheduled meeting of the Portland city council Wednesday May 24, 2017, Susan call the roll.

**Fish:** Here **Saltzman:** Here **Eudaly:** Here **Fritz:** Here **Wheeler:** Here

**Wheeler:** The purpose of council meetings is to do the city's business including hearing from the community on issues of concern. In order for us to hear from everyone and to give due consideration to matters before the council we must all endeavor to preserve the order and decorum of the meetings. To make sure that the process is clear for everyone, I want to review some of the basic guidelines which I hope will help everybody to feel welcome, comfortable, respected and safe at the meeting and also to ensure that the decorum is maintained. There are two opportunities for public participation. First we have an opportunity for people to sign up for communications, to briefly speak about any subject that they would like to speak about, and these items must be scheduled in advance with the city clerk's office. Second people may sign up for public testimony on the first readings of reports, resolutions and ordinances. If you sign up your testimony must be about the matter being considered at the time. Please state your name for the record. We don't need your address. If you are a lobbyist please state that, if you are here representing an organization, that's useful information, as well. Individuals have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light will go on and you will hear a beep, when the time is up the red light goes on and you will hear, I think, it's like four or five beeps, and conduct that disrupts the meeting, shouting, or interrupting other people's testimony or council deliberations will not be allowed. Personal attacks and insults levied against the city and council staff many of whom who are required to testimony as a condition of their employment will not be tolerated. People who disrupt the meeting face ejection from the meeting. If there is a disruption, I will issue a warning that if any further disruption occurs anyone who is disrupting the meeting will be subject to ejection for the remainder of the meeting. Anybody who is asked to leave and does not is subject to arrest for trespassing. So again on that happy note let's start with the -- the kids are shaking their heads going yeah, of course, that's so obvious right? It's obvious. Common sense. Common decency. Call the first item.

**Parsons:** Communications today, 522 through 526. This is students from French American international school addressing council regarding the community concerns from the youth perspective.

May 24-25, 2017

**Wheeler:** And colleagues they have asked for an additional two minutes. They have rehearsed their testimony and it's two minutes over, and I believe that we can extend that courtesy.

**Fritz:** I just want to remind you to speak into the microphone so the captioners can make sure everybody can understand it both in the chambers and watching at home.

**Wheeler:** Slide the mics, not right up to your face but within six inches is about the right distance. Good job. Good morning.

**Lily Segna:** Good morning everyone. My name is Lily Segna. I am in sixth grade at Gilkey International Middle School. I am here to talk about a program I would like to propose. This program would incorporate the Oregon silver spot butterfly into the Portland public school curriculum to raise awareness that this butterfly native to the west coast is listed as threatened on the endangered species list. The primary reason that the Oregon silver spot is threatened is due to habitat loss. The silver spot solely depends on blue violets to lay its eggs on and for the caterpillars to eat. Habitat loss is primarily due to the increasing number of invasive plants taking over the land the blue violets need to survive. The Oregon silver spot butterfly is important to the eco-system which is why we should protect it. This butterfly is important because it is a pollinator and an indicator species. What it means to be a pollinator is that the silver spot fertilizes plants which causes the plants to produce food, which we then eat. As an indicator species if silver spots disappear from an eco-system it means that there is a problem in that eco-system that could affect other pollinators. The butterfly is so important that the Oregon Zoo has a program to restore the habitat and population. I am asking you Portland city council members to fund the Portland public schools to create a program that would incorporate the Oregon silver spot into the elementary school curriculum. My vision of this program could include a partnership with the zoo. In this program students could play a game developed by the zoo to learn about the life cycle of the Oregon silver spot. They could also take a field trip to the zoo, for a behind the scenes tour of the silver spot restoration project. I think that this program should be aimed for elementary school kids because if you pass a message to a kid they will pass the message to everybody around them so that everybody hears the message. My ultimate goal is to raise awareness about endangered species by educating kids about the Oregon silver spot, which is listed as threatened on the federal endangered species list. The Oregon silver spot butterfly isn't just a pretty insect fluttering from flower to flower. It is also a large part of the world around us. If the population drops lower we are taking away an important part of the eco-system, an important part of our earth. When kids today see Oregon silver spot butterfly it becomes a special memory. If it becomes extinct we may take away the memory for generations to come. Remember your actions will impact the earth for generation after generation. Year after year. I hope you consider my proposal. Thank you for listening.

**Wheeler:** Thank you. We appreciate it. [applause] good morning.

**Smithy:** Hello my name is Smithy.

**Alyssa:** I'm Alyssa.

**Adriana:** Hello, I'm Adriana, we are students at Gilkey International Middle School we are here to tell you about the Portland homeless crisis.

\*\*\*\*: It is noticeable and it's getting worse and worse and we have to do something about it. We are here to tell you some solutions that we have come up with to give more homeless people homes and education to get them back on their feet.

\*\*\*\*: There are people that are homeless because of luck people that are homeless because of drugs, drinking and losing things that they already have. Why don't we care about the homeless? They are people, too, and they should deserve a weekend, if we look

May 24-25, 2017

down at them it makes not only them unhappy but us, too. We will start overflowing with homeless on the street, so it's time to take action and make a difference.

\*\*\*\*\*: Oregon is the second worst in the country at providing shelters for the homeless. There is 620,000 homeless in Oregon but we only have about 15 homeless shelters, and two family shelters. Only 60.5% of Oregon's homeless have a shelter to sleep in every night. A homeless shelter is place where you can go when times are rough but think about if you have a family. You don't want to separate from your family and that's why we need more family shelters. It is scary to leave your family and live alone and that's why we need more family shelters. A family shelter are where families can go when times are rough but think about, a family shelter is where families can stay together and learn about managing money and other necessary life skills. We only have two family shelters in Oregon and only has six rooms, about six rooms in each. We need more than six rooms to help get families off the streets. Family shelters not only get a roof over their head but educate people so they can get back on their feet. But regular shelters don't offer that, and that has to change because everyone deserves to have a roof over their head and some education.

\*\*\*\*\*: In conclusion we have come up with a couple of solutions to help get homeless people off the streets. Our first solution is to simply get more family shelters in Oregon. This is expensive but very effective. Another more reasonable solution is to add more rooms to the current family shelters. We have had enough time waiting, and its time to take action before it's too late. Help make Portland the better place.

\*\*\*\*\*: Our sources senior Portlandoregon.gov, citycentral.org and the Multnomah county department of human services.

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

**Wheeler:** Thank you. [applause] excellent testimony. Were there more students Susan. Very good, good morning. If you could see make sure the microphones go up and down and to the side, thank you.

**Camile:** Hi, I am Camille and I believe some dog parks should be fenced. I don't want all of them to be fenced because some dogs like to run around free but more than 10 out of 26. In your packet there is some maps of places that I would like to fence. Because I am the owner of an exuberant chocolate lab I like knowing that I can let him loose and still have the peace of mind he won't run away or get hurt. Also being allergic to dogs is very common and can be very dangerous in fact, according to abcnews.com 15% of people are allergic to dogs and 30% off people with asthma are allergic to pets. If we fence the dog park, people in the park who are allergic won't have to worry constantly. Also parents who don't know if their child is allergic won't have to worry that there's been a dog in the park. According to brainfido.com there is 36 dog parks in Portland and only 10 are fenced. Those parks are the field park, east delta park, Gabriel park, Portland international raceway park and Brentwood park, normandale park, and north Clackamas park, cooch park, and chimney park, that means dog owners may have to drive far to get to one of those parks. I want to make sure that everybody dog can get to a fenced park. The government can fund fencing of my chosen five parks Fernhill, fraiser, Laurelhurst, overlook, and Woodstock park. In your packet you can see my ideas for where I would fence the parks. Thank you.

**Wheeler:** Thank you. [applause]

**Parsa:** I am parsa.

\*\*\*\*\*: And I am [inaudible].

\*\*\*\*\*: Today we're going to talk about graffiti in our wonderful city. We are going to tell you why we are against graffiti including hateful graffiti and the type you see on the side of the highways which may or may not be inappropriate.

May 24-25, 2017

\*\*\*\*: As you can see our topic is graffiti especially getting rid of hateful graffiti and it is getting worse. According to kptv.com it is costing Oregon 300 to 400,000 a year this is beyond what it should be costing, and we have to do something about it. We want to help you do something about it. I am passionate about this because our community has recently struggled keeping anti-Semitic and hate against anyone for race, gender, or religion under control and out of our Portland neighborhood.

\*\*\*\*: I am passionate about this particular issue because our planet is giving us a clean and healthy life and spray painting hateful things which is harmful to the environment because they are spreading the bad toxins from the spray paint. I am also passionate about this issue because it is offensive to many of our Portland residents and people all over the world put down by these unnecessary ones that they see on the side of walls and buildings everywhere they go. This is not healthy for others or for ourselves. Seeing as people who spray paint these things are doing it out of boredom. I don't like the idea of making our planet dirty the planet gave us an opportunity and we are waste it go and misusing the rights that we have.

\*\*\*\*: I am also passionate about this particular issue because I was raised in Jewish households with two mothers. I noticed the hateful messages that we are seeing in Portland are erected at Jewish people and the lgbtq community. According to Oregonlive.com, on Monday March 13, 2017 residents of southeast Portland Oregon woke up to swastika graffiti in their neighborhood on cars, fence, trees, and other items. Also according to katu news, on March 20, 2017 the neighbors victims of the swastika graffiti were protesting against anti-Semitic graffiti in southeast Portland. 100 people gathered at Waverly heights congressional Sunday school to have a rally to let people know that hate won't be tolerated in their neighborhood, many people drew Jewish stars and other signs in chalk on the sidewalk and called it peace painting.

\*\*\*\*: Even though we know some is for decoration, most is because people get bored, this means they probably get together and start illegally spray painting the walls. Some enjoy the adrenaline rush of doing something illegal or running away from cops on purpose. We believe that not all graffiti is bad. If it is done on property that they don't have a permit to be on, or if it is hateful such as some of the graffiti that we have seen recently but it can be good. If the people do it for decoration and they are doing it out of enjoyment of doing art. Another reason it can be good is if they are doing it in a place with a permit to be on or their own property. And finally they can release stress by spray painting.

\*\*\*\*: We need your help educating people that we are all the same and celebrate diversity and we would like to help you by starting a fundraiser with volunteers or collaborate with the community group to raise money to pay for graffiti removal. We will be open to any ideas or suggestions you may have regarding downsizing the cost of graffiti removal so we can focus on paying for education and getting our art and music back into the curriculum. After our current president Donald trump was elected there were a number of hate crimes including racist and other disrespectful graffiti that has suicidal messages and this results in suicide prevention hotline.

\*\*\*\*: We think that this is unacceptable and we need to be welcoming and understanding of others and celebrate our differences instead of putting people down.

\*\*\*\*: Thank you for your time and we hope that you will consider our ideas.

**Wheeler:** Thank you. [applause] just slide it right over. There you go.

**Andrew:** Hello. I am Andrew and I come from the Gilkey international school and I am here to talk about solar power and why it is better for our planet. Although dirty energy and fossil Fuels don't seem like a threat going solar is very important to me because I am very sensitive to pollution and smoke, and sometimes when I go walking downtown I -- it is hard for me to breathe, and this bothers me because I don't enjoy walking outside as much as I

May 24-25, 2017

used to. Solar power is one of the most efficient energies, and it is one of the most environmental friendly. Other energies like fossil fuels need to be burned, and this energy causes lots of pollution and creates the greenhouse effect, heating up our planet. Switching to solar is not the most expensive, too. It is good for the environment. In other energies, are limited because they can run out and are very unhealthy, solar is infinite because it comes from the sun. Although solar can be expensive and not too many people go solar I have made up some solutions so people can go solar. I think people should get a tax incentive when they go solar so that it will be easier for people to go solar. Another solution is to make a program to educate kids about solar so they will see this as a threat and hopefully make a difference in the future. My last solution is to change the law a bit so some energies will be banned, and this will be expensive. To change the law that some energies are banned, and this -- so people can switch to solar, but solar is not the cheapest but it will help in the long run. Thank you for your time and in having me and goodbye.

**Wheeler:** Nice work. Thank you. [applause] good morning.

\*\*\*\*\*: Good morning.

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

**Ashwin:** Hi, I am Ashwin, thank you for having me and listening to my issue. I think traffic is a huge problem in Portland. People are sitting there in their cars for hours with their engines on while they could be doing something else. Most people have gas cars in Portland, and when their engines are on in traffic they release extra gas into the atmosphere. I am an environmentalist and care about our atmosphere, so I want to find a solution. A study by the inrix confirms the extent of our problem by ranking us the city with the 12th worst commute in the country and 40th in the world. That's out of 240 u.s. Cities and 1064 worldwide. And congestion is expected to get worse in Oregon according to the economic impacts of the congestion study released at the 2015 Oregon business summit. The study said that if traffic spending is not increased, the average metropolitan household will be stuck in congestion for 69 hours a year by 2040, triple the time in 2010. The impact on freight dependent businesses will be even greater because such congestion can cause some to miss critical shipments and reducing the state's economic competitiveness because many good travel through the Portland region. Also the Portland bureau of Transportation echoing many other predictions of explosive growth estimates that by 2035 the city will add 260,000 new residents, commuting to 140,000 new jobs. And if current habits continue, that means that about half of the, a half a million more daily solar trips, but you must have heard before that we have bad traffic. But my solution is to put tollbooths on frequently used roads so people not willing to pay the tax will go on less used roads. My other solution is to put a tax relief on companies that will make flexible certain types because rush hour is when all businesses start and end and during that time everyone is trying to get home. There is tons of traffic. If companies make flexible starting times, starting and ending times people can go home earlier and later. Since everyone is going home at different times, there won't be as much traffic. By using these ideas we'll be able to reduce the traffic and by doing that reduce the pollution.

**Wheeler:** Thank you. [applause]

**Adeline Reid:** I am Adeline Reid and I am here to talk to you about an idea I have. I have given you a page with some visual aids to refer to during or after this time. I think that we should place toy lending chests around Portland. What are toy lending chest? If you see a toy that you would play with you take it out. Just remember to be courteous and put something you don't use in to replace it, that way another kid can have it instead of it going and sitting in your house and collecting dust. Something that might seem old and uninteresting to one might be new and exciting to another. I think that having these would

May 24-25, 2017

build the community because people would be sharing. It would also make people feel more connected and cared for if they are poor and can't afford to buy toys. On the environmental side it would help, too. Another kid can have the toy you put in instead of it going to the dump and kid having to buy a toy and consuming more than we need to. This issue is important to me because I have toys sitting in my room that I don't use. I feel that I shouldn't when someone else could be enjoying them. Kids should have access to some toys, according to the child development institute, toys are more than just fun and games for kids. Most toys provide at least some opportunity for the children to learn. The best toys engage their child and encourage them to interact with others, and we all need some stuff, many of us have taken it too far. According to the minimalist the average American household contains more than 300,000 possessions. According to psychology today when we anticipate buying something it releases a chemical in our brains called dopamine it, makes us happy and we want more of it. We can get addicted to this chemical by buying more and more. Around neighborhoods or towns, it would decrease the consumption and encourage people to share and find things that they like for no money and no material wasted. What I need from you is permission to place these in some public parks around Portland. Even if you would be ok but according to parks and recreation their 144 public parks in Portland. I just want to take the first step to having them all over. To do that I will need a grant of about \$413.68. That would pay for four waterproof boxes to put in four of the parks around Portland. If I get there grant I have decided to put the boxes in these parks. Washington park playground, Jamison square, Khunamokwst park and peninsula park. I chose these because there is open space where I could imagine a toy lending chest going and I also tried to spread them out around Portland. I hope that you consider my idea, thank you for listening.

**Wheeler:** Thank you. So is that the end of the kids' testimony? I understand that -- do we have more? I understand that there is the teacher here Minda McCandless, are you here? Did you want to just say for 30 seconds the reason for being here and I understand you would like a picture with the kids? If you could do that and we could file up here and have a picture with the kids. That would be a lot of fun. You have to speak into the mic because it's a public meeting, sorry.

**Minda McCandless:** Actually not everybody in the class spoke because some went to Salem last week to do state issues but they all picked issues that they cared about and did research and tried to come up with solutions that were viable involving the government and-or the community. Thanks for having us.

**Wheeler:** Thank you for being here and kids thank you for your excellent, excellent testimony. It is well received. So why don't we file down here and take a picture. Do we have items pulled from the consent agenda?

**Parsons:** No items pulled.

**Wheeler:** Please call the roll.

**Fish:** Aye **Saltzman:** Aye **Eudaly:** Aye **Fritz:** Aye **Wheeler:** Aye

**Wheeler:** the consent agenda is adopted next item, 527, please.

**Item 527.**

**Wheeler:** Commissioner Fish.

**Fish:** Thank you, mayor. It keeps getting better. First we had the rose festival court gracing us this morning and then these wonderful sixth graders and their incredibly creative solution and now we will honor the vanport day of remembrance and the way that we honor this event is the mayor gets to issue a proclamation and before he issued it I want to invite up Laura La Forte, miss Gilmore, Ms. Sims and Mr. McGee if you will take seats. If I have not got that right, if not please come forward she's running the show. The mayor will



May 24-25, 2017

read the proclamation and we will hear from our honored guests and we're also going to acknowledge the other honored guests with us today so mayor.

**Wheeler:** Thank you, commissioner. Whereas our understanding of history shapes our view of the present, and in order to understand where we are going, we must understand where we are from. And whereas 2017 is the 75th anniversary of the construction of vanport built in 1942, and whereas vanport was once the country's largest public housing project and Oregon's second largest city with a peak population of 40,000, whereas the vanport community was intended as temporary housing for ship builders during world war ii and included schools, stores, a hospital, a movie theater, and a two-year college. And whereas vanport became an experiment in racial immigration for as many as 25% of the residents from all corners of the country were african-american, when African-Americans were less than 1% of the entire state's population. And whereas vanport was constructed in the Columbia river floodplain and protected from the river by a series of levies. And whereas the Columbia river flooded on May 30, 1948 immediately displacing 18,700 residents and whereas vanport mosaic will hold a festival from May 26-30, 2017 to honor and celebrate vanport as an essential and often forgotten chapter in Portland's history. Now therefore I ted wheeler, mayor of the city of Portland, Oregon the city of roses do hereby proclaim May 30, 2017 to be vanport day of remembrance in Portland and encourage all residents to observe this day. [applause] good morning.

**Beatrice Gilmore:** Good morning. I am Beatrice Gilmore. I go by b. Gilmore and the reason for that is because when I migrated from the south many did not know well they knew how to pronounce Beatrice but saying it, being from the south it was Beatrice, I was called a few other form of Beatrice, it was ok, but I thought ok, let's have a name that's consistent. That is b. So I call myself b. We moved here in 1944. Originally from Louisiana, and through Las Vegas, Nevada. So coming from Louisiana was quite different than what I could dream of but when I landed here in Portland we moved into vanport. Vanport with its apartments and all cultures from all over the united states, and people who had ethnic, ethnicities, different than mine so it was an opportunity for mixing and in order to make a cake, if we were going to make a cake we would need ingredients, and those ingredients can be found as you think about the history of vanport. The ethnicities, the communications that took place, the mingling and mixing, and so in order for you and me and all of our populations now to do that, we couldn't learn a lot by studying the history of vanport, and the fact that it was the second largest city in Portland and had all of the ingredients That we still need today to make a beautiful cake. I thank you for hearing me.

**Wheeler:** Thank you for being here.

**Arinze McGee:** Good morning mayor, ted wheeler and members.

**Wheeler:** Good morning.

**McGee:** Huh? Good morning mayor, ted wheeler and members of the Portland city council, I am Arinze, and I was nine years old and born in Portland, Oregon. I live in northeast Portland with my family. I am a third grader at Richmond elementary school, where I am learning to speak Japanese, doing math and reading. I am also the biggest Portland trail blazer's fan. I am honored to be the youngest historian/producer for the vanport mosaic project. I became interested after meeting miss lauraat at the reverend dr. Martin luther king junior event at highland church. I talked to her for 45 minutes. After that day I did research about vanport, and attended training at the Portland community media. I developed interview questions and interviewed Mr. Kelly who was a young boy like me when he escaped the floods. He reflected on his childhood with some fun and sad memories, the stories that Mr. Kelly shared inspired me to want to learn more by interviewing others survivors. Mr. Kelly will also go Fish thinking summer.

**Wheeler:** That's great.

May 24-25, 2017

**McGee:** Being a part of this local history project has allowed me to better understand my Portland history. History is important to be shared because it allows us to understand and learn from the past. I feel like the people in the community and people in the future should know about vanport. It is important to learn about the history such as vanport because it helps you to define your roots and empower you. History allows us to learn from the past and compare things from back then to now, the vanport project allowed me to meet new people. Increase my understanding of Portland and learn about my black community. I learned a lot from the elders and gained new skills that will help me to learn about vanport. Makes me want to advocate with Portland public schools to make this part of our curriculum. Local history is just as important as natural history. We must understand our history to have a bright future. Please join us at the upcoming festival. Thank you.

**Wheeler:** Very good. Good morning.

**Shalanda Sims:** Good morning. I am shalanda sims, I am a local artist here. How my connection to vanport is my great grandmother came here during the war to work in the shipyard and our family has been here ever since. I am a fourth generation Oregonian. My children are fifth generation. Before this all came about I was researching my family's history trying to figure out why we were here in Oregon because there is not a large population of African-Americans here. Upon my research that's when I found out we came here because of vanport. There wasn't much information, only in books and texts and that did not give a lot of information about vanport so I was fortunate enough to speak to some people who lived during that time. One person was stell, they call her stell, and she has passed away now but she was one of the first african-american women to be here in vanport. And to work in the shipyards. Another lady, Regina flowers, and she is like a walking history book on all things vanport. That sparked me to write a play called vanport, put some music to it in 2013. Since we have the vanport mosaic festival, we have oral history. It is growing and now we have a proclamation. Thank you very much.

**Wheeler:** Thank you. [applause]

**Robert Matsunaga:** Hello, I am Robert Matsunaga, and I am a substitute for someone. Anyway, this is the second time that we were displaced in vanport. The first time was during world war ii when japan attacked pearl harbor. Being of Japanese descent we were interned, first sent to the Portland stock yards and then afterwards we were sent to the Minidoka concentration camp in Minidoka, Idaho. We were in camp for -- from 1942 to the end of the war in 1945. And at that time we could not find any affordable housing after the war was over, so we moved to vanport, which was affordable at the time, and it was a very diverse area. You had African-Americans and Latinos and you had American Indians and of course many Caucasians. At that time, it was segregated. The schools were not segregated but innovative. But we -- the different sections, we lived on cottonwood drive in vanport and at the time the flood occurred I was at a movie theater, and there was an announcement on the p.a. system that the dike broke and we were told to evacuate and head for our homes. When I got to my home which was several blocks we hopped on the car and picked up two other families with us, so we headed upon Denver avenue to escape the flood. I could see the waters coming, and it was horrific. It was gridlock. Everybody headed out to Denver avenue and that was the only way to get into vanport was Denver avenue going in and out so it was a traumatic experience, and like I said I was eight at the time, and I am glad that they are having this recognition for vanport. Thank you.

**Wheeler:** We appreciate your coming. Thank you.

**Fish:** I think we are going to take a picture with everybody but can you tell us where the public can get information about the festival? And then we will acknowledge special guests and do a photograph, is that right?

May 24-25, 2017

\*\*\*\*: That would be great.

**Laura La Forte:** Thank you. Can you hear me? Please join us -- wait.

**La Forte:** Please join us at the vanport mosaic festival may 26-29 in the different venues in north and northeast Portland. You can find the program at our website at vanportmosaic.org and we have programs and flyers and see you there.

**Wheeler:** Thank you. [applause]

**MaryHelen Kincaid:** On the tour of the day there will be signs along the tour with facts about vanport.

**Fish:** Can we take a picture with everybody?

**Wheeler:** Sure.

**Wheeler:** All right folks while we are getting settled in for the next item Susan could you please call the roll or the next item.

**Item 528.**

**Wheeler:** Very good, commissioner Saltzman.

**Saltzman:** Thank you, I will turn it over to our capable lid administrator Andrew Aebi.

**Andrew Aebi, Portland Bureau of Transportation:** Thank you very much commissioner Saltzman, I am Andrew Aebi, local improvement district administrator. Could we switch to the presentation? This is a map of the proposed northeast 27th avenue and Holland street lid. This area is zoned for heavy industrial usage. 27th and Holland, our local streets in an industrial area just south of northeast Columbia boulevard, a fairly small lid with four property owners petition for inclusion in the lid. Right now we have the lid support of 95%, and we got petition support from three of the four property owners, we got No support from one of the four property owners, and I will be passing out an amendment here, we did receive correspondence from the property owner who did not petition in favor, and he has been asked to be removed from the lid. Normally that is difficult to do but in this instance we are not reconstructing the street. We are building curb, sidewalk, and storm water improvements and doing minor pavement preservation work so it is feasible to do that in this instance so I recommend that the council adopt this amendment to remover 2706 northeast Columbia boulevard from the lid and that obligation for frontage improvements would be deferred until redevelopment of the property.

**Wheeler:** Do we need to put that on the table?

**Saltzman:** I would move that amendment.

**Fish:** Second.

**Wheeler:** Commissioner Saltzman moves the amendment and commissioner Fish seconds. Any further discussion on the amendment? Seeing none call the roll.

**Fish:** Aye. **Saltzman:** Aye. **Eudaly:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. The amendment is accepted, sorry to interrupt.

**Aebi:** So the next slide is of the property you just removed, a 65-year-old building and clearly we'll redevelop and get the full extent. You noticed the bus stop sign on the right. This area is along a frequent service line so we are looking forward to making upgrades. What we have right now is kind of a wide swath of pavement. We don't have any storm water management. You can see that kind of vegetative area on the right side of the screen. Basically the storm water comes off the street and basically flows adjacent to or on private property, and so we're going to build storm water facilities. This is northeast Holland street, the site of a future transfer station, and you will be hearing more property owner testimony about that. Northeast 27 avenue used to connect the Lombard street. Became a dead end when the rail crossing was closed a number of years ago the lid is pretty straightforward. We are going to realign the street and shift it about five or six feet to the west and build a dead end storm water facility curb and sidewalks and facility features.

**Fish:** This is blank.

May 24-25, 2017

**Aebi:** We are at the end of the presentation. So that's all the testimony that I have for you today. I am happy to answer any questions otherwise I believe that we have three people here to testify.

**Wheeler:** Any immediate questions? Seeing none call public testimony.

**Jason Wright:** Good morning mayor. Jason wright. I am an attorney from Folawn Alterman and Richardson I am working with McKennis investments who are the owner of the Property that is subject to this lid improvement, my task has been to be working with the deq relative to some usage on the property. Ultimately we're trying to develop it to be a transfer station permit. River city environmental, who Mr. McGinnis is here and will talk about, has been using this site for street sweepings. We staged stuff there until we get a full load and take it off the site. We have been working with the deq for a period of a year to come up with a way to environmentally friendly build a transfer station permit. One of the things I point out as part of this lid project which we're greatly appreciative of from the city is that we will be the first private and only the third entity in the state of Oregon to have an environmentally friendly transfer station so through the use of this with regard to the storm water issues which are of clear importance for everyone when dealing with these materials, it's going to allow for that type of development to occur and going to benefit all of us, ultimately, in the creation of jobs for the transfer of waste, so thank you very much. I appreciate the commissioner's time and the mayor's office time.

**Wheeler:** Thank you.

**Steve McGinnis:** Good morning mayor and council. I am Steve McGinnis, river city environmental and we've been in the waste collection business here in Portland for over 40 years. We have a little over 125 employees. This site here we would like to develop it we look to add two to five more employees on this site and to be able to handle some of our waste streams here. Coming onboard, this is actually our third lid to be involved with the city of Portland. We would like to thank the folks that we've been able to work with, especially being able to work alongside of Andrew Aebi. I have to say that I was skeptic saying I never wanted to see an lid or play in one of them. We have a site where we have done two of them on and this will be another site that a we'll be doing the third one. Right now we ask for your support and we look forward to being able to partner with the city again and to achieve this. We are looking forward to inviting the mayor, the council folks out and the people that participated in the city of Portland to help us on another site that we have one of these on, we actually have one on 109th and our property started at one site and went through to 112. And everything good it has brought to the business and the neighborhood. Thank you.

**Wheeler:** Appreciate that very much.

**Mark Newsom:** I am mark Newsom also with river city, I just wanted to add in addition to the 125 folks that we employ in our existing location, we've been working hard to find additional real estate that we can further develop to keep ourselves within the city of Portland, and we appreciate your support on this property. It will help us to continue to grow our business and to stay within the city. Which is really a challenge today with the availability of property so this is very important to us to retain people here.

**Wheeler:** Thank you. Appreciate it. Any further public testimony?

**Saltzman:** I had one question. We are talking about a solid waste transfer station? You referred to it as environmentally friendly. What makes it that way? Not to say that transportation isn't.

**Wright:** One of the issues that has come up that deq is working through right now is sort of how and the way materials are engaged in their environmental issues as well as water run-off which is a big concern when you have these things. I know commissioner Fish this is near and dear to your heart so one of the things that we've been trying to do is because of

May 24-25, 2017

the circumstances with the property is that we want to create a functional, usable building that is going to be able to house temporarily street sweeping wastes and other wastes in a way that's going to allow it to be contained until it can go to where it needs to go, one of the things that we see right now is how is that going to play out in the deq is taking an active role in making sure those changes happen. So we are happy that we are a front runner in that working with the deq for the past year to talk about what is it that we want to do here for the city of Portland to make sure that these sweepings are properly contained, we don't have water run-off and to the extent that we can keeping them in a safe manner so that we don't have any issues is that arise.

**Wheeler:** Please call the roll.

**Fish:** Thank you very much, aye.

**Saltzman:** Thank you, and thank you Andrew once again. Aye.

**Eudaly:**

**Fritz:** Thank you for being here, aye.

**Wheeler:** Aye, the resolution is adopted as amended. Next item please. All the way to the regular agenda.

**Item 546.**

**Wheeler:** Commissioner Fish.

**Fish:** Thank you mayor, I want to invite Thomas Lannom and ken McGair forward and they will be presenting this morning. This past February Portland city council referred a ballot measure to the others, 26.194. It was designed to expand and clarify our authority to regulate the short-term rental industry. And just last week voters overwhelmingly approved the changes. This update to the charter gives the city council broader authority to adapt to changes in technology and industry practices to ensure tax fairness and protect public health and safety. As my colleagues know the city of Portland has had difficulty obtaining regulatory compliance from companies like Airbnb, home away and other platforms. This includes paying lodging taxes and insuring all their guests are safe. The ballot measure raised a fundamental question of tax fairness. Specifically, is it fair for a mom and pop bed and breakfast in St. John's to pay the lodging tax while out of state companies like home away refuse to, and the answer was a resounding no. So today colleagues we're moving quickly to implemented the will of the voters by updating our code language and making the changes necessary to ensure home away and others in the short-term rental industry play by the rules. We're also moving to give the revenue bureau new subpoena authority which they need to ensure that short-term rentals are safe. With us today are Thomas Lannom the director of the revenue bureau and Ken McGair the deputy city attorney to walk us through what the resolution does and mayor I want to use this occasion to thank both these gentlemen and particularly ken who drafted the language on this ballot measure and worked with us. We put this on the ballot for their work and a thank you to the voters that took the time to understand this issue and gave us a vote of confidence so Thomas, we'll turn it over to you.

**Thomas Lannom, Director, Revenue Division:** Thank you commissioner and good morning. I am Thomas lannom, the director of the revenue division and joining me is Ken McGair I think commissioner Fish covered the background pretty well so I will keep this brief, the resolution before you directs the revenue division and the city attorney's office to draft an ordinance delegating a subpoena authority to the revenue division for the enforcement and provisions of the transient lodging tax code as they relate to the short-term rental platforms. Short term rental platforms have argued that federal law preempts local ordinances from requiring them to provide host data, short of a subpoena. We intend to bring more other amendments to the city code, for example, at present the code prohibits short-term rental platforms from displaying listings unless they also display a city

May 24-25, 2017

issued permit number. This provision also appears to have a federal preemption problem; to resolve this we intend to follow san Francisco's approach which is to make it a violation of city code for a short-term rental platform to accept a fee or compensation for listing a non-permitted location. This is a subtle but important distinction that does not run afoul of federal law so that's an example of another code amendment that we will likely be bringing forward in June, and there may be others. So these code amendments again will come forward in June, and I can stop there and ken and I are available to answer any questions that you may have.

**Wheeler:** Any questions? Very good. Is there any public testimony on this item? Very, call the roll.

**Fish:** I want to thank the council for forwarding the ballot measure to the ballot. Mayor I want to thank you for joining me in advocating for the ballot measure and particularly I wanted to thank all the editorial boards that took up the issue. Looked at it critically and gave us a thumbs up, and helped us to convince the voters this is the right thing to do, the money that we will collect in insuring that there is a level playing field and there is tax fairness, will be money that we use to provide basic services but in particular will help us to address our housing crisis. So this is really important that we get it right and we make sure in that everyone pays their fair share. The information that Thomas we'll be back seeking with the subpoenas is the kind of information that we need to be able to say to guests and visitors. You are safe if you rent a short-term rental in the city of Portland. So this is the big step forward and I am grateful to Thomas and ken for their good work and I also want to give a shout out to my chief of staff and others in my office who have been working on this and thank them. Aye.

**Saltzman:** Thank you commissioner Fish and revenue division and ken McGair. Aye.

**Eudaly:** Thank you commissioner Fish and revenue division and I would just like to add that a few years ago we set some reasonable rules and regulations around short-term rentals, and some platforms have been better at complying than others, but they have also afforded their host ways to circumvent our rules and regulations so I think that we need to strengthen them and I am pleased to hear that we'll be doing that. Aye.

**Fritz:** Commissioner Fish thank you for your leadership on this very important issue. Aye.

**Wheeler:** I would also like to extend my thanks. This was one of those fairly arcane ballot measures, and I know that the revenue division and commissioner Fish and his staff spent a considerable amount of time going through the detail of the proposed ballot measure. It was a landslide victory, commissioner Fish, and I think that's always a good thing. To some degree we would joke about the details but the reality is that this was a really important ballot measure. It didn't get the attention but it was an important ballot measure because it gave us as the regulatory body the tools that we need to enforce the regulations fairly across the board, and as commissioner Fish said correctly in his opening remarks, this was also about tax fairness so I think that it was very important that it pass and had I do think all the people who worked so hard on it and certainly the voters who saw the wisdom in this important measure as well. I vote aye and the resolution is adopted. Thank you. Next item please.

**Item 547.**

**Wheeler:** Short and to the point commissioner Fritz, I don't know if you have had any comments you would like to make or if we just can turn this over?

**Fritz:** I actually do thank you mayor, Portland parks and recreation is largely a general fund bureau. It also charges fees for the permitting services, and aims for cost recovery, however in the case of tree permits we set is the policy guidance that we would not be charging full cost recovery in order to encourage compliance with the regulations. So we're going to move closer to the cost recovery. The cost recovery right now for tree related fees

May 24-25, 2017

is about 30%. This proposal only inches forward with 32%, until we have a council discussion and a direction to move to complete cost recovery I felt more comfortable with the smaller change but as the council wisely adopted or will adopt for sure the budget note, requiring Portland parks and recreation to come back to look with a proposal on how to have less reliance on general fund I would suggest that bringing the fees to cost recovery to the tree program is something that we should consider, and I would like to turn it over to Jeff Shaffer, this may be his last time to testify before the council before he's going to be the dean of finances at Clackamas community college.

**Jeff Shaffer, Portland Parks and Recreation:** Thank you. Good morning, I am Jeff Shaffer, the finance manager for Portland parks and rec. I am here today to get approval for the 2017, 2018 fee schedule for our tree permitting program for urban forestry division. Some background, title 11 tree code was implemented in 2015 and with it we increased our regulatory responsibilities for Portland parks and rec urban forestry division, the fees associated in this schedule are for the supporting the delivery of the services associated with that service. As the commissioner mentioned it's going up roughly from a 30% cost recovery to 32% cost recovery. Overall that's an 8% increase over the current year's rates. That comes from roughly 3% of inflationary costs which are cost of living, cost along with another 5% that came through the budgetary process, by 5%, and that's the other 5% of that, raising those fees. One thing I was going to note with the 32% cost recovery and with that, you are using the general fund subsidy for every one of these permits that gets pulled and that we still provide that on, the way that translates is the urban forestry division has so many of these that they could do in a year and remain within their own general fund operating budget so as the economy improves and there is more of these permits being pulled, it's harder for the urban forestry division to respond within a timely manner because they can only respond to let's say 6,000 permits in a year, but if we have 75,000 being pulled, it creates like a three-week backlog, and the timing of the permits so it's important when you have full cost recovery like most other bureaus are 75% to 100% cost recovery and you can increase your staffing levels but with urban forestry they would overspend the budget so I think it's parallel conversation that is happen that correlate with the 32%, still has some subsidy built into it in order to help to encourage the fees or permits.

**Fritz:** I'd just like to add to that we are also mindful of the cost of the permits in general, and in direction from the mayor earlier this year had been to try to keep that level or reduce even, so that's another policy question to be discussed.

**Shaffer:** Do we have any questions?

**Saltzman:** What is the impact of a tree permit not being granted in a timely manner?

**Shaffer:** I think with it not being granted in a timely manner it would be an impact to the development community that's -- if you have a 21-day delay, due to the structural issues of the program that's probably impacting their cost on the development side so it's a customer service issue really at the end of day.

**Saltzman:** Thanks.

**Fritz:** Just to further clarify most of the fees here are associated with development and restoration, there is only two non-development related fee updates, one is the \$25 increase on the planting establishment fee in lieu which is per inch from \$300 to \$325 per inch, the cost recovery would be \$480, and these funds go into the tree planting and preservation fund, per the code and the other is \$250 increase in the programmatic permit applications from \$5,500 to \$5,750. Cost recovery would be \$6,773. And the total estimated increase from the fees is \$91,400.

**Saltzman:** Thank you.

**Wheeler:** Is there any public testimony On this item?

**Parsons:** No one signed up.

May 24-25, 2017

**Wheeler:** Very good. Any further comments or questions?

**Fritz:** Further note that the annual revenue from the new fees is \$91,400 this corresponds to the reduction in the urban forestry general fund revenue by \$100,000, which the council agreed to in principle and will vote on it. This makes it more of a whole with \$8,600 to get to the number that we put in the budget.

**Wheeler:** Very good and I want to thank you commissioner Fritz and the tree program for working hard to find ways to make this a self-sustaining program so I appreciate the good work that went into this, and unless there is any other comments.

**Fritz:** Just thank you to Jeff Shaffer. He certainly has taught me a lot over the five years I've been in charge of Portland parks and recreation. I appreciate your service Clackamas county--.

**Shaffer:** I will miss and appreciate your guidance and leadership along with commissioner Fish over the years, my 23 years here so thank you.

**Wheeler:** Very good. This is a non-emergency first reading and moves to second reading. Next item please.

**Item 548.**

**Fish:** Mayor we are joined by Teresa Elliott the chief engineer of the water bureau, this is a project closeout including authorization, including authorizing final payment. The project was originally budgeted for \$2,220,02 -- say that quickly. The final construction contract total was \$1,431,000 and change which is 29% under the original contract amount. The decrease was accomplished by reducing the full upgrade reconstruction due to better subgrade conditions, better than anticipated and Teresa is here to answer your questions.

**Teresa Elliot, Portland Water Bureau:** I am Teresa Elliott, chief engineer of the water bureau, the only thing I would add is the contract was also done with 64% mwesb participation. Our prime contractor was a wesb contractor.

**Wheeler:** I will make a comment and maybe ask a question. The comment is number one thank you for bring this project in basically 30% under budget. I am sure the narrative on government is necessarily consistent with the reality of the work you have done on that point. How did you get excellent results with mwesb contracting?

**Elliot:** Primarily our prime contractor was an mw contractor. And then so we would have had 100% except they subcontracted a bit of their workout to non-mwesb contractors.

**Wheeler:** So the key is the prime contractor.

**Elliot:** The prime contractor in this case. Road construction, there are a lot of mw contractors capable of doing the work. And then coming in under budget that will affect our percentage as well.

**Wheeler:** Excellent, thank you. Any further questions? Any public testimony? I will accept a motion.

**Fish:** So moved.

**Fritz:** Move to accept the report.

**Wheeler:** Commissioner Fish moves the report, commissioner Fritz seconds the report. Please call the roll.

**Fish:** Thank you, Teresa and we have two other items.

**Elliot:** I do.

**Fish:** So settle in. Thank you.

**Saltzman:** Aye. **Eudaly:** Aye.

**Fritz:** Thank you for your good work, aye.

**Wheeler:** Aye. The report is accepted and next item.

**Item 549.**

**Wheeler:** Commissioner Fish.



May 24-25, 2017

**Fish:** We welcome back Teresa Elliott, the chief of the water bureau this morning, and she hasn't aged a day.

**Teresa Elliot, Portland Water Bureau:** I appreciate that.

**Fish:** This contract and the work authorized will strengthen the resilience of conduit number two to withstand natural disasters and as part of the 2015 conduit's rehabilitation plan. The estimated average mwesb participation on this contract is \$74,200 or a little over 25% of the total contract dollars. And Teresa Elliott is here to answer your questions.

**Elliot:** So the -- again, Teresa Elliott, chief engineer, Portland water, the conduit trusses, those are above ground, places along the pipeline that are above ground either in a support system or on a bridge that -- so they are very vulnerable to us from natural disasters as well as potentially man made incidents. So we've been working on removing those trusses and getting them buried and reducing our risks on those for the last 10 to 15 years, and this is two of our more critical ones that are still remaining. All total we started with something like 20 of them, and so we are in the process of eliminating those as quickly as we can. As the commissioner said this is a 25% mwesb participation for subcontracting. And it's a negotiated contract process we did through the bureau of procurement services and through the normal rfp process, and I am available to answer any questions.

**Wheeler:** Any questions? Any public testimony on this item?

**Parsons:** No one signed up.

**Wheeler:** Very good, this is a non-emergency first reading of an ordinance and moves to second reading. Next item please.

**Item 550.**

**Wheeler:** Commissioner Fish.

**Fish:** Mayor we're joined by Teresa Elliot chief engineer of the water bureau and by contract she's eligible for bonus if she testifies on three or more items in any one day at council. As my colleagues may know the existing roof of the council creek potable water tank and upper tank walls are severely corroded and must be replaced immediately and Teresa Elliot is here to answer your questions.

**Elliot:** Teresa Elliot Chief engineer Portland water bureau for the record. So we're asking for the authorization to solicited a construction contract using the traditional low bid process. We will be using the city's pre-qualification list of certified contractors that are capable of doing the work and we will be going out for contract bid. Our estimated engineer's estimate for this is about \$550,000. I'm available to answer questions.

**Wheeler:** Questions, colleagues?

**Fritz:** Do you have any guesses as to when this project might be constructed?

**Elliot:** Yes, I do. We are hoping to put this out to bid next winter and start construction next April, April 2018 and be complete by February of 2019. Then we have been working with the parks bureau and pbot and the local residents for traffic impacts. That will be the primary impact.

**Fritz:** I did notice in my write up that park will be closed for five days

**Elliot:** Does that sound right Chris?

**\*\*\*\*:** We're hoping much less than five days.

**Fritz:** Just for folks to be aware in many of our parks in partnership with transportation and water bureau there are occasionally construction projects have to happen. I'm glad to hear

--

**Elliot:** It may be once we get closer to it we don't have to close the entire park down but that we just close off portions of it to make it safe.

**Fritz:** Thank you.

**Elliot:** We'll know that as we get closer.

May 24-25, 2017

**Wheeler:** How often do the roofs of these structures need to be replaced?

**Elliot:** That's a good we and I don't have the answer.

**Wheeler:** Rare occurrence?

**Elliot:** This is a 50-year-old tank and it's a metal tank. This is the first time it's been replaced.

**Wheeler:** Any public testimony on this item?

**Parsons:** No one signed up.

**Wheeler:** This is nonemergency first reading of an ordinance. It moves to second reading. Thanks for your testimony today. Next item, please.

**Item 551.**

**Wheeler:** Commissioner Fish.

**Fish:** Mayor I requested this matter be held over to 2:00 p.m. on Thursday.

**Wheeler:** Seeing no disagreement.

**Fish:** By agreement with your office.

**Wheeler:** We'll hold that over to 2:00 p.m. Thursday. Next item, please.

**Item 552.**

**Wheeler:** Is there any further council discussion or deliberation on this? Seeing none please call the roll.

**Fish:** Aye. **Saltzman:** **Eudaly:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. It's adopted. Next item, please.

**Item 553.**

**Wheeler:** This is also a second reading any further deliberations on the part of the council? Seeing none, please call the roll.

**Fish:** Aye. **Eudaly:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. The ordinance is adopted. Next item, please.

**Item 554.**

**Fish:** May I be heard before the vote?

**Wheeler:** Please.

**Fish:** I have received an inquiry and I want to clarify for the sake of my colleagues, yesterday each of you got a memo from the water bureau advising you that the Oregon health authority has revoked the variance that saved us cost of treating our water over the past five years effective in September of this year. In response to that we have scheduled a work session for June 27th for the purpose of updating council on the action taken by the Oregon health authority and we have directed the water bureau to come forward with all the various options that are before the council based on that action. That will include treatment options with updated cost estimates and potential rate impacts. But I want to be clear, mayor and colleagues, whatever the council decides ultimately is a council decision that decision will have no impact on rates for the period July 1, 2017 to June 30, 2018. I wanted to clarify that on the record.

**Wheeler:** Thank you for that clarification. It's an important one. Any further discussion? Second reading. Please call the roll.

**Fish:** I want to thank the water bureau, director Stuhr and his team and all the professionals who work with council every year in developing a budget and setting the rates. I want to thank all the folks in the community who provide oversight over the utilities including the Portland utility board and citizen's utility board of Oregon. I want to thank the folks who testified and my colleagues and their staff for scrubbing the proposal. This is the fourth year we have been able to lower the rate for water services below the forecast and I think over the last four years if you look at the trend line the combined rate increase has gone from 6% to 4%. As the mayor noted the combined rate is still above the rate of inflation, however, if you lived in a number of suburban communities you pay more for your

May 24-25, 2017

water. We deliver clean, safe, reliable water to almost 1 million people in the region. Our goal is to charge a fair price and provide good value and I think the rates this year reflect that. Aye.

**Eudaly:** Aye.

**Fritz:** Thank you, commissioner Fish, for your ongoing stewardship of the utilities. Aye.

**Wheeler:** I also want to thank commissioner Fish and the water bureau who have worked diligently. This is my first time as mayor to actually see how hard they work and how our utility oversight infrastructure works to keep utility rates as low as possible and I also want to thank commissioner Fish for his excellence stewardship on this. Aye. The ordinance is adopted. Next item, please. We're actually making you play catchup today. That's unusual.

**Item 555.**

**Wheeler:** Commissioner Fish.

**Fish:** A vote, mayor.

**Wheeler:** This is also a second reading any further council discussion? Please call the roll.

**Fish:** Mayor and colleagues I want to thank director mike Jordan and his team for all the work that they put into preparing the recommendations for council. Again, our oversight bodies, the public, my colleagues and their staff are scrubbing those recommendations and I want to acknowledge in the budget that you proposed that you have authorized the bureau to make some additional investments over the next ten years. Director Jordan has proposed a very compelling vision over the next ten years. To get as close to 100% sustainability in the condition of our assets as possible with the ultimate goal and it's an audacious goal of becoming the first utility of its kind in the country with a pay as you go system for maintaining its assets. We are different than other bureaus in that we have dedicated revenue through the rates. If pbot and parks had dedicated revenue, they would be in a different situation in terms of the condition of their assets. But we're close to 70% good or better condition of assets because of the generosity of our ratepayers and the director has laid out a vision for bes to get close to 100%. That's a worthy goal and I thank you for your support on that. Aye.

**Eudaly:** Aye.

**Fritz:** Commissioner Fish, I remember when these two votes were amongst the most controversial and both chambers would be stacked with people yelling at us for that reason. I very much appreciate what you're doing and also very much support having 100% maintenance ongoing. Aye.

**Wheeler:** Aye. The ordinance is adopted. Thank you, commissioner. Next item, please.

**Item 556.**

**Wheeler:** This is second reading. Any further council discussion? Hearing none please call the roll.

**Fish:** Aye. **Eudaly:** Aye.

**Fritz:** It's a recap after many years of being completely stable and not increasing it, this increase is less than 1%. So thanks very much, mayor, to your team and bureau of planning and sustainability for their work on this. Aye.

**Wheeler:** Aye. Codes amended. Next item.

**Item 557.**

**Wheeler:** Dan, commissioner Saltzman, had to leave but he asked if I would read his opening remarks so I would like to do that. I'm proud to bring forward this exciting new community grants program developed for new and creative projects that encourage transportation safety in our neighborhoods throughout the city. The Portland bureau of transportation will allocate \$100,000 to the competitive grant process. Irene Schwoeffermann, public involvement coordinator for the Portland bureau of transportation is, is here to talk more about the program and is available to answer questions. Thank you.

May 24-25, 2017

**Irene Schwoeffermann, Portland Bureau of transportation:** Thank you. Good morning. As introduced I am Irene Schwoeffermann I'm the public involvement coordinator for the Portland bureau of transportation. I'm excited to be here today to introduce and seek your support for the Portland in the streets community grant program. This grant program will distribute \$100,000 in grants up to \$20,000 each through a competitive process this summer. We have provided exhibit a, the grant handbook and application packet. I wanted to quickly go through some of the program goals and the purpose. So the goals of this program are to invest in small scale community-driven projects focused on transportation safety, equity, innovation and place making. To engage communities historically under-represented and under-served by pbot programming including but not limited to communities of color, immigrant and refugee communities, low income individuals and families, youth, People with disabilities, gay, lesbian, bi and transgender people. We seek to supplement pbot's existing priorities and capital projects to generate new and innovative ideas for pbot to consider in the long term and decrease policy and process barriers to idea implementation and lastly to strengthen collaboration between pbot and community partners by providing hands on technical support during the project implement process. The program priorities will include events in the streets, creative community infrastructure, innovative community engagement, expanding the urban trails network and small scale transportation safety projects. We see this as an extension and supplement to our livable streets strategy, vision zero and other priorities our bureau is currently implementing. We have included an application and other examples and sample budget amounts of the grants or projects that we seek to support but really what we're looking for is the community to bring us ideas that they have and we'll work with them to help see them to fruition. We are really seeing this as an opportunity to expand and strengthen public involvement with community members and we worked with members of budget and bureau advisory committee to develop what you see before you today. We have also consulted with other city bureaus who have current or previous grant programs including oni, bes, and Portland parks and recreation. What you'll see in here is that we have included a strong equity focus. Our team will focus on outreach in diverse communities. We'll host at least two community information sessions and provide staff and consultant technical assistance during implementation of the program. Our goal is to have all grantee projects implemented by 2018. We look forward to reporting back on all of the programs' success. So thank you in advance for your support.

**Wheeler:** Thank you, Irene. Commissioner Fritz.

**Fritz:** I note both the ordinance and the financial statement says it's coming into the next year's budget. What's the source of the \$100,000?

**Schwoeffermann:** We have someone from our budget team who can give the best answer.

**Wheeler:** Good morning.

**Ken Kinoshita, Portland Bureau of Transportation:** Good morning Ken Kinoshita, pbot finance manager. The source of revenue is our general transportation revenue.

**Fritz:** So basically gas tax?

**Kinoshita:** Gas tax and parking revenues.

**Fritz:** Thank you very much. I'll support it.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** What's the url for this grant so I can send people to it?

**Schwoeffermann:** It is a city url. We will announce it formally by the end of this week. We'll make sure your offices have that information.

**Eudaly:** Thank you. Can commissioners apply for a grant? [laughter]

**Wheeler:** Is there any public testimony?

May 24-25, 2017

**Fish:** Does the answer to that question determine your vote on this matter? [laughter]

**Parsons:** No one signed up.

**Wheeler:** This is nonemergency first reading. Move to second reading. Very exciting thank you Irene. Next item, please.

**Item 558.**

**Wheeler:** Any further discussion? Please call the roll.

**Fish:** Aye. **Eudaly:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. The rates fees and charges are adopted. Next item, please.

**Item 559.**

**Wheeler:** Any further council deliberations? This is second reading. Please call the roll.

**Fish:** Aye. **Eudaly:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. The ordinance is adopted. Just for people watching, we have already had deliberations. Staff testimony and public testimony and all of these items we're just calling the roll on for second reading. Next item, please.

**Item 560.**

**Wheeler:** Good morning, Elisabeth. State your name for the record, please.

**Elisabeth Nunes, Bureau of Human Resources:** Elisabeth Nunes. I'm classification compensation manager in the bureau of human resources. I have to say I'm really glad I didn't follow up on the children's presentation because I was very humbled. I am here to present to you an ordinance to approve fiscal year 2017 to 2018 cost of living adjustment to nonrepresented classifications and for elected officials. The amount is 2.2% this year. Just to know the cost distribution, for the fiscal year it's a total of \$3,816,000 with \$1.8 million coming out of the general fund and then the remaining 2 plus million from the nongeneral fund bureaus. Any questions?

**Eudaly:** I don't think there are, so this moves to second reading.

**Parsons:** There was no sign-up for testimony.

**Fritz:** I would note that my pay finally became more per hour than it was when I was working for ohsu. That's a significant milestone for me although I would have to say per hour I think I'm still making about minimum wage. Thank you very much.

**Nunes:** Congratulations.

**Eudaly:** Congratulations. Call the next item.

**Item 561.**

**Eudaly:** Second reading.

**Fish:** Aye. **Eudaly:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. Great report. [laughter] next item, please.

**Item 561-1**

**Wheeler:** I'm sorry, I have a question. 560 was a nonemergency first reading. Why are we voting on it?

**Fish:** We voted on 561.

**Wheeler:** Thank you. You're on 561-1.

**Parsons:** Correct.

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

**Lauren McGuire, Portland Parks and Recreation:** Good morning.

**Larry Pelett, Procurement Services:** Good morning.

**McGuire:** Thank you, mayor wheeler.

**Wheeler:** Can you do they a favor and pull the microphone closer and name for the record.

**McGuire:** Lauren McGuire, development program manager for Portland parks and recreation. With me is Travis Ruybal. Capital project manager 3 on the project who is working to bring this to fruition as well as Larry Platt from procurement and Andrew Aebi

May 24-25, 2017

our project manager 3. We're here to accept the bid and give you a brief presentation. We'll be accepting bids from Paul brothers for the spring garden park construction for \$3.1 million. We will also give you a brief overview of the project and then we'll be able to answer any questions that you have on the project. The rendering that you're looking at shows spring garden park, which is located between southwest spring garden to the north or top and southwest golf course to the south or the bottom. Spring garden park project's purpose is to further develop the existing park with a new playground splash pad in lieu towards the bottom left of the image. Also a picnic shelter and picnic area with contemplative garden at the bottom right of the image. We have ada-accessible connections winding through the park from southwest golf court to southwest spring garden. We have also got a meadow with hillside plantings that will provide habitat and we got a gathering area toward the top of the image by the daylighting facility and then lighting improvements. The primary goals of the park design or maintain and enhance the existing character of the park with its broad open areas as well as to provide recreational opportunities with facilities consistent with those of our other neighborhood parks including pedestrian connectivity in the neighborhood and to protect the natural resource area. In 2017 we completed 12 months of public engagement process that included four public meetings and five project advisory committee meetings. We received great feedback from everyone about the spring garden design. We also heard that there was a need for increased pedestrian access through the park which we have accommodated as part of the park deployment process we learned pbot would require street frontage improvements, so we have been working with Andrew on a local improvement district for those improvements. He will tell you a little bit about that the frontage improvements at the park include dedication of property of seven feet on spring garden and also on golf court and will allow construction of sidewalks, storm water facilities and street trees. So again to review we're here to accept the bid from Paul brother for spring garden and street improvements for \$3, the bids came in a little higher than anticipated from the engineer's estimate which was \$2.75 million. This construction bid cost is about 11% over what we had estimated. We think they are higher because of the current construction boom because of the time of year of the bid, because of the steep topography with our construction access difficulties, the high water table and the higher than normal pricing that we're seeing. We're working on value engineering, changing some of the materials and delete a few items to deliver a park for the funding appropriated. In closing thank you for allowing us to present on the spring garden park and at this time Larry will talk about the procurement followed by Andrew to talk about the local improvement district and Travis is here to answer questions.

**Pelatt:** Good morning. I'm Larry Pelatt from procurement services. You have before you the procurement report recommending a contract award to Paul brothers. The engineer's estimate on this project was \$2.75 million with a confidence level of moderate. On April 6, 2017 four bids were received and Paul brothers is the low bidder at \$3,100,659.32, which is 11.3% over the estimate. Portland recreation conduct a bid analysis and determined there were three primary factors contributing to the increased cost. Construction site, access issues, high labor demand in the local market and timing of the bid, which is the same time as many other public agencies and private companies are in the construction market. The city put forward and aspirational goal for dmwesb subcontractor and supplier utilization at 20% of the hard construction costs for the project. Paul brothers identified nine divisions of work for dmwesb certified firm participation with subcontracting participation at 28.36%. With work being performed in concrete, hydro seeding, masonry, metal fabrication, play surface installations, fencing, trucking, flagging and survey. Paul brothers is a certified emerging small business of combined prime and subcontractor

May 24-25, 2017

participation is 91.2%. Paul brothers could self-perform a significant portion of the subcontracted work but they have chosen to spread the wealth in support the city's programs and goals. Any questions?

**Andrew Aebi, Portland Bureau of Transportation:** I'm Andrew Aebi, I'm the city's lid administrator. When I first started working with parks they had a requirement as Lauren mentioned to build sidewalks along the frontage of spring garden parks. We didn't think it made sense to build an island of sidewalk that didn't connect to anything so we did some outreach to the community and we formed a local improvement district to build not only sidewalk improvements but also storm water improvements particularly on dolph court between the park and southwest 30<sup>th</sup> avenue so the multi-family apartment units would have pedestrian access both to the park to the west and also to transit and shopping to the east. In addition to that we're going to be doing some pavement restoration on southwest dolph court. Of the lid amount we formed an lid with \$725,000 in funding from parks and \$547,552 from private property owners for a total amount of \$1,272,000. Just to clarify the bid that came in, the street portion of the bid actually came in pretty favorable. We estimated lid formation a construction amount of \$583,000, and the street portion of the bid came in at \$640,000. But we actually had built in some betterments into the project such as additional pavement work so from pbots point of view we landed really close to the original budget for the street improvements. I really wanted to recognize my colleagues in pbots. They have done an exceptional job of designing this project in a difficult area with difficult storm water requirements and grade issues and have done a really good job of rising to the challenge. Then finally I just wanted to note that I received a written request yesterday from a property owner to the west of spring garden park on southwest spring garden street to join the lid, so I will be bringing an amendment to council on June 28 to expand the lid boundary and build additional 111 feet of street improvements on southwest spring garden street that will inch us ever closer to having east-west pedestrian connection to southwest capital highway where pbots will be doing a major project in the not too distant future. Look for that on June 28<sup>th</sup> with a reading on July 5<sup>th</sup>. Thank you.

**Wheeler:** Thank you. You're just here to answer questions?

**Travis Ruybal:** If you have any technical questions regarding the park development I'm Travis Ruybal capital project manager. I would be happy to answer any questions you may have.

**Wheeler:** I just have one question. It's not hypothetical, sort of a process question. We are now as you said competing with other public institutions that are looking for the same expertise. We're obviously competing with the private sector for contracting and labor. I'm certainly seeing this in the housing market where the cost of construction has been escalating rapidly. How do you weigh decisions about expediency against rising costs? In other words, is there a point at which the inflation in the construction market might dictate to us that we actually hold off on certain capital construction projects until a time when the cost of construction is more stable, or is it more important to be online quickly? How do you weigh those factors?

**Fritz:** I might take a shot at it. We have a lot of other projects in the pipeline, so it's not like we're doing everything now at the height of the market and that's one of the good things about having system development charges which is funding this particular project. We know there will be many others coming down the line. We have a certain amount of park staffing expertise and they are working at maximum, which we want them to, thank you very much. We know there will be work in a few years' time as well.

**Wheeler:** Very good.

**Pelatt:** I think if we could figure out when that time frame will be, mayor, we could all retire very, very early. But figuring out that timing is a significant issue. Projects get budgeted in

May 24-25, 2017

time planned. At some point you have to pull the trigger. Or you say no and you do you put it off and then what are the downsides and did you guess right.

**Fritz:** Process in parks if we leave it too long we have to go back and look at the plans for the park as well. Mayor haes used to say that when he took office in 2013 the only cranes in the sky were on public projects and you know obviously over the recession mayor Adams got the stimulus money from the federal government and the only projects being done were the public ones. I do recognize the wisdom of your question and also think the approach we're taking is the wise one.

**Wheeler:** Very good. I'm hearing a high level of confidence from the team as well on this and I appreciate that. Thank you. By the way, I guess it's not insignificant if the community has been highly engaged and very much looking forward to their new park. Looks great.

**McGuire:** Thank you.

**Wheeler:** Any further questions or conversations on this? Great. Any public testimony?

**Parsons:** No one signed up.

**Fritz:** I move the report.

**Eudaly:** Second.

**Ruybal:** If I may I had one matter to bring up. I was -- oh, okay. I'm seeing thumbs up from the council clerk. I had been informed about the matter of bid amounts being corrected. It was corrected.

**Wheeler:** No amendments required. [speaking simultaneously] commissioner Fritz moves, commissioner Eudaly second. Call the roll.

**Fish:** Nice report. Congratulations. Aye.

**Eudaly:** Aye.

**Fritz:** This is especially satisfying to me. I used to live on dolph court when we moved to Portland and commissioner francesconi bought this from Portland public schools. Who was one year where under mayor Katz the money was just given to the schools and then Jim Francesconi said, wait a minute, you've got lots of properties. Let's buy them so this one in Multnomah neighborhood associate is in the Kerr property, which is ten acres in west Portland park. Thank you very much you mentioned the neighborhood association thanks very much to the Multnomah neighborhood association. There was not unanimity on direction to go so thank you for public involvement, staff who worked through challenging issues. Thanks very much to friends of spring garden and the advisory committee on this particular project. Lauren in particular has worked extremely hard. As I found when trying to get new parks in southwest Portland by the time you get it done your children are almost in college. It does become a labor of love for the community rather than one that particularly benefits folks. I'm excited about this one it's just up the hill from the headwaters senior affordable housing complex that we developed a few years ago, within walking distance with the new sidewalks easy walking distance from barbur boulevard and when bus rapid transit or when light-rail comes on barbur I think this is going to be another project where we put the park in first and the density can be added because we've got the amenities some. I'm very excited about that you mentioned about capital highway as well its one of the few streets in the neighborhood association to have sidewalks and I know that you're working on that and Joan I appreciate all your work on it. Thanks to my parks staff to Kristine Nieves and Pooja Bhat and my chief of staff Tim Crail. Aye.

**Wheeler:** Thank you, commissioner, thanks to the parks bureau. Thank you for your hard work and congratulations to the community. I vote aye. The report is accepted. Thank you. Next item.

**Item 562.**

**Wheeler:** Come on up. Good morning.

\*\*\*\*\*: Good morning.



May 24-25, 2017

**Andrea Matthiessen, Portland Housing Bureau:** Mayor wheeler, good morning, commissioners, I'm Andrea Matthiessen with the Portland housing bureau. I had anticipated having Katrina Holland from the community alliance of tenants and John Mulvey, the co-chair of northeast Portland action plan next to me but this is a very efficient council agenda today so they may come in late or we may just miss them completely. Today you have in front of you the ordinance to approve the rental rehabilitation pilot program for east Portland and all of the related documents that go into rolling out that pilot program. The purpose of the pilot is to prevent displacement of vulnerable families living in east Portland rental units, and encourage property owners to address habitability concerns that may be impacting or exacerbating the health of those families and also to maintain affordable rents for those households in order to stabilize them. The program requirements for the program and you've got a copy of those current proposed program guidelines in your packet, but just to provide a summary overview of the ones that you have in detail. Unit eligibility for the program is required for privately owned rental properties so these are not publicly owned or nonprofit partner owned regulated units but privately owned housing stock located in east Portland and then occupied by tenants below 60% of an area median income. We have got some exceptions to that in order to accommodate households that might be living in a handful of individual units and properties up to 80% area median income. Eligible expenses would include addressing identified code violations, unidentified potential code violations as well as issues such as lead-based paint, asbestos, mold, things that we know can impact health of occupants as well as weatherization upgrades that might be needed. Financing requirements for property owners that are engaging in the program would include agreeing to regulate the rents for a period of ten years, affordable to households at 60% of ami, annual reporting to the Portland housing bureau with regard to the income of the tenant occupants and rents being charged, ongoing physical maintenance on the condition of the properties, and then the voluntary use of tenant protection requirements such as offering 12 month leases, adequate tenant notices, only termination of leases for cause and again you have that detail in your packet at this point. This is a pilot program for '17-18 that's being proposed so in an effort to move that forward expeditiously and learn as many lessons as we can through that pilot program implementation, we are going to work with a program administrator, inhabit is a nonprofit organization in town doing some of this work currently. They will help both tenants and property owners work through the requirements of the program. One of the things that we have heard from similar programs is that getting tenants to voluntarily provide income information in that certified way the program will require can be a barrier if there are language challenges and so having a community-based organization that can work with the tenants and the landlords can help address that issue. We are proposing to work closely with the Multnomah county weatherization program and the rationale for this proposal is that it will help to leverage resources in an attempt to enroll as many units as possible. It will also maximize our enforcement capabilities because they will have similar enforcement mechanisms in place, and it will also allow us to jointly use a skilled minority contractor pool as well. We also anticipate in addition to referrals from the Multnomah county weatherization program referrals from the code inspection team at the bureau of development services and also from community partners such as cat or other social service organizations in east Portland working with the tenants living in substandard housing. One of the things that we do know is that tenants are frequently reluctant to engage the code enforcement process for fear of retaliatory evictions, so if we can hear from those tenants about the properties that they are living in, the city and our program administrator inhabit can approach property owners proactively with a carrot as opposed to a stick in some cases. We anticipate 30 to 50 units will be assisted through this pilot in this

May 24-25, 2017

first round in '17-18 with the funding that's been budgeted. I see that John Mulvey has joined me. Invite him also to provide some words.

**Wheeler:** Very good.

**John Mulvey:** Hi. I heard you were a little ahead of schedule so I ran right over. I apologize. Thank you, Mr. Mayor, commissioners. My name is John Mulvey. I'm co-chair of the East Portland action plan housing subcommittee. I really appreciate the chance to come in and talk to you about this program. East Portland as you know is a lot of things. It's a beautiful, diverse and engaged community. It's also a place that's absorbed almost half of Portland population growth over the last decade. It's a place that is witnessing some of the city's highest rates of rent increases. It's a place that is home to a disproportionate share of Portlanders who are under 18. It's a place that has seen chronic under-investment in city housing dollars. That's not past tense I want you to be aware that's ongoing. It's also a place that has a disproportionate share of the city's substandard housing. Rental housing in particular. That's based on Portland housing bureau data and it's kind of remarkable. I know you're all long term Portlanders, so it probably doesn't surprise you to know that 20 years ago that wasn't true. East Portland was more or less typical for rest of the city. So it's been disinvestment in recent decades that's led to this problem. That's not necessarily city disinvestment although that's part of it. Private disinvestment has been part of it too. So just to understand, east Portlanders right now are some of the most vulnerable renters in the city. They are right in the crosshairs of the housing crisis that we have been seeing. And we know from past experience that some of the issues play out a little differently in east Portland than they do in some of the other areas of town. It's just historically got a different sort of flavor. It's developed differently. The community of people there is a little different. So epap's basic sort of functioning reality is that we're always coming to you folks and trying to persuade you about why our problems are unique and they don't necessarily fit with some of the solutions that are being dealt with city wide. So I want to take to you about how we got here. epap's housing subcommittee worked really closely with the housing bureau. We have excellent relationships with the staffers there. We have been working on anti-displacement issues for a number of years now. About two years ago we had a pretty remarkable gathering at the David Douglas high school cafeteria. We had more than 200 people who came in on a kind of a sweltering Saturday afternoon to talk about housing. Remarkably, we had more than 90% of the participants who -- whose first language was not English. And that's true. We were able to quantify that. We had something like I believe 10 different language translators on hand. I know you all as politicians have been to or hosted public forums that get hijacked a little bit. Maybe it's even happened in this room I'm not sure. This was an interesting event because I kind of came in and I felt a little like the joke was on me a little bit because I walked in there having prepared to give a sort of talk on things like inclusionary housing and no net loss housing policies. And really the group that showed up, they wanted to talk about what was happening to them. So our agenda sort of went out the window and turned into an opportunity for people who don't normally get to speak up to kind of share how housing was impacting them. One of the things that we heard loud and clear, especially among immigrant communities, was their fear of reporting code violations to the city or to anyone else. Oftentimes people are living in overcrowded conditions, and they don't really have a remedy for that. There's no other place they can move to that they can live in a more appropriate setting. So hearing from these people and the impassioned stories that they shared with us that afternoon has really driven a lot of what our housing committee has been working on in the two years since then. One of the things that we sat down immediately to get to work on was what could we do about the quality of the housing that is being rented in east Portland. As I said, we have a great relationship with the

May 24-25, 2017

housing bureau and Kurt Creager joined us for that meeting as well as others. We began working on a program where we could help landlords rehabilitate these rental units if there's a unit that has a leaky roof or a mold problem or cracked foundation, we would help finance them to bring that up to speed and in return we would insist on guarantees of affordability. This program isn't going to solve the problem but I think we all realize that we need a whole menu of solutions to solve the problem. So I think I'll leave it there and let Andrea get into the details of the program if she hasn't already, which she may have. But I just wanted to let you know this is something that we have been collaborating with the housing bureau for the last two years as a specific remedy to a particular problem that's in east Portland. We hope that you will see fit to support it.

**Wheeler:** Thank you very much. That was a very helpful, historical and contextual perspective. Thank you.

**Eudaly:** Thank you for the presentation. I'm generally supportive of the rental rehabilitation pilot project. I have a few questions and concerns. Number one, we know that hundreds and possibly thousands of low income renters in Portland are living in substandard conditions. So anything we can do to improve their situation is great. I'm a little bit reticent about the fact that we'll be spending our public dollars and benefiting private landlords. I'm glad to see there are some pretty aggressive financing requirements. I just want to be clear, if they do violate the agreement, it says that we'll impose penalties and record a lien against the property. Is that equal to our investment or maybe prorated amount depending on what we got out of the deal? How will that work?

**Matthiessen:** Thank you for that question, commissioner Eudaly. I think that's a great question. At this point in time we have modeled our enforcement mechanisms off the Multnomah county weatherization program so we can maximize our compliance efforts. If the city does not receive the full 10-year benefit of the regulated units at any point in time we would require the property owner to pay back the full amount of the investment. We are not anticipating prorating of repayment amount. I do believe there is the appetite to consider penalties so that this is not just an interest-free loan. We're balancing that against our desire to also maximize property owner participation in the program, so that would be one consideration in terms of contemplating additional penalties for noncompliance.

**Eudaly:** Great. Do you anticipate that in general we would be getting -- what we're getting back is a tenant living in safer conditions who is not going to be cost burdened or displaced. I don't know how you place a value on that. But will we roughly get back what we're putting in over this period of ten years as far as the rental -- kind of semi-permanent rental reductions? Does that make sense? If we spend \$50,000 to rehab a unit, is there dollar amount you're thinking we're going to get benefit?

**Matthiessen:** I did some back of napkin math in anticipation of the question along these lines. So if you look at the current proposed per unit investment cap it's \$25,000 per unit. If you look at that as a per-unit, per-month subsidy, it would be approximately \$200 per month. So that would be the comparable amount of rent assistance for example that would need to be invested to achieve those rents.

**Eudaly:** My last question, I'm a little concerned about the potential for displacing tenants who are in these improved units who rise above 60% mfi. Right now rents are market rate rents are affordable to people earning 120% and above. 60% is a fairly low threshold, and if there's a reduction in-house hold size or raise or change in jobs that bumps people up above 60% but still not to a level where they can afford market rate housing, I'm worried about the consequences of that. So how would we deal with that?

**Matthiessen:** These program guidelines as John mentioned were put into place for your consideration primarily through that anti-displacement lens first and foremost. So what's on the table, I believe it's included in the current program guidelines, is that incomes are

May 24-25, 2017

allowed to rise in place. This is an anti-displacement program. So people would not be impacted necessarily by rising incomes in that way.

**Eudaly:** Okay. They have to provide proof of income every year, so I'm assuming there's some trigger. I just wanted to know if there was going to be flexibility or special considerations in an event like I have described.

**Matthiessen:** In terms of a reduction in family size or --

**Fritz:** Can I maybe take it in a different way. Are you saying that if it starts off that the property qualifies because the tenant is below 60% as long as it's the same tenant who's now making 80% or 100% they would not be displaced?

**Eudaly:** It's not what I'm asking but it's a potential answer.

**Matthiessen:** A collective response would be that we are requiring annual income information so that we can tell if occupants have changed. A program would require initial incomes to be below 60% of ami. Existing tenants who would remain there hopefully for the full ten years and longer would not be penalized for their incomes rising in place. I think in fairness to the property owners what we would need to consider would be how those rents would be allowed if they were supported to be increased as tenant incomes increased.

**Fish:** Andrea thanks for your excellent presentation. I want to drill down on some of the other details. So why did we settle on a ten-year period for the regulatory agreement?

**Matthiessen:** It seemed to equate with the level of investment in terms of \$25,000 per unit. The original request for budget for this program actually proposed a lower cost per unit, perhaps \$15,000. I actually can't recall. But in conversations with industry professionals they all voiced the same opinion that the cost per unit needed to be higher in order to adequately address conditions, structural, roofs, what not, particularly in larger multi-family properties. As we moved closer to the \$25,000 per unit, 10-year affordability period seemed to be reasonable for the property owners. Which is why you have the code change proposed in front of you for this program only. The reduction from six years to ten years for these resources.

**Fish:** Thank you. Second question, you built in some tenant protections but it says specifically that rents may not be increased during the first 12 months but there doesn't seem to be any protection against future rent increases. So what are the protections from future rent increases beyond year one?

**Matthiessen:** So beyond year one what we would be looking at is an expectation for the rents to remain affordable which would be 30% of a household's income for a family, an individual household at 60% ami or below. I don't have those rents in front of me at my fingertips. I can get them if you would like.

**Fish:** I don't quite understand how we're going to administer that. If it was a section 8 voucher, then there is a subsidy that the government provides to cover the difference. But every tenant would be different and unique, and I don't also want us to create a perverse incentive to have a landlord displace someone to get a better tenant that allows them to get a higher rent. Kurt, we may want to take a look at that both in terms of does it meet our goal and is it administratively enforceable. I don't want an undue burden on Andrea and her team. The eligible expenditures include energy efficiency. But it doesn't create a hierarchy of investment requirements. I'm all for energy efficiency but the first priority should be bringing a unit up to code, getting rid of the mold in the bathroom, making sure there's a working kitchen, getting the lead paint out of the family room. As currently structured it doesn't appear there's a hierarchy. Could we create a hierarchy or did you just choose not to do that?

**Matthiessen:** We absolutely should have and will create a hierarchy. As we have been working with inhabit we talked about properties who have identified code violations those

May 24-25, 2017

need to be addressed first. For those with potential code violations clearly those will be addressed. What they will be using to assess in terms of property conditioned to determine those repair needs is actually a bureau of development services title 29 checklist so they will be going through that as a tool to ensure compliance with code requirements around habitability.

**Fish:** On that point the guidelines state assisted properties may be subject to annual housing maintenance inspections. I wonder whether we shouldn't make that mandatory at least in the first year or two. My hope and expectation is for \$25,000 and a regulatory agreement we're able to ensure that the unit comes up to code. From an optics point of view, it would look terrible for the city to put \$25,000 into a unit that is not habitable.

**Mulvey:** Can I speak to that? This is something that we have talked about in a fair amount of detail. Actually I think it goes to commissioner Eudaly's point about reticence at lending money to let's say bad landlords. We looked really closely at that question and I think the thing that persuaded me was first of all I don't think bad landlords are going to participate in a program like this. We in addition to all of our low income renter members at EPAP, we have a lot of small scale landlords too.

**Eudaly:** I did not say bad landlords. I said private property owners.

**Mulvey:** Okay. Well, fair enough. We had some of the same concerns. The thing is that this program I think will help bring those rental units into compliance. We don't have an accurate picture of the amount of real code violations that are taking place out there. Personally, I would love to see the city take a more active role. I think this project is one piece of identifying the code violations that we know are there but aren't reported.

**Fish:** I appreciate that. I'm looking at this, I'm agnostic as to who the owner is, just looking at through the lens of the family living in the unit. If we're investing \$25,000 I think, we ought to make sure that there's a full inspection at the front end to determine extent of code violations. The money should be tailored to address them and there should be a minimum threshold of habitability that justifies our investment. Otherwise we're in the situation of investing in properties where people still are living in substandard conditions and my guess is once we put the money in we're almost on the hook for making sure the units are habitable so I flag that as an issue. The proposal before us contemplates that either the director or the commissioner in charge effectively can make all the decisions about where to invest because the threshold is up to a half million, the director up to a million, the commissioner above a million it would come to council but we're talking about initial investment of less than \$1 million. I'm comfortable with that as long as the council gets an annual report. Are you contemplating an annual report to council?

**Matthiessen:** I believe that we are anticipate ago report back to council as soon as these funds are committed so that you can have a sense of how this pilot program achieved its outcomes so that you can make future funding considerations.

**Fish:** We have been spoiled by the housing bureau in that annually or more regularly than that you come before us on all the regulated units and tell us whether people are no longer eligible to be on the program and you kick them off. That's tax abatements and other things. This may have the same flavor because there's a whole bunch of triggers about unapproved sale, unapproved transfer, other changes that the bureau does not agree to, which then has a triggers a call-back provision where you recapture the money. If we're going to have such deference to administrative decision making I think, we need robust reporting back to council at the end of the year. Let me just summarize my concerns. I agree with commissioner Eudaly. We want to make sure existing tenants don't perversely get displaced because their incomes go up. The incumbent tenants stay there for the 10-year period even if their incomes grow. I want to make sure we're not creating a perverse incentive to displace someone and bring in a different tenant in order to give the landlord

May 24-25, 2017

the opportunity to charge higher rents and that it seems to me is a function of who is a tenant based on the way your calculating this. I respectfully think that from a regulatory point of view we don't have the tools to really enforce that. I think we ought to think long and hard whether we want to act like a section 8 voucher administrator without the resources. The third is I think it's important that we create a hierarchy of uses and again for this particular program energy efficiency would not be my highest priority, habitability would be, energy efficiency is icing on the cake. Then I would encourage the director and the commissioner in charge since they are delegated authority to award the monies, that you think about if not a competitive process, what are the requirements so we make sure we get the very best projects and the best return on public investment. At the end of the day this pilot is going to tell us whether this works for 30 to 50 households, very light touch. It actually may turn out that other tools we have give us a better bang for the buck. We can compare that and I'm open to that conversation because \$25,000 a unit versus the bond money purchasing a property for the long term or a tax abatement that might accomplish a similar goal, we'll find out whether this is the most efficient use of scarce resources but I think it's very important that we reward landlords that as part of this are bringing their units up to habitability and it's not just half measure.

**Wheeler:** Thank you. Commissioner Fritz.

**Fritz:** Thank you mayor, just on the numbers again Goldann Salazar on my staff pointed out in the financials in the 16-17 budget there's \$470,000. You haven't spent any of that yet?

**Matthiessen:** That is correct. We are looking at this pilot to utilize '17-18 budget resources.

**Fritz:** You have \$470,000 in the '16-17 budget. None of has that has gone out the door yet?

**Matthiessen:** That's correct.

**Fritz:** The budget for the next fiscal year is \$1,400,000, about.

**Matthiessen:** So there was a discrepancy in the impact statement that was submitted prior to the adopted budget, so at this point in time in the '17-18 adopted budget that impact statement should read \$578,000 in general fund is available for this pilot program. The impact statement was submitted to the mayor's office back in -- before the adopted budget.

**Fritz:** So we're not funding this program at 1.4 --

**Wheeler:** I honestly don't remember. Maybe we can get that information to you.

**Fritz:** It's nonemergency.

**Kurt Creager, Director, Portland Housing Bureau:** We'll have to check back.

**Fritz:** Since its not an emergency we can get that information next week. Also, there's the issue of the area median income. Is this specific to the area? When we were looking at gateway and median income market rate is about 80% mfi of somewhere else. Is it specific to the area?

**Matthiessen:** No, unfortunately it's the hud ami. The documents in your packets have the 2016 numbers which are in the process of being updated for 2017 but it is not specific to east Portland.

**Fritz:** So if we're trying to get something more specific to east Portland maybe that's not the right number?

**Mulvey:** I agree with that concern. Absolutely. We have seen other programs like for instance inclusionary housing which really only benefits people at some cases 60 and most cases 80% as something that really has little value in preventing displacement in east Portland because as you say, where the rents are. When I raised that concern with Matthew Tschabold here when I asked Tim he said, well, when the rents increase in Portland then it will start to have a greater impact, which is a very frustrating answer. It's

May 24-25, 2017

correct, but it's a frustrating answer because I would hate to see rents reach that point before we start seeing -- so if you're wondering whether I would support a lower mfi, I certainly would.

**Fritz:** Since this has been characterized as a pilot project, it might be something to think about that we actually make. In a specific area to see can we help the area most plagued by rental units that are not up to code, rather than making it city-wide where the benefit's are going to be making more in St. John's than in east Portland something to think about mayor.

**Wheeler:** Good. I think these are all extremely helpful revisions. Director Creager is here diligently taking notes.

**Fritz:** If I might just finish -- to the issue of how do you prioritize I would be concerned that the first in asking for money with their hands out would be the people already connected and what kind of an outreach program are we going to do so the kinds of folks who are at your community meeting know that they can get their landlord, who also might not speak English as a first language, to come in. Again, as a pilot let's see how we can target it the way we have done for instance on interstate area numbers.

**Matthiessen:** We are absolutely considering how within a relatively short pilot program timeline we can both demonstrate outcomes and have a robust enrollment process to identify properties where the most vulnerable tenants might be housed.

**Eudaly:** I just wanted to piggyback on what commissioner Fish raised earlier. I also have a concern about the annual rent increases. I think we need to look hard both at the qualifying income in consideration of lower incomes and lower rents in east Portland and what we tie that annual rent increase to. I think tying it to the actual tenant could be problematic. I'd suggest looking at honestly -- one of the reasons is we know we have extremely low income renters paying 60, 70, 80% of their incomes so they are already well beyond that 30%. In that ten-year period, they may never catch up because a social security check is less than \$12,000 a year. I'm wondering if we should be looking at a lower mfi in consideration of the area and then tying the annual rent increases to 30% of that mfi instead of basing it on tenant income.

**Matthiessen:** Thank you.

**Wheeler:** Very good.

**Mulvey:** If I can speak to that, mayor, remember these are privately owned units. So you won't find anyone who is more concerned with low income renters than I am. But you also have to recognize that this is a voluntary program. If we're requiring, say, 30% mfi rent, are we going to get anyone who is interested on that, those terms.

**Eudaly:** As commissioner Fritz I think mentioned maybe we could prioritize. Maybe we could find the most vulnerable, lowest income, lowest rent, worst condition and start from there. If we're doing this in a neighborhood where rents are 80% of mfi, and our threshold is 60, I mean, I would have qualified for that last year. I know that I'm not anywhere near or I wasn't anywhere near to being among the most burdened and vulnerable renter. So yeah.

**Mulvey:** I know you. I don't think you would tolerate a moldy bathroom or leaky roof either. [laughter]

**Eudaly:** John, I have lived in substandard housing for a decade in very dangerous conditions in fear of retaliation from my landlord. Thankfully I no longer have to worry about that, but as feisty and informed as I am, it was really bad. Yeah.

**Wheeler:** Any further questions? Any public testimony?

**Parsons:** No one signed up.

**Wheeler:** All right. Director Creager, it appears obvious there needs to be further answering of questions and refinements before this proposal's brought back for second

May 24-25, 2017

reading. Thanks for bringing it this far. Thanks for your hard work. This is a nonemergency first reading. It moves to second reading. There being no further business we're adjourned until 2:00 p.m.

**At 12:12 p.m. council recessed.**



May 24-25, 2017  
**Closed Caption File of Portland City Council Meeting**

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: \*\*\*\*\* means unidentified speaker.

**May 24, 2017                      2:00 PM**

**Wheeler:** Good afternoon. This is the afternoon session of the Portland city council, May 24, 2017. Please call the roll.

**[roll call taken]**

**Wheeler:** Today's council session we're not taking a vote; we are not deliberating on anything. Today's presentation is sponsored by commissioners Fritz and Eudaly at the request of the family of quanice Hayes. Commissioner Fritz.

**Fritz:** Thank you, mayor. Earlier this year, Teressa raiford brought donna Hayes and others to my office requesting an opportunity on the record in council chambers to honor the life of quanice Hayes during a scheduled meeting. As many may know, the other community members have been testifying on a lot of other items unrelated because it's a desire to talk about this issue. I want to thank Goldann Salazar my office for working with the Hayes family and my colleagues on the council including commissioner Eudaly, who's cosponsoring this event, to do this unusual presentation. The rules of the meeting are different. We have allowed larger photographs to be brought in for example, Mrs. Hayes is going to lead the presentation. The people that she has invited to speak will be able to speak here. This is scheduled for two hours. Our job on the council and others in the audience who are not invited to be part of the testimony and presentation are just to be active listeners to be sure we hear what the family is saying. Commissioner Eudaly.

**Eudaly:** First I would like to mention if anyone feels like they need to take a break, have a quiet space or if you brought children that needs a break, my office is open and the conference room has some snacks for everyone. As commissioner Fritz has already mentioned, we're here today at the request of donna Hayes to honor the life of her grandson quanice Hayes, fatally shot this year. The shooting is the subject of an ongoing investigation. We cannot as council comment on specific circumstances but I would like to take this opportunity to extend our condolences to the friends and family of quanice Hayes. As the mother of a teenage son, my heart has broken 100 times for the Hayes family imagining their pain and loss. My extended family experienced a similar loss three years ago so I know all too well the devastating ongoing impact that such a traumatic event has. As a city, community and council, we must commit to creating police policies and procedures that improve community interactions, repair relations, especially with communities of color, and provide accountability and transparency in order to create a safer community for all of us. I want to thank the family of quanice hayes for the strength and bravery that they have demonstrated by bringing this matter to council and helping to continue this vitally important dialogue during what is an incredibly challenging time for them. I would now like to welcome donna Hayes to the table. Thank you for being here.

**Donna Hayes:** Good afternoon.

**Wheeler:** Good afternoon.

**Fritz:** Good afternoon.

**Hayes:** My name is donna Hayes. Greetings, mayor wheeler and commissioners. Thank you for the time you are giving me as a grieving grandmother who had to aid in burying her grandson. I want to first say to you, my mayor and police commissioner, that I voted for

May 24-25, 2017

you. I don't give up my vote easily. With the investigation, reasoning and prayer, I chose you. I saw a man with a heart full of compassion with a drive unmatched. I knew when I voted for you that you stood for ban the box. You promised to build a better government and accountability. The basic rights Oregon endorsed you because you care. Now, let me tell you a little about me. I am from Chicago. I left Chicago because I felt it was becoming an open season on children. I came to Portland in 1998 with two young sons. In 1999 I had my youngest daughter and encouraged my oldest daughter, who was pregnant with her first born. Slowly over time all my children, my mother, my sister, and brother, and their children, came too from my urging and description of this beautiful city. This was a place where people stopped their cars and flagged you across. You could learn someone's life story at the bus stop. Over time I learned something else. This state didn't want me here. In 1859, Oregon became a state with a black exclusion law written into its constitution. Another example is how Oregon refused to sign the 14th amendment and they didn't want me to vote. I couldn't marry someone who looked like you. I looked past these things even after reading an article by Atlantic calling Portland the whitest city in America. Despite Oregon working to make this a white utopia, I stayed and encouraged my family to stay. I left Chicago for peace. Here I thought I had it. On February 9, 2017, the city of Portland declared war on my family and the first casualty was Quanice Hayes my 17-year-old grandson. I plan to fight this war. Yes, we hear from black movements like we were here that was testing the water. For example, my son, a professional, headed to a sports bar to watch his favorite team. He was pulled over and forced to explain his coming and going. Has that ever happened to you? Commissioners, this one I like. My son and I were walking down southeast Ankeny from 122nd to 117th. This is a stretch of road with no sidewalks. A police car pulled beside us. An officer directed his rough statement to my son, even though we were walking together. He said, get on the sidewalk. My son pointed out the obvious, there's no sidewalks. He then just skirted away, just this is just two. There is a lot more of them my family, friends and extended family have having black moments here in Portland. Getting back to the war on that fateful day in February, two people were shot in this utopia. One black, one white. Guess who lived. This year, to date, there were four police shootings. Two lived. A white man and a dog. Two died. They were black. This makes me feel like my grandson was less than a vicious dog. I read the mission value and goals for the police department and I wasn't sure if I should laugh or cry or both. Their mission is to preserve life. Whose? Whom? Mr. Perkins or Quanice Hayes? The value that they are supposed to have is nonexistent. Where is the integrity when one commits a crime and the other in blue stands on their life? Where is the compassion when a 65-year-old is slammed to the ground or a group in a stairwell pepper sprayed? Where is the accountability when every grand jury hearing for a prove that officers get this or never find an error in a cop. Where is the respect when the police tell the press before the family? So they call and learn about their loved one just like the public. Where is the excellence when a police beat up kids and feel justified for it? My other grandson at age 15 suffered this act. Where is the service when on the same day a white is wounded and a black child is killed, this is the police bureau's written values? In the directive for Portland's police goals and policy section it says our police is guided by the principle that the individual has dignity and worth. I had to stop writing because this statement broke my heart. My grandson on his knees shot in the head. He had no dignity. No worth. The dog that was shot by the police had more worth. The police show our family worth by dragging my grandson's name through the mud. It made me think according to the police contract about embarrassing a police officer what makes them better than moose? I want you to know you hear moose often that's what we call my grandson. Did you know the birth of American police came from the institution of slavery? Slave patrols, night watch, later became modern day police

May 24-25, 2017

department. If you want more details, google it. You'll be surprised. I'm going to stay on track. I know this is a war. I will not fight like militarized police force but as a citizen with a voice. The city, county, state, country will hear not only for my people but for all the silent voices. For brown people. Homeless. For our mentally ill. Again, for those silenced, unable to speak from the grave. I will be the strong voice in this. Again, my name is donna Hayes. Remember it. You will hear it again. Know this is a revolutionary war. Just like the one fought by this country against the British, but this one will be against our government, who stands by at least these -- and let's these atrocities stand with a blind eye. Did you know the people protested their harsh treatment and they were arrested like you're doing now? Just like schaeffer was arrested, for standing with my family over the murder of my grandson quanice. I hope this is not your way of silencing this revolution for this is not going to happen. You arrest one, two takes their place. If you have not noticed the growth of these organizations, look. Don't shoot Portland, black lives matter. The black panthers. And many grass roots organizations that are popping up in this city you manage. These are organizations that are fought by citizens of Portland. If you watch closely, you will notice that the color lines are blurred. Where once this city stood divided and looked at them, now joining together to fight a common enemy, your city military, the police. Mayor wheeler, I don't envy your job. I believe you knew ex-mayor haes set you up, you took the job anyway. You became a mayor of a broken city with dirty little secrets. When these people protest at your home your first reaction was to remove them. I'm sorry, but just like the president of the country, you have a 24-hour seven days a week job. Even on your vacation if a problem arise you gotta come back. We often hear police accountability. I say before accountability we need to demilitarize them first. Soldiers and police shouldn't look the same. They should be different. Our cities are using federal dollars to build small armies as our police force. This brings us the idea war on drugs. For all who don't know, that was the farce Nixon created to keep the irritated off his agenda. Hippies and weed. Black and heroin. This is to curb the civil rights movement. You know there can be no accountability if we don't know what happened. I personally cannot live with myself if I knew it was wrong and do nothing about it. No he or she didn't do it but he or she didn't tell. I laugh and think about all the detective programs they have out. They want you to talk. But they don't give up this concept. Where is the accountability in that? Police accountability can they be held accountable when they are protected from above? I am not talking about the union because it is their job to protect the police. I'm talking about the d.a. And judges. Here is where an example. D.a. Rod Underhill was responsible for indicting Andrew Hearst 2013 for the murder of Mr. Hatch. It those men 12 minutes from arriving to end the man's life that was having a mental health crisis. Because of lack of indictment Hearst was free to murder my grandson. Now with no hope of indictment because Portland's working on not indicting police, Hearst is free to kill again. It took him four years to kill quanice. I wonder whose family member he will take out next. I wonder maybe that our d.a. Doesn't have enough evidence to set before a grand jury. Most jobs require drug test after an injury our police are not required to take one after a shooting. How about this? They have 48 hours to get their lie in order before they have to make a statement. This is a real good one, the victim is put on trial. And being dead, they can't defend themselves. They make the victim at fault. The judge and the grand jury then accept this as you deserve it. The few transcripts I could get showed me the same thing, victim guilty. Cop innocent. I have read quite a few. I mean not just here in this state but across the country. I have been reading. When problems arise with your military in blue you need to be on the scene. I watch you on the scene of your fourth shooting. Commissioner, you should have about been on the scene when your military in blue shot the dog. My grandson that morning and Mr. Perkins that evening. They are your responsibilities too, sir. The cities

May 24-25, 2017

have a messy way of handling our rights. The police should be demilitarized for they are not an army. When Hearst first arrived he went for an assault rifle. On the day of my grandson's burial we came downtown and was met for our efforts by an army. They had teargas. We had children. I had a seven month old. My daughter had her 11-year-old at her side. A child was pushed over by your army. Oh, god, have I heard stories. One with your citizens racing down a stairwell followed by pepper spray and people being trampled. That is frightening. These are people that your job mandates that you take care of, protect, see to their well-being. It's said they are bullied, tortured and killed by the ones we thought we need. My 74-year-old mother had to bury her great grandson also, and was forced to watch an illegal arrest of a man who just was keeping her safe. He stood in front of her and the police pushed him off the sidewalk and arrested him. The image on the news of police wearing helmets toting assault rifles and riot in armored vehicles. Why is the police department like an army? When we protest against harsh treatment of police dressed like an army, they shouldn't look or dress like an army. Don't we have the national guard for military use? Why do our police look like they are going to war when they are about to engage the citizens? They have sworn to protect. We are not the enemy. Not until they kill one of us. Then they become our enemies as they become my enemy. They make enemies by stomping, dragging, beating, pepper spraying and murdering our families. We do have a tank or armored vehicle for what. Why do we have an armored vehicle? From my perspective they protect from their mind. For real, land mines? Where in Portland are there land mines? If there are land mines, would you inform the citizens where they are? So we can be protected. We won't go that way. Assault weapons, now we are back to war again. Are there cartels in Portland? Do we really need assault weapons, armored vehicles here? Did I really misjudge this place being clean, green and friendly? I'm here seeking answers. You all just explained Quanice's death away. I read 509-page grand jury transcript. No one was seeking the truth the way things was looked. It was the way to justify Hearst murder of Quanice. The just fix didn't just end there. Another officer stated she told Quanice about having a b-b gun that looked real and she didn't bother to tell his mother. That day she talked to his mother. I don't understand why she didn't tell her. The officer had a perfect opportunity when she talked to his mother or was this to cover your own butt after the fact or just to give them the benefit of the doubt? They were waiting on an opportunity to use him as target practice so let's keep this knowledge to ourselves. Quanice gave the police a fictitious name. This was not the sign of a suicidal teen. For him to bring a fake gun to an assault rifle fight, this is suicidal. No, if you believe the transcript, he came with a false name and a good pair of running shoes and opportunity to get away. I wish you all would stop covering up for this murder. Let's use some common sense. Quanice was not suffering from a mental crisis. He didn't bring a play gun to a shoot-out. He didn't deserve to die. In several cases moose ran from the police. For him to pull out a play gun seconds before he died, he had to be suicidal. Please, Hearst shot my grand son because he shouldn't be a cop. Why do police have to have a different standard of guilt than a citizen? If I shot one of my -- if I shot someone, my grand jury hearing would not contain me or my lawyer. But when it is the police, they can come, in fact they are thanked for coming. Their lawyers, the union is present. Two different standards. God forbid you embarrass one of the union the union is down your throat. But you can take my grandson and drag him through the mud, calling a kid a grown man, a drug addict. Hearst is a grown man and maybe a drug addict. We don't know because no one checked. Why wasn't he checked? Quanice was. What makes Hearst so special after two shootings no one checked to see if drugs was present in his system. With the police cover up how do we know what happened during random drug testing? That's what they tell me they do random drug testing. They don't tell the truth. This is something that should be done by a community

May 24-25, 2017

organization, some group like cop watch. Now, that is an accountability. Okay? I'm here looking for your heart. For help. Not the ceo of Portland, city of Portland, not the legal side, but the protector of the city. Not just the police commissioner but the head of the city. I mentioned this once. I wouldn't want to be in your place. I wouldn't want to walk into an office left by hale, a man who didn't care how he left the city or the people of the city. If he cared, that unpopular police contract wouldn't exist. God only knows the horrors he left you. Stepping into an office and less than a month later two officer involved shootings. No, I wouldn't want your job. You chose this job because our governor was scared you would run against her. Since you have this job, voted in by the citizens of Portland, you have a duty to us. Your job should go to the kids on his knees, the visitor with the afro terrorized by your police, the homeless, the people being beat up, stamped to the ground, arrested for protesting. My personal favorite, want to be shot by a cop. These are your responsibility to the deceased and hurt by your police bureau. You are the head of the police force. By being mayor and commissioner remove the bad sit them behind desks. Stop giving them life and death choices. Giving them life and death to who are capable. Give the life and death choices to people who are capable of this. Respect life. I believe Andrew Hearst, a free murderer, is a danger to the city. Andrew Hearst was not invited to the team or even sent. On page 486 of that grand jury transcript, "we saw the team of officers on the south side of the road. Instead of being sent he just showed up and came prepared with a lethal weapon. He stated his role and responsibility was the lethal role. No, it was not. He just showed up. Nowhere in the transcript was he asked to assume that role. Again, he just showed up. Now as we responsible people allow Andrew Hearst to carry an assault rifle again when he was in the situation four years ago. The man grew up in one of the most racist states in America, Idaho. This place is known for harboring a neo-Nazi compound this. This place also experienced religious bigotry. Did anyone check his credentials? Do you have a plan set in place to check for bigotry or is this a plus in this whitetopia? He stated he went to a bible college. Isn't he in the wrong field? For real he says he went through a lot of training, again, for real? Mike marshman can get signed off, why can't Andrew? This person said he went through ecit. This is enhanced crisis intervention. It involves mental illness or behavior help. My grandson had to be expressing mental health issues in order to, by the transcript, pull a play gun and go up against an assault rifle. This person was a part of the neighborhood response team. Their job according to him was to help the neighborhood with chronic nuisance issues and livability concerns. I guess my grandson was on that concern. Another thing that stands out in his training for his assault rifle, four years ago he carried an ar-15, shot five times and missed. Mr. Hatch was a moving target and he didn't account for moving target. Now the training division requested more training. I guess it's training paid off. Because according to him quanice was a moving target reaching for a gun. I ask that police officer was this an ar-15 he was carrying? He walked away as if I wasn't talking to him. Just walked away. I was invisible to him. Keep in mind the building he was walking out of, the name was community policing. Am I not part of the community? Did not my question deserve an answer? Because it seemed he would rather shoot me than answer my question. This is the way he made me feel. I find it so hard to believe quanice was reaching for anything in his waistband or pockets. We are a black family. We have talks about what to do if you're stopped by a police. My four-year-old grandson over there can tell you what to do if he is stopped by a police. Here's another history lesson for your benefit. Martin Luther king was assassinated. All over the country cities were set on fire. Don't let this happen to this city. Know this is war. It's only a matter of time before your citizens say enough is enough. Truly, your tourism and the people moving here will stop. Really I left Chicago because it was a messy city. This us is a messy city too but everything right now is kept as a dirty little secret. How

May 24-25, 2017

long will you be able to keep the dirty -- the secret of police killing citizens. Also hindering their rights. Hear our voices. Make change. Let the city take the necessary steps to be really beautiful. What is the independent review board? From what I read and my visit there they are a waste of city resources. They like power. They make recommendations and is ignored. For example, they recommended the 48-hour rule and state in the beginning who is in charge? Truly if someone was in charge they would have stopped Hearst from being a lethal weapon. Not once did I read was somebody in charge. Nobody told him to give the lethal weapon. And the 48-hour rule like I say gave him an opportunity to get his lie correct. The compliance officer and the city liaison report for the third and fourth quarter of 2016 stated that use of force was in partial compliance which states the city police force need additional work. My grandson's murder is an example of how much work is needed. For all who don't understand this report, it is the required resolution from the federal government stepping in when Hearst and his two fraternity brothers in blue decided to shot Mr. Hatch while aiming at a telephone receiver at them. It also speaks of training about the use of force again. Partial compliance. Who would have guessed. And again this raises questions about the independent review board suggestion. I watched Portland for the 19 years I have been here, and I have not seen it rectify its mistakes. One of your first acts was to make initial assignments of city departments known as bureaus. The five commissioners of which you assigned yourself the Portland police bureau. As police commissioner, what will you do about our family aftermath? Right after quanice' murder I found a close knit family fought and argue over what steps to take next because we just didn't know what to do. We should have came together but we drew apart, where we should have stood together we walked away. The city took a loving, proud family and buried them with quanice. We talk to him with tears. We have to repeat to the four-year-old and three-year-old that their hero is not coming back. We have a seven-month old that will never know of quanice. He will only know of quanice through pictures and us talking. These will be sad stories. Let me speak for me. How I live. Every time I see some devastating parents looking back over their child's life, I cry. [crying] every time I see my daughter sitting with a blank stare on her beautiful face, I cry. When I walk to another person still trying to live with no hope for revolution for the death of their loved one I cry. When I am online and I see a video of a person killed, beaten, mauled by a k-9, I cry. I keep a picture of moose on my phone and sometimes I look at it and I cry. I miss him terribly in my heart. I watch him come into the world. I watched that baby being born. I was right there. Catcher's mitt ready for that baby to come into the world and I cry for that. That was a happy cry. I watched my daughter cry over the life she brought into the world and cry not only for me but for her. I believe that I will be crying forever. My heart hurts for my family and everyone that has suffered at the hands of our military in blue. What are we supposed to do if we run across Hearst? That's a scary thought for me and my family. We live in the east precinct. We have never been comfortable with the police. Now it's even worse. What are we supposed do now that the city has swept quanice under a rug? How are we supposed to live? Quanice lost and no real justice. Mayor, what are we supposed to do? Aren't we a part of this city? Aren't we a part of the message that you as our elected official is supposed to take care of? Where is our help? We must be -- why must we be the complex part of society? Why do we have to live with the unfairness? Step up, sir. Do your job. Keep your word. Let this be a peaceful resolution to the war. Again, I'm looking to your heart for help, not the corporation side but the protector of the city, not the police commissioner, only the head of all. I mentioned this once. I will not want to be in your place. I wouldn't want to walk into your office left by hales, who did not care. I wouldn't want to see the horrors hidden behind the beauties of the city. Stepping into an office one month later and police involved shooting. And by a racist serial killer. Oh, see what goes

May 24-25, 2017

on in the city. I see what goes on in the city, council, the lack of respect. The accountability your constituents hold you to. I don't want your job that I had to step up because we are at war. I don't want to be in everyone's office talking about my heart and the things I have read. It is so trying. Going to bed early or falling asleep in a chair, this is not how I see my life but we are at war. The dead need a spokesperson. I assure you, mayor, this is a war. I know you didn't start or will be able to end this war. The city has become the way when it comes to the fullest contract. You can place certain positions on this civil roles. You have the power to execute rights with a level of service. Method of service. You can hire, lay off, transfer, promo, discipline or discharge an officer. I read the contract. If you choose not to fire Hearst, sit him at a desk and send him to another precinct. There is a clause for repeat cause. You have several cops that have fallen into that realm. Several cops that have been repeat shooters. Somebody needs to do something about that. For accountability after a lethal force, do a psychological evaluation and make it public. We need to know, who is actually protecting us? Is it some psychotic person? Do an immediate drug test also made public. I'm not an island. In order to make change, we must collaborate. We must find common ground whether we agree or disagree with each other's thoughts. I'm willing to work with you, mayor. I hope you are willing to work with me. I will not stop. Quance' murder should result in change. Reform in the police department. Make some changes. Let the world see my city of choice, a city I chose is standing in the right and standing up for its citizens. I really don't want this forgotten. This is -- I don't want you to forget this is a war. People are fighting here and around this country. Cop watch. Don't shoot Portland. Black panthers, brown beret. This is just a name; a small portion -- this is just to name a small portion in your city. Mayor standing with the police bureau is a losing battle. They have to change. Remember as a supporter of the constitution, the fifth amendment, no person shall be deprived of life, liberty or property without due process. Terrell Johnson, quance Hayes, lost their lives without due process. No arrest. No trial. Their due process came from their judge. Stand up for the framers that stood for -- stand up for the framers of the constitution. Please pick a chief of police that will demonstrate the capacity, the commitment. These are your words. Commitment to expand an existing strategy as well as create new ones to improve relationships with the people of color who at present have no use for the police. That's a true statement. You couldn't have said it no better. It's so true. You know there is racism here. I will give you an example. Four shots. Two lived. A white man, a dog. Two died. Both black. The union wants to highlight or acknowledge the hard work. The dedication. The professionalism and integrity of the police department. I will highlight it for them. I acknowledge that they are dedicated to themselves at wiping out people of color. They show me their professionalism when they won't answer a simple question. Or act like you don't exist. Integrity is something I have not seen, especially with the lies secrets they keep from my family and the world doing their mock investigation. I have saved the hard work for last. From where I stand I see only fear for that is what they use to kill a citizen. As I read that article I wanted to vomit. Please don't let those bigots dictate how you run your city. The people are tired. Please remember the civil rights era. Don't let Portland burn. Be a part of history. Know just don't not just repeating history. I hope you really see the injustice or do you like hearing your own voice? Allow me to end with observation. What I asked is obtainable. I have not just come here just to whine and complain. I think you should know where the shooting by Hearst put a family and the consequences of that action. I'm looking for change. Mr. Bill back east created a slogan after the police murder of his son. It says when police kill, should they judge themselves. Now, that is a question for you. I hope you will be able to answer that. Wisconsin is the first state in the nation to mandate on the legislative level that if an officer was involved with a loss of life that outside investigators should come in and collect the data and then

May 24-25, 2017

investigate the shooting. They shouldn't do this. They are friends. The police here are friends. They stick together. They lie together. They shouldn't investigate each other. You allow officers that work with Hearst, maybe his friends, to investigate him. This city wants transparent investigation. I want a transparent investigation. If the officer did everything right, show everybody. I do recognize officers risk their lives but do they all? Do they make judgment calls that end lives unnecessarily? Change needs to happen. Men of color are in extreme danger. This is my nephew. He is in danger. We have a problem with training. Racism that put all in danger. How about anti-racism training? So your cops stop targeting certain ethnicities to help break down some common assumption because there are some common assumptions. They look at him and the first thing come out their mouth he ain't got no driver's license. That's a common assumption. I ride the bus. I don't have a driver's license. I'm smart. Some sort of de-escalation training. This might have saved moose' life. If somebody had just taken the time to see if that boy was coming out with his hands up this would aid in a peaceful resolution. Not always resulting in death. Let lethal force be a last result. This is now my personal favorite. Demilitarize policing. Did you see all the military equipment on the grounds in Ferguson? Did anyone see that? Your police practice chemical warfare. I watched them with teargas on their backs. That's chemical warfare against citizens. Your community policing doesn't work. You know why? Because the community isn't important. The community is the enemy. My last question, I would like an answer. Do Hearst live in the east precinct? I do. If he doesn't he shouldn't work, there. Please make your transition to the governancy easy. You can make it there. You can. You have the heart. You have the drive. And I would vote for you. Mandatory body cams. That's something mandatory. If it's tampered with, make an option jail or dismissal because they do tamper with them because they don't want you to know what they just did. Finally put cameras in all the transporting vans. People being transported need some form of security. I have presented my case. Thank you. I would just like to add one more thing. For two years Salt Lake City has not killed anybody. Look at what they are doing. There are cities and states all over this country are making a change. Come on, Portland, let's make that change with them. Thank you.

**Wheeler:** Thank you. [applause] my mother want to come up. What you got to say, Adonis? Come up close.

**Adonis Hayes:** I miss my brother. And --

**Hayes:** That was his hero. That was his hero. This boy actually quanice used to protect him from me. I get mad at him, quanice was being the hero. I had to check quanice, pay attention. I'm his grandma. I'm not going to kill him, but that was his protector. Okay. Thank you. Adonis Hayes, for the record.

**Sylvia Dollarson:** My name is Sylvia Dollarson. I'm quanice's great-grandmother. I need to tell you how I felt burying my great grandson. It hurts. It still hurts. I was angry, and I was hurt. I've gotten rid of some of the anger but I'm still hurt. They killed my great grandson. Now, I want you to think about something. I'm on my knees. I'm 17 years old with baggy pants. I'm on my knees. One hand up. One hand trying to hold them baggy pants up. What danger am I to you that would make you shoot me? What danger? I was on my knees trying to pull up my baggy pants with one hand up. I was a danger to the police officers? Why didn't the others pull their guns? There needs to be a change. They had a demonstration downtown at quanice's burial. I wanted to go out in the street but the police had injured an older lady. Young men stopped me from going. They stood me on the sidewalk and held out their hands in front move like this. A policeman came up, grabbed, snatched the young man off the sidewalk, handcuffed him and arrested him. I found out his name and I went to go to court with him. Got to the court, nothing. Everything dropped. But why did they arrest him in the first place? I don't understand. Why is it my family get



May 24-25, 2017

together nearly every holiday make bags of candy. They take it downtown and pass it out to the homeless. Why did the police find it necessary this last time we did it around Easter to follow us all around downtown? Why? I would like to know why. I would like to know what do you plan on doing. I still got great grandsons. I got grandsons. I don't want to live through another death like I just went through. It hurts. It hurts too bad. Please, do something about it. What my daughter said, I trusted you, and I voted for you. Do something. Change this police force. Get some people who care about people. If they are going to protect us they have to care about us also. Give them psych evaluations. See what they are prone to do. Do something, mayor. Please. Thank you.

**Wheeler:** Thank you. [applause]

**Hayes:** Terrance Hayes. This is our cousin.

**Terrance Hayes:** Thank you. I'm Terrance Hayes. It's a pleasure to be here. My auntie invited me. I don't to be honest think you all are going to do anything. I think it's easy for your you all to being in y'all position. I think some of you all sincerely care and some of you really don't. That's your particular light. I don't really care to judge who you is inside. That's a particular -- that's your raising, background, whatever. That's not on me to judge but you do have a responsibility to the people of the city and that our family do have a right to judge and the city has a right to judge. No matter what, this commission has to be serious about the fact that there is a problem. There's always this misconception that when a family endures something like this we think all police officers is evil and everyone has an agenda against us. That's not what my family is saying. What we're sighing is there is a particular atrocity that happened to us and because that happened to us we became more aware of the fact that many families is going to through same thing and particularly within the city. There are police officers that go to work every day that love this city and love the people and there's police officers that don't. There are citizens that wake up and work hard every day. Then there's people like I was as a young man that was selfish and conceited and did violence towards others. I was punished for my offense to the city. Part of my indictment was I committed an offense to the peace of Portland. Of this city. It is interesting that police officers are wrecking the peace of this city and there's no accountability to that. That is what the city, that's what the people was lamenting about. There seems to be this idea because we're saying there's a need for change we believe everybody has the problem. No, we believe that a particular system has existed and because that system has worked for so many years that that system is oppressive at times. I'm an electrician now. I got my trade during my incarceration. I was blessed there were people that cared about me coming home and succeeded, but the truth of the matter is my style as an electrician is reflected by the journeyman who taught me. You become an apprentice of somebody you take on their traits and attributes like a disciple does. What we're saying is after hundreds of years of slavery, after hundreds of years of Jim crow laws, after hundreds of years of segregation there is a system that is existed and that sometimes people are oppressed in the system that they don't even know that they are because they are taken the traits of people that came before them. We are saying that this commission has an obligation to deal with the fact it is a system that is part of the problem. When we talk about Portland police officers we're talking about people who have been apprenticed by people before them and nobody can sit and argue that in the last two or 300 years that our particular culture has been affected by an oppressive system. When we challenge you all to attack the system because people have been told through generations that there's a problem, the police force generationally has been a problem to the african-american community, we're not saying that we have not committed crimes. People have. But there's just as many white Americans as is black Americans incarcerated but white Americans don't face the same fear when they are pulled over in their vehicles that I do. Not because every police

May 24-25, 2017

officer is a danger to me, but because they are the particular system that exists that is dangerous to me. That's what we're saying. That's what I'm saying. I'm saying it's time to say if the system, if the same union have protected the same oppressive system then at some point we have to counter balance that. That's the challenge to the mayor and commission. What are we going to do as a people and what is the leadership going to do to counter balance a system that has some issues. Not that it hasn't done better. Not that it hasn't tried, but there are some issues, and what we're saying is when are we going to be serious about the fact if a police officer who hated minorities called another police officer to hate minorities and may not say hate minorities but when I trained you I taught you to deal with minorities in a different way I'm implanting things in you that you may not know about. I'm not saying that every cop who deals with me is racist. I'm saying the system that taught him is definitely racist. [applause] this is a challenge. This is a challenge I believe for the city of Portland. Is that not only is racism an issue, classism is an issue. The poor, oppressed generally is treated differently in their particular communities. This is what my auntie say, where does he live? Not because you have to live in my community to work there but when you live in my community and work there you deal with the people differently because you understand the people. What we're saying is that all officer Hearst clearly does not believe every Portlander, every Portlander is not an offense to him. He sees civilians that he comes in contact with as his enemies the moment he comes in contact with them and that's a problem. Because he is supposed to be serving the people of this community. At some point we have to begin to say, how many Portlanders with no weapons, no guns, for Portland to have a choice of evils law. You can do more hurt to a person than the perceived danger they bring to you. If we're fighting and I have a perceived to kill you, you cannot kill me. That's how the law is set up to protect if citizens from extreme consequences of minor offenses. Our police force needs to have the same accountability. You being tired, angry, having this perceived fear is not justification for murder. The police force is allowed their fears. It's justification for doing unlawful things. There was not a violent weapon in quance's possession. It was a perceived violence. Because the violence was perceived his actions was justified. No other civilian, no other citizen -- police, everybody say I understand their lives are in danger. Everybody's life is in danger every day because there are violent people who might put your life in danger. Our country, our community. There are people who constantly are doing violent things to Americans. They are labeled terrorists. Yet the police force can continue to shoot unarmed people in Portland and they are labeled as servants to the people. They should be demonized and held accountability in the same way if anybody walked up to you, mayor, and did something harmful to you and they said, well, I thought you were going to punch me, mayor. Are you going to say, well, because you thought you're in danger then you should be given a pass for your offense? No. You're going to say perceived danger is not justification for harming me. Police officers have been given the right because of perceived fear to do horrendous things. At some point that has to change. Your perceived fear, you're human. You have fear. I'm 33 years old and sometimes when I'm at work in a factory walking around by myself I have perceived fears that that creek was something dangerous when it was just the wind blowing the door open. It's my perceived fear justification for bad actions? No? Police officers have that right. Not only have the city do not holding them accountable when they empower union have allowed them to have this right that perceived fear is just fix for harming people in Portland. This is ultimately the issue. If quance would have pulled out a gun and aimed, it towards police officers me and my family wouldn't be sitting here today. But nobody said that he did. So how can you not say that your life was really in danger but the perceived fear was enough? That's the problem. What we're saying is that has to change. That's why people at bus stops are

May 24-25, 2017

being put by police officers who say, well, we perceived that he was being a little aggressive. Maybe because he was upset or he was expressive. Nobody holds the police accountable when they yell at you because sometimes they have to be commanding. And they do. But if I hurt a police officer because he yelled at me, then I would go to jail. But police officers are allowed to do this. Perceived fear allows them to murder people. At some point that just has to change. That's why we are here. Because if somebody would have attempted to hurt a police officer and they would have protected themselves nobody would have been here. Nobody would be screaming and yelling injustice but they haven't and that's the problem. [applause]

**Bella Aguilar:** I'm Bella Aguilar. Quanice was my boyfriend. I wrote a narrative essay for my college class about quanice. I want to read it. His dreads were getting long and covered his deep brown eyes and the blond was starting to fade out of his dreads. His skin was dark; the darkest skin I have ever seen. [shouting] his skin was dark, the darkest I have ever seen. It was flawless. No marks. He stood about eight inches taller than I was when I hugged him and his chin rested on my head. He always smelled of soap and Georgio Armani cologne, his favorite. His arms fit perfectly around me and his hand fit perfectly in mine. I was staring at his deep brown eyes when he grabbed my arm and told me we were leaving. He was sick of security following us. So I followed him and grabbed his hand while we walked. I was wearing sweats and his hoody and my hair was a mess. I felt like a bum while he looked flawless as always. The cold air hit my face and I flinched while he put my hood over my messy hair. I smiled and kissed him on the cheek. He always knew what I needed all the time without me having to say anything. Security followed us outside so he got mad. He told me to keep walking but I stood right there being stubborn as usual. He turned around and so did I. He looked at security and asked why they were following us. Did they have a reason or were they just being ass holes. They didn't say anything so he walked away and grabbed me before I could say something rude to them. He knew me too well. He walked toward me trying to act like he wasn't mad but I know that face with his pursed lips and nose turned the wrong way. The store made him leave before he barely walked in. He tried not to let things like this get to him but I could tell he was frustrated. He knew the only way he got treated like this was the color of his skin. He had had enough of it but there was nothing he could do about it. He used to tell me he would make sure his kids never had to feel like this and that he would do anything to make sure of that but in that moment I could tell he felt helpless. There was knowing he could possibly do to change how people treated him because of his skin color. He never got upset over things like that but I couldn't blame him. All I could do was help him feel better about himself and tell him things were going to get better but things didn't get better. They got worse. It became a daily thing about store security following him and being denied even to go into some stores. Until the racism in this country killed him. Literally killed him. Andrew Hearst thought Quanice matched a description and killed him for matching it. The Portland police blamed quanice on the crimes committed in the area and the officer got away with it because he was scared for his life and his coworkers. He was simply pulling up his pants because everyone knows he sags his pants. I'll never forget that morning, that first day without q. I woke up confused because he wasn't in bed with me like usual. My head hurt and his scrapes on my arms from what I wasn't quite sure. I called his phone to find it on the night stand next to the bed and had this sick feeling in my stomach that something was really wrong and now I hate myself for ignoring that feeling. I figured if he wasn't back by the time I got back from my brother's court I would start worrying because he would get mad if I worried too quickly. When I got back he was still gone. I still couldn't tell you why that's the moment I first cried, but it was. My brother tagged me a post 15 minutes later after getting off the phone with me and I read the article and it said teen killed

May 24-25, 2017

by police pronounced dead at the scene. It was right down the street from where we were. It wasn't q, though, it couldn't be him. He was okay. I texted his mom to see if she had gotten in contact with her some way. When she didn't reply I called every hospital in Portland asking about the police shooting if the victim was there. They couldn't give me a name. I wouldn't believe it was him. When mom called me and told me my uncle was coming to get me that's when I realized it was Quance. My best friend, the love of my life, the person I planned my entire life with was gone. Racism still existed and I knew that but I never thought it would kill the love of my life. [crying]

**Wheeler:** Thank you.

**Evelyn Murray:** I'm Evelyn Murray. I was invited here to speak on behalf of Quance, like his grandmother said, that is the name that those that spent time with Quance knew him. The only time I knew his real name, honestly, was when I was reading it in the newspaper. I didn't read the up in for a while because everybody was telling me about the young man that was killed. Because I haven't been around Quance for a few years. The way I met him I use to go out and hide in Gresham on his grandmother's couch to get away from my grown children so I could have a break. I have six girls and two boys. From a family of 12 brothers and four sisters, and I grew up in Georgia. I guess I have to say thank you for having me here and listening. The one I'm really talking to here today is not you guys. You guys are not the sovereign lord Jehovah and you don't make the final decision. But Nick Fish, I remember one time you told me, I'll have you know I was a civil rights lawyer. I said to myself what does that have to do with tea in China? What are you doing now? I have had principals tell me I marched with Martin Luther King. I had to ask my kids to leave the room. I said is it all right if I cuss the principal out? I told him what the f has that got to do with now? What are you doing now? Like Janet Jackson what have you done for black people lately? Okay? This is why I'm here with you guys and Amanda Fritz, I read your history. When Teressa Raiford ran against you I knew nothing about you. I'm the type of person I don't vote for somebody because they are the same color skin as me. I want a person that's just but I found that you were a mental health psychiatrist. Psychiatric nurse. I said, my goodness, she understands what we're going through. And when Donna told me you the one that helped come today to talk about this issue, I want to be brief. One of the things -- one of the things I want to talk about today is that you, especially you, mayor, because I have learned that the head that wears the crown is always shaky and you are the head of the police department. Every city the mayor controls the police department. Then the chief of police, you really need to get one, and I'm thinking about running for police chief, okay? Seriously. [laughter] because I heard a police chief does not have to be a police officer. Okay? So we need to be brave enough to start a conversation about things that matter. And here it is 400 whatever many years later, and ever since Lincoln signed the emancipation proclamation, white people, the slave master, children, that's who you guys are, your ancestors coming from Europe, things are changing. There's a wind that's going to be blowing from the south and I don't know if you know about farming but when the wind starts blowing from the south, that is a bad omen. Okay? One of the things I want to do is you don't want to have what happened here. My daughter said, mom, what if somebody killed one of my babies? She said I'm not going to be nice like Pete said. I don't want to do nice. We get tired of doing nice and being nice. I read this list. It's called the eight stages of genocide. It talked about genocide is a process that developed in eight stages that are predictable but not exonerable. In each stage it's preventable if measures are taken to stop it and that's what this meeting is about today. The measures that you need to take to stop it. Somebody like my daughter said I thought about that. I said, love, what am I going to do? I'm a Jehovah's witness. I'm supposed to put on a spiritual suit of armor and draw close to God, but you know what I told the brothers at the kingdom hall?

May 24-25, 2017

Peter her a sword. If he had been here today peter would have had whatever gun that police officer that shot moose with. Okay? Jesus told peter to stand down because this is not my world. If this was my world, I could call down legions of angels and it wouldn't be a one-sided war. Have you seen what hurricane Andrew did in Florida? Okay. It looked like somebody put the whole community through a paper shredder. The next storm after that was hurricane Katrina. We haven't had a riot of black people in years. And if you guys don't do something eventually we're going to have to do something and it will start when you gun down one of my babies. Moose was one of my babies. Moose loved -- he say you gonna cook? You gonna cook? I fed this young boy. This young boy used to get up at 5:00 in the morning to catch the max to come into Portland to go to school. Because he was part of the gentrification sent out in east county to be forgotten. You guys don't know moose. Moose was happy. 5:00 every morning, catching the max. Why? Because he couldn't go to school in east county. In? On one end of the hall he was a jigger, and on the other end of the hall he was an nigger, we say nigga you say nigger you know with an r on it. He would come home crying and his uncle, who has passed away from a brain aneurysm, and they talked to moose and they say, moose, you have to be tough. You have to bear up under it. I'm from Georgia. The kkk used to come to my grandfather's yard. They know better than to come in their regal costumes, sheets and hood, they knew better to let horses step in my grandmother's yard. Georgia is one of the states that stand their ground. I had a gun when I was 16. I didn't have a permit. In Georgia you don't have to have one. So you don't hear about things happening in Georgia, do you? Because it will be a shoot-out at the okay corral. My grandfather was worse than the black panthers were in California. So I grew up with a gun. Don't have me pick one up. I'm a marks woman. You can make a movie; I could be a sniper on top of the garage. I'm not threatening you. I'm promising all of you. I almost died on the operating table. I had an aneurysm that ruptured. I had two heart attacks on the table. Both kidneys shut down. They hooked me up to life support to finish the surgery and I can't believe moose is not here. I just can't believe it. What do you want? You better ask yourself that and hold your head and say, if this is serious, this is so serious, like the grandma said, I would not want to be in your shoes. So I'm going to have to let the mike go because they keep tapping me. I can't do the eight steps of genocide but I wish that everybody would google it. Okay? Because it talks about classification. symbolization, dehumanization, polarization, preparation, extermination. The final one is denial. You go back and keep denying something, okay? Okay? You cannot -- this is too much right now the united nations I heard about the united states walking out on the racism conference in 2001. They walked out nine times in a row. 12 now. 16 really. Okay. I'm going to go. And -- okay. Okay. 30 seconds. It's time for us to take our children off the pipeline to prison it means we need to pull our kids out of public school. You guys are not protecting our children. And it's time for us to file a class act suit against the city of Portland, Portland public schools is the largest in the district. The board of education of Oregon. Okay. She said I had to be dragged out. I have already started a class act suit signature to start a petition and I'm asking everyone here to put their names on it and sign it. Thank you.

**Wheeler:** Thank you.

**Hayes:** She's going to read something from somebody else because they cannot come.

**Eudy Lewis (reading for Pamela Rogers):** I'm Eudy Lewis. I have something to say beforehand. Quanice was a beautiful soul and he will not be forgotten. The moose movement will stand no matter who tries to shut it down. We will continue to fight for what we believe in and for the justice for quanice because he was silenced and that wasn't fair. He had no way to stand up for himself. But I also have something to read from Pamela rogers, who couldn't be here today. Where, oh, where, has the reason gone? Reason is

May 24-25, 2017

judgment's ability to think collect information. Weighing possibility and calculate with accuracy. Where has reason gone? If we're going to give officers the ability to use their own judgment to shoot and kill, we have to be sure they have the ability to have sound reason with accuracy. Every man, woman and child depends on these officers' ability to have some reason with accuracy in high pressure situations. What law, ordinances or statute states an officer has the right to shoot and kill an unarmed man? If there be no such law ordinance or statute that gives him the right then may I ask where are these officers getting their information from that they can shoot and kill unarmed people, especially people of color. Are these officers getting their information from their own belief? Is it from their environment? The belief that or I believe that it is imperative that we should know the answer to these types of questions before we give them a badge, a uniform, a gun and authority to shoot. Thank you. With no fear of or concern of prosecution we need to get some sort of protocol of psychology testing that looks specifically at a potential officer's ability to have sound reason with accuracy and that they have balance in their conclusions. Our officers need to understand they serve and protect justice and are to deal with the public with a just and balanced hand. According to the standard that is set by the integrity of true justice. True justice has its own standard and integrity as defined by dictionary.com. Those who serve and protect it must adhere to justice standards. No man is above true justice. This was written on behalf of Quance Hayes by Pamela Rogers.

**Wheeler:** Thank you. [applause]

**Hayes:** Teresa

**Teresa Raiford:** For the record I am Teresa Raiford and I'm a fourth generation Oregonian. Also, for the record, I'm thankful that Amanda and Chloe gave us the opportunity to bring our family in here. And I don't want to say our children are issues, the conduct of the police force and the way that the union is antagonizing the city council is the issue. I want to just -- for the record -- say that today is Malcolm X day. Dionte Keller was murdered today would have been his 42 birthday, he was my cousin and he was killed by the Portland police, as well. I have several cousins that were killed by the Portland police. I want this child's generation not to have to fight against the same abuse of power we're fighting against. Somebody needs to leave my mike alone, I'll talk loud. It's not fair. It's not fair. We're looking at a board of white people you guys look stiff to me and I know that your heart's work. I know you have a consciousness, but you also you look very stiff to me because as somebody that's been hurt by the system when I tell you that it hurts and I bring families to you that are mourning the death of their children. You've used the violence against us. You hurt us. You used military weapons against us. You use chemicals against us. You use the proper opportunity to use media against us to criminalize us and make our voices unjust. You humiliate us. You humiliate us so bad that our families are ashamed of us and kids in our family don't know that they matter. It's embarrassing and it's a shame. When we were out there on Malcolm x day with the babies in front of the police station across the street from the boys and girls club, they shuffled the kids through the back door. We've talked about Malcolm x being a teacher and a leader and our families matter and our babies matter. They shuffled them through the door and they took the babies in the back because we were saying "black lives matter." they say, we know black lives matter. But the boys and girls club and all the police and all the teachers and everyone else that propagates that they like black lives when we're not around that support the protest that's permitted that stands next to you because they are appointed or when they act like black lives matter, but they don't speak about us and they don't speak about us and they put their nose in the air. That's not the truth. This child is the truth. His grandma's the truth. His little sister's the truth that baby right there who will never know his brother is the truth [crying] what you all did to us on the street on the day that we buried

May 24-25, 2017

that baby, that can never happen again. That happened. It can never happen again. You took away from the family dignity. You took the family's dignity away from them you allowed racist and trolls and bigots to humiliate them even more even to this day the videos are out there. They're still humiliating them. You took away someone's life systemically because you propagated the fear of black people. We know how it happens. If you tell somebody there's something to be afraid of and they put more money into a budget so that you can mandate safety and protection for them, not us. You can't use us that way. We're humans. When our babies die, we cry it's not because we're arrogant. When we say that we have a problem with somebody that is a leader -- we're not trying to be vindictive when we come into this room, as I have since 2010, when my nephew was murdered. I'm not coming here because I'm bored. I'm coming here because his life mattered. [applause]

**Synova Hayes:** Hi my name is Synova Hayes. I wanted to pull some questions for you guys from a black mother. I have a 9-year-old and a 10-year-old little black boy. You guys will never understand the anxiety of simple stuff like your babies playing outside. You know, having to come in contact with the police. Since the stuff happened with quanice, me and my husband have been in the grocery store and saw a 9 or 10-year-old little boy being targeted by white employees, being accused of stealing when he had a receipt in his hand you guys will never have to understand that. Like they said earlier, for police, working in the urban community that they're not familiar with, they are going to behave in a way that's different as if they had grew up in that community because they social with us, they understand our culture, how we dress, how we talk. They won't be afraid of certain things because they've experienced certain things. My 10-year-old wanted to be a police officer. We always encouraged him, that's a great occupation. It's something we encouraged him to do. He doesn't want to be a police officer anymore. What do we tell our sons when they encounter problems at school, in their neighborhood? We have a real fear of telling our black boys to call the police because for them calling the police, over a simple altercation, over somebody hitting them or punching them, we can't tell them to defend themselves because you'll put them in prison. We can't tell them to call the police because the police could murder them there's no consequences for that. Where does that leave our kids? Everyone's talking about they're tired of black people killing black people and taking things into their own hands? But what do we do? There's nobody to take up for us. It's nothing like wondering and losing a cousin, somebody -- I've known quanice since he was 3 years old. When they say he was alive, he was alive. He was full of life. He was an awesome kid. \*\*\*\*\*: Yes, he was.

**Synova Hayes:** I went to school for education. I've been working with kids since I was 13 and when I found out what happened to quanice, there's nothing in my mind could ever make me picture quanice as a threat to anybody. And I've worked with kids who I've been like, oh, they're going to be a problem, in all different cultures. And so, it's easy to sit here and talk to you guys and everybody pour their hearts out and try to get you to try to understand. You can't understand. You'll never have to close your eyes and your kids will never be at a party and you'll never have to worry about if some white police officer is going to shoot your son in the head at party because they got a call about a noise disturbance you guys will never have to go through that. And if it did happen that police officer would immediately be fired, probably thrown in prison if he was to kill one of your children for a perceived threat when they're constantly kills our sons, our doctors, our lawyers, our police officers, they're murdering them in the streets before they even get a chance. Most people, as teenagers, make mistakes. Nobody knows what happened leading up to what happened to quanice and nobody will ever know because he was murdered. And the sad part about it is, because nobody across the nation seems to be

May 24-25, 2017

taking any accountability, it's going to continue to happen to our little black boys because we can say we care. We can say we love. But those things are actions. When you care and love, it's displayed by how you treat other people and the reform you see in your community and I don't see that anywhere. [applause]

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

**Wheeler:** Thank you. [applause]

**Garland Blackman:** I'm Garland Blackman Quance's favorite uncle. I wasn't going to say anything. I know when I drive -- I get off work at 1:00 in the morning. I live in Milwaukie and I get so nervous about getting pulled over for no reason. They see me make a u-turn, follow me, to my house. And then decide to pull me over once they feel I'm at my destination. Like you know, he's home or whatever. But they follow me because I was racially profiled. Now, when they stop me and they question me, ask me what am I doing, which house -- nothing to do with a traffic stop. Nothing. They should come to me -- he'll ask you for your license and your insurance, you'll ask him what you did wrong and he'll tell you. I ask him what I did wrong, he doesn't tell me. He never gives me a ticket or nothing. He just wanted to see what I was doing because I was a black man at the wrong time of night. And they see me as a gang member because I'm young, black. When your police officers are the real gang members. [applause] I get home. I like to sit down and watch the crime shows, not the fake ones like CSI, the real stuff, forensic files, cold case, the first 48. And there's only two outcomes, life without or the death penalty. I never seen that happen to a cop. Ever. Ever happen. And, my meter's running out so that's all I have to say. [applause]

**Catherine Kindle:** My name is Catherine Kindle, I'm a retired college professor and I'd like to begin, as I always do, I'd like to know, by a show of hands, on your honor, how many of you have read the new Jim Crow by Michelle Alexander? You all have not done your homework. Not one of you has read this book? I am astonished. This book is a history of how we got to be how we are. I would like to donate this book to you directly, Ted Wheeler, I would like you to do your homework. [applause] I never met Quance Hayes, except through the words of his mother and grandmother and his friends and he is one of my children. I never met Ted Wheeler's daughter and she is one of my children. Dan Saltzman says his focus is well-being of children so I figured Dan, like me, knows we all need the children. I am a biological mother, an adoptive mother, a grandmother, a great grandmother and I am an old queer woman and I raised my children as a single mother and I know poverty. I come to the mayor and the city council to fight for those most vulnerable to abuse by the police, our black, brown and native children. There is terror in Portland. The terror comes to us in a black uniform that looks like something a robot would wear in a "Transformers" movie. Terror is an army of massive black boots, shin pads, knee pads, bulletproof vests, face shields, helmets, they carry pepper spray, guns, tear gas and truncheons aimed at the fragile skulls of unarmed, undefended protestors and their children. Police beat and kill our children and are rewarded with weeks, months or years of paid administrative leave. They get a bonus for killing our children. They get time off to go to their children's sports events and school concerts and graduations and weddings. Our dead children have no sports events, concerts, graduations or weddings. The children of our dead children are worlds unborn and they will always be unborn. We have a madman in the White House, a planet going up in flames, full of violence and hatred, we need our unborn children to save the world with love and wisdom. But we have failed them, every one of our dead children is a horrible, unforgivable failure. So here is my recommendation, strip the Portland police of the military equipment, guns, tasers, riot gear, tear gas, flash bang grenades they use on us when we protest the deaths of our children. We are not an invading army. We are the grieving families of murdered children. We are justifiably angry.



May 24-25, 2017

We are demanding justice from a government that owes it to us. We put our bodies and voices on the line because we have no weapons and you meet us with militarized police. Tell the police not to terrorize our black children and our anarchist children. Tell them, they are the violence in this society. If you cannot control the police, then please give the bulletproof vests and shin guards and helmets and shields to our children. [applause] I'm going to say the names of some of our children killed by police in Multnomah county, where the mayor and the council have jurisdiction. I ask you to hear their names as if they are your children's names and when I say their ages, be aware, they will never grow any older. Terrell Johnson, 24, two weeks ago. Quance Hayes, 17, two months ago. Darris Johnson, 26 arrested for not having tail lights and died in custody. Keaton Otis, 25. Aaron Campbell, 25. James Jahar Perez, 28. Kendra James, 21. Jose Meija Poot, 29. And because I know his mother, Christopher Kalonji, 19, killed in Clackamas county last year. Here are the names of the perpetrators. Andrew Hearst. Scott McCollister. Jeffrey Bell, captain of internal affairs. Ron Freshour. Jim Defrain. Cody Berne now an assistant district attorney. Andrew Polas. Christopher Humphreys. They are still around to threaten us most are still on the public payroll. In March when protestors set up a camp outside of Ted Wheeler's house, the mayor was understandably protective of his family he didn't want his daughter to be frightened. We don't want any children to be frightened. Pete Simpson said, if you threaten someone and cause fear, harassment could be laid against you. I say to Ted Wheeler and Pete Simpson, if you allow the police to threaten our children and cause fear, if you menace our children, stalk our children, harass our children, you plant the seeds of violence. If you kill our children, their blood and our grief is on your hands to the end of days. I hope the police commissioner sees every death at the hands of the police as a complete failure it is. Thank you.

**Wheeler:** Thank you. [applause]

**Hayes:** Red Hamilton?

**Red Hamilton:** I'll be quick. There's nothing that I can say that's going to -- I would just like to echo everybody that's been testifying here. You guys need to make a change and I just want to say, it is our duty to fight for our freedom.

\*\*\*\*: It is our duty to fight for our freedom.

**Hamilton:** It is our duty to win.

\*\*\*\*: It is our duty to win.

**Hamilton:** We must love each other and support each other.

**Hamilton:** We have nothing to lose but our chains.

\*\*\*\*: We have nothing to lose but our chains.

**Hamilton:** One more time. It is our duty to fight for our freedom.

\*\*\*\*: It is our duty to fight for our freedom.

**Hamilton:** It is our duty to win.

\*\*\*\*: It is our duty to win.

**Hamilton:** We must love each other and support each other.

\*\*\*\*: We must love each other and support each other.

**Hamilton:** We have nothing to lose but our chains.

\*\*\*\*: We have nothing to lose but our chains.

**Hamilton:** Thank you. For the record, Red Hamilton. [applause]

\*\*\*\*: If we could get a new United States of America flag in here, I'd really appreciate it.

You've been mayor for five months and you don't have a new flag in here and I appreciate if you use B Company to have your flags cleaned. Can't nobody see no stars and stripes.

Thank you.

**Wheeler:** Thank you.

**Hayes:** Okay.

May 24-25, 2017

**Lanita James:** So, I know these guys from church, the families. A lot of us black people grew up in the same areas and whatnot. But, the day that Quance was killed was actually the day after my birthday. And, I watched it on in news and my daughter and -- doesn't Quance have a sister? My daughter's name is Nevaeh, as well they're friends. I had to deal with my daughter crying about her friend's little brother being killed I went to my aunt's how to ask for advice because I don't have a mom. My cousin's birthday was February 9. I told her that her friend had got killed. He had just left their house. This death affected all of us. As people. Keaton was my friend; we went to school together. The day that he was killed was -- it was -- it's one of those days you can remember for the rest of your life. Me seeing my friend's picture on the news. I have a little son, too. He's actually biracial and growing up thinking we were invincible until I watched my friend was shot, had 23 bullets in him. They were pulling bullets out of his underwear. Three years after his son died, he died of a heart attack, a broken heart. As a parent can you imagine how that feels Keaton never had no gun. Correct me if I'm wrong, if they ever produced a weapon. But he didn't have a gun. As a parent, not as a white person and a black person, as a parent, it's our duty to make sure that the rest of our children's lives are protected. They don't have to drive down the street and not be able to put their hoodie on because they are cold because that was his crime. Having a hoodie on driving by Lloyd center in a nice car. When your daughters of age to drive, you're going to give her the keys to your vehicle. You're going to teach her how to drive so you would want to think your child is going to come home safe in your vehicle and his mom didn't get that opportunity. I might not get that opportunity with my son or my daughters. It's time -- you guys stepped up and made that change. I was here on October 12 and we got beat up and kicked out of city hall. I kind of just blended with the media. We are getting abused and beat up for saying, we matter, too. We're not saying, you all don't matter. We're saying, we matter, too. We have watched so many of our friends and family and relatives -- my brother is getting out, 84 days on a 15-year bid because the da thought it was a funny thing to make him sit in the county so he could take the measure 11 charge after measure 11 took effect. Stuff's got to change in Portland. I was born and raised here. My grandma came from Birmingham she lived out there where the flood happened-- Vanport. We've been here, but we don't get respect like you guys get. We get kicked out and told to shut up. I was just talking to the officers where a white man was told he could call us b words what he wanted because he had a first amendment right but we have to relocate. [applause]

**Irene Kalonji:** My name is Irene Kalonji, mother of Christopher Kalonji I'm here to testify. 16 years ago, we came to USA looking for better life for our family. It was myself, my husband and two boys. We came to USA., believe that this country give us freedom and protection for our children. Children grew up and nightmare started when my youngest son went to Portland city on October 21, 2015 he got stopped by cops because he looks suspicious for them big afro and hoodie they want him show his i.d., but the same time, they did not represent themselves. My son tells them they are not doing right and they don't have reason, they don't have reason to stop him. I knew my rights, he say. That makes them mad. They illegally arrest him, beat him in the head. As a result, he has ptsd. On January 28, 2016, Christopher has appointed court date for this event. He was scared to go and as a result, he has a mental broke down. 911 was called for help. This time, Clackamas county sheriff respond. They come and my son sitting on the window without clothes, left him bleed to death in his room for four and a half hours. They destroy our apartment. They destroy our family life and they get justified in their action. Protect and serve, their mission. And as a mother, I want to know who they protect. Who they serve. Police continue to destroy our lives, young people taken from us every year. And we are mother for justice demanding police reform and indication from medicals cannot be

May 24-25, 2017

justified in any form. And I'm speaking for all the mothers and today, I'm Christopher Kalonji. I'm Quanice Hayes, Terrell Johnson, I'm Chase Thompson. Thank you. [applause]  
**Hayes:** I have one more person if you have the time it's a presentation by Dan Handelman of Portland Cop Watch.

**Dan Handelman:** Good afternoon, Mayor and members of City Council, I'm Dan Handelman from Portland Cop Watch. I wrote up information about Portland police shootings in the Black community for the anniversary celebration of Keaton Otis's life on May 12, seven years to the day of Otis's death. Cop Watch has supported countless families who have lost their loved ones and we're here today to support the family of Quanice Hayes and I'm honored to be here today thank you. Quanice was the first African-American killed by PPB gunfire since Keaton Otis. The misbullet fired at Kevin Moffett. Terrell Johnson has been described as being of African-American heritage. Quanice was 17 on his knees when they thought he was going for a weapon and had their sniper rifle. Johnson was 24 and houseless. He allegedly displayed a utility knife and was killed. Over 10 years, the Portland Police have shot or shot at 37 people and killed 22. Nine of the 37 were African-American or 24% in a city that's 6% Black. Five of those who died were African-Americans or 23%. Including Darris Johnson of death in custody. That is 38 deadly force incidents that's 26% of those died were African-American. Three other people were identified as people of color who were shot or killed. Which means 34% of people shot or shot at or killed by police were people of color in a city that's 77% white. We count six houseless persons including Mr. Johnson who have been killed since 2010. It seems like a pattern of overreacting to weapons far less threatening than firearms if wielded by a poor person. As part of the settlement agreement with the DOJ, the PPB puts out quarterly reports on their use of force. The fourth quarter 2016 report shows 30% of those subjective to use of force were African-American again this is a city that's 6% Black. This is about average. The most recent stop data showed 13.5% of traffic stops were conducted against African-Americans also about average and this is after 16 years of collecting data. Pedestrian stops are down from 24% to 10%, but that information is likely incomplete since it shows only 59 people total stopped on-foot over a three-month period. Certainly, this doesn't include stop and talks, stop and frisks. The more telling figure of whether drivers had contraband shows African-Americans were found to have drugs or weapons in 10% of searches and whites were found to have such contraband 31% of the time or three times more often. To violate the state law, banning police profiling based on race, gender, housing status and other criteria, an officer would have to say the only reason I stopped that person was because he was Black. The law says the police action must be based solely on the various protected class listed the police rewrote their profiling policy using that state language. This needs to be changed. After all, if two cars with broken tail lights go past a cop, one with a white driver and one with a Black driver and they only pull over the Black driver, who can say that's not profiling please create policies to ensure an end to police shooting, racial profiling and other police violations. Thank you very much.  
[applause]

**Hayes:** I would like to thank you all for the time and I hope we can all work together, to make some changes because without changes this city will not stand. You see right now, Black people, white people, everybody standing together for the same cause. This was not a blurred -- this is a blurred line. We're standing for the same cause. This is your citizens out here, let's make some changes. Thank you. And, thank you very much for sponsoring us.

**Wheeler:** Thank you for being here and again, we're sorry for your losses. [applause]  
[chanting]

May 24-25, 2017

**At 4:02 p.m. council recessed.**

May 24-25, 2017

## Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: \*\*\*\*\* means unidentified speaker.

**May 25, 2017 2pm**

**Wheeler:** This is the Thursday session of the Portland city council meeting. Please call the roll.

[roll call taken]

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you, mayor. Just reminded me about memorial day coming up and many of us are thinking about it being a three-day weekend and those kinds of things. I also want to recognize that people lost their lives in service of this country, so if you have been in the military would you please stand? [applause] as somebody from England who will never forget that the American military saved the world in world war I and world war ii I want to say thank you and lets all remember that as we're having our barbeques and doing our yard work thank you.

**Wheeler:** Thank you, commissioner Fritz. Colleagues, I'll not read the entire statement because frankly I'm getting tired of reading it. If everybody could just be nice and respectful and civil, respect people's testimony, respect the council deliberations. And everybody gets their say up at the microphone when it's their turn. Three minutes, state your name for the record. If you're a lobbyist, say that if you're with an organization that's helpful too. We don't boo people hiss at them or anything else. If you don't like something thumbs down works. If you really like something -- what did tom Potter call it?

**Fritz:** Jazz hands.

**Wheeler:** Thank you.

**Eudaly:** Aka twinkle fingers. [speaking simultaneously]

**Wheeler:** We also give style points for creation styles. Typically, we give three minutes, about two and a half minutes into your testimony you'll see the yellow light flash and a beep. Three minutes in the red light goes on and there's even more buzzers. You'll get the hint quickly. Everybody just have a good day. So with that we have one item that we were pulling over from yesterday. We ran out of time and it was item 551 from the regular agenda. Susan, could you please read the item?

**Item 551.**

**Wheeler:** Commissioner Fish.

**Fish:** We're joined by mike Stuhr director of the water bureau and Steve Kucas who is the environmental compliance manager. The water bureau has successfully completed conservation easements with willing private landowners since 2010. Obtaining 246 acres of conservation easement area in the sandy river watershed. This conservation easement is anticipated to be the final acquisition for this part of the bureau's habitation conservation plan and will complete the agreed upon for this measure eight years earlier than anticipated.

**Mike Stuhr, Director, Portland Water Bureau:** Good afternoon. Mr. Mayor, commissioners, we're here today for a kind of a good news story. As commissioner Fish mentioned, this is about our habitat conservation plan. The hcp is a 50-year plan, long range planning, to protect and improve aquatic habitat in the bull run river and greater

May 24-25, 2017

sandy river watershed. It helps us comply with the endangered species and clean water act as a result of our operating a water supply in the watershed. We have a lot of projects to do under the hcp. They are front loaded mostly in the first part of the 50-year schedule. The original estimated value of the hcp was \$93 million. What we're here to do today is hopefully consummate a agreement with Clackamas county in the amount of \$210,425 to acquire a 30-acre conservation and access easement. One other thing I would like to mention on the habitat conservation plan, that is it's very important for regulatory certainty by having a habitat conservation plan basically we have made an agreement with the federal agencies that applies for 50 years, so until 2060. And if we did not have such an agreement virtually every one of our actions that were not on our dam per say would be subject to eiss and all kinds of other things. So the hcp, led by a resource protection group, is really important for the future of the bureau. And make our operations efficient. I would like to turn this over to Steve Kucas, who will give you a briefing on the project itself.

**Steve Kucas, Portland Water Bureau:** Good afternoon. I'm Steve kucas, I'm the environmental compliance manager of the Portland water bureau. I just have five slides for you, go through really quickly. The first one you might wonder where is this conservation easement is? It's on the sandy river and you see the purple mark. It's off highway 26 near welches as you're on your way up to mount hood. This is a picture of the area it's quite nice looking. That's a very productive stream it's not in perfect shape. Most conservation easements require a little work for the trees we're trying to get the best conifers and big trees to provide shading and fish habitat. Starting out we're acquiring this easement in fairly good shape. That translates into less money in terms of the improvements. On the good news side, we have already mentioned that our easement program with this last acquisition may be coming to our goal eight years sooner than first planned. When we looked at everything in our hcp, we're able to estimate the fisheries benefits that would accrue with each action. We also have done that with the conservation easement program I'm not trying to get you to memorize the numbers here but, this is just the magnitude of what was in our original target for conservation easements in total for the hcp. The good news is this is what we will achieve with this last easement being 30 acres. So the reason this has happened when we're did this hcp, back in 2009-2010, we had a bunch of targets identified for conservation easements throughout the sandy. With changing ownerships and moving our targets we actually found more productive areas and we were able to do that and these obviously would result in more fish for the money and actually our acquisition of the easements have turned out to be cheaper than we originally projected. It's good news all around from our perspective. Lastly, you always finish when talking about fish with pictures of fish. These are two Coho salmon in that very creek in the conservation easement area. We feel very good about it. If you have any questions we're willing to take them, please.

**Fritz:** Since we now have more fish do we set a higher target for the next ten years or is it just reject that option to keep it as it is?

**Kucas:** For the conservation easement once they mature they will make more fish habitat. You'll get more fish associated with that so the numbers I showed you in the histogram were as if they were all in good shape in the future.

**Fritz:** Do we have to do anything next? We just make sure it stays in good order, we don't have to set a new target of double what we've got already or anything like that?

**Kucas:** Yes, commissioner, that's exactly right.

**Wheeler:** Very good. Is there any public testimony on this item?

**Parsons:** No one signed up.

**Wheeler:** Seeing no public testimony and no further questions from the council this is a nonemergency first reading. It moves to second reading. Thank you both. Thank you for

May 24-25, 2017

coming back. Please read the next item, which is our one and only time certain item for this afternoon.

**Item 564.**

**Wheeler:** Colleagues I'm happy to bring forward these technical fixes to you today. As everybody in this room is aware we're in a housing emergency. Rents continue to increase and families continue to be faced with very difficult decisions. Should I take a 20% rate increase or move 45 minutes away from my place of employment and potentially out of my kids' school district? Should I pay my rent or my phone bill this month? Should I report this black mold and potentially be evicted or not report it and stay? These are very real questions that have been asked by people who we have spoken to throughout this process. This is an emergency and we need to continue to do everything that we can to improve the experiences of both renters and families who are experiencing housing instability. While we have been aggressively advocating for additional tools like the just cause eviction standard and rent stabilization that could help address this emergency much faster, we know that we do have tools here currently that can help us to make real progress. In February of this year, the council mandated that landlords in the city of Portland pay relocation assistance to tenants experiencing rent increases of 10% or more and tenants being evicted for no cause. I want to thank in particular commissioner Eudaly, who co-sponsored that legislation and fought tirelessly for it and worked with many, many people in the community to help make that a reality. I'm going to let matt go through the details of this policy. I mainly wanted to acknowledge the community advocacy and leadership around this policy. There was an abundance of public testimony from housing justice advocates, community groups, and landlords and tenants alike and it became clear that the community at large had a handful of outstanding questions about the mandatory relocation assistance legislation. Therefore, mandatory relocation assistance was passed but with amendments that mandated the housing bureau to assemble an advisory group of landlords, tenants and other interested parties to identify technical issues within the legislation and propose solutions to the issues identified. The technical advisory committee met several times throughout march and April and has compiled their concerns as well as proposed amendments for the council's deliberations today. The amendments before us were recommended unanimously by the advisory committee. Each meeting included time for public testimony, and input was included and considered in the drafting of amendments to this legislation. To present specific issues flagged by the technical advisory committee I'll turn this over to Matthew Tschabold and Victoria James from the Portland housing bureau. Commissioner Fish.

**Fish:** As author of the amendment that is underlying this I just want to say a couple things. At the last time we took up renter relocation it became clear there was some ambiguity in the statute. There were potential unintended consequences and there were people on all sides of this issue that said they wanted a chance to sit down and see if they could address those issues. So I think it was important for us to set up this process. I want to acknowledge, though, that we added this burden on to the Portland housing bureau on top of an already full plate. I know we have asked a lot of them in the last year. I want to acknowledge the director and his team for stepping up and doing this, and I also want to thank the folks from the community that comprise the stakeholder committee who came together and gave their time to look at these issues. Again, we asked a lot of people and it's a near miracle this is back to us as quickly as it is. I want to thank everyone who participated.

**Wheeler:** Thank you.

**Matthew Tschabold, Portland Housing Bureau:** So for the record Matthew Tschabold with the Portland housing bureau. So a lot of the context has already been given but I want

May 24-25, 2017

to give a little bit of context we gave to the technical advice group. You can see the membership on the slides that we have put up.

**Fish:** We don't have a slide.

**Tschabold:** There we go. This is the membership of the organizations and individuals that served on the technical advisory group. We were very candid from the front that mandate to the group was technical in nature. It was to look at the code that was passed by the city council and the policy intent by council but to make the technical changes that many individuals had testified to and many individuals after the hearing had brought up issues that needed to be resolved. What the bureau did was we said we know there are people that have policy concerns and we will bring those forward to city council so that they can be aware of the policy concerns. The bureau won't take a position on those policy concerns at this time because it's not within the scope of the technical advisory group and that is the memo that we submitted to you all yesterday and we're going walk through some of them today. So as we walk through our discussion today, we have broken it into technical issues and then policy questions that we told our members of the group that we would bring forward. The technical issues fell into a few categories. One where there was a clarification needed. These were just questions about the interpretation of the code and upon hearing these clarifications there was not a strong opinion from the technical group that a code change was needed. Simply the clarification from the housing bureau and the city attorney's office was sufficient. The second was more of a jurisdictional question around should this rest in city code, is this a matter between two private parties, renter and property owner renting the property in terms of the structure of the agreement or is this an issue that has to be adjudicated in the court system. For these the housing bureau worked in close partnership with the city attorney's office. So I want to thank Lisa for a lot of the work she put into this during short time frames to parse these issues and the bureau came back to the technical group to identify from the city's perspective whether this was a code issue, a matter between private parties in a rental agreement or a matter for the court system and then the third is where our amendments that are being recommended by the housing bureau and I do want to flag that we're recommending a series of technical amendments and we are bringing one policy amendment forward and I'll discuss why when we get to that amendment. Also acknowledge that was not part of our scope but that there was a robust conversation around that. I'll turn it over to Victoria to talk through some technical clarifications.

**Victoria James, Portland Housing Bureau:** For the record Victoria James with the Portland housing bureau. The clarifications that we have first one is around exemptions that are offered at the state level around landlord-tenant laws and that those would extend into our ordinance as well. Those cover things like vacation occupancy, fraternal and social occupancy and people residing at institutions such as like medical institutions or educational institutions. So the exceptions offered at the state level would also be offered under this ordinance. We also clarified that the 10% rent increase within a 12-month period, that period would begin at the last time there was a rent increase rather than some other date. There was an ask of the group that we define bedroom to which we clarified that but, that bedroom is already given a different mission under cited code in titled 29 and the last one on this slide is around the associated housing cost. There's ongoing questions about whether or not the associated housing costs is calculated as part of that 10% rent increase and we clarified that it is not. This slide basically pertains to whether or not it is the landlord increasing the rent so this first bullet point pertains to if there is a raise in utility costs that is not technically the landlord increasing rent. If a tenant is opting for additional services such as a pet fee, additional parking stall or storage that's also not the landlord increasing the rent. Lastly, we flagged that affordable housing and regulated affordable



May 24-25, 2017

housing have limited applicability under relocation assistance. Mostly because usually the federal, state or local level is setting the income eligibility and maximum rent that can be charged under this situation so technically it would not be the landlord increasing the rent up to that 10%.

**Tschabold:** With respect to some of the jurisdictional questions we had a number of scenarios brought forward by members of the technical group or members of the public around how relocation assistance requirements and timing reconciled if there was a lawsuit. Either a lawsuit brought by the property owner and or the renter. There were a number of different scenarios where someone was issued a no cause and it converted to a for cause. Somebody was issued a no cause and the renter wanted to challenge it. For these kinds of scenarios, again, upon consultation with the city attorney's office given the nuance and the number of individual circumstances that could occur, we agree this is best resolved in the court system. That if there's a lawsuit the judge will make a ruling on relocation assistance payments as part of the entirety of ruling. These three bullets cover that. There were questions around whether or not upon mutual agreement a renter could pay back relocation assistance. And stay in the unit if they changed their mind or if the landlord decided to adjust their rent increase even though they had already issued the notice and thus were required to pay relocation assistance and there are a number of scenarios where it would be mutual consent given that it would need to be a transaction between two private parties both the property renter and the owner of the rental property would need to agree that the condition of whatever the circumstances may be is agreed to by both parties. For the second bullet, there's a lot of questions around if a landlord only owns one duplex with one unit occupied, and the other unit is vacant is that landlord technically renting the unit in the Portland market or are they only renting a single rental dwelling unit in the city of Portland? And if in fact again upon consultation with the city attorneys if that unit is vacant and the landlord is not actively renting it if they only currently have one dwelling unit in the city of Portland but the circumstances are so it could be so unique that that would really be a case-by-case scenario that would need to be worked out between the renter and the landlord or adjudicated by the court system. Finally, the last bullet was for new apartments or new leases that in the last 12 months primarily but could be for at least continuation in the event that an owner of a rental property gives concessions to the renter, two months' free rent, a month free rent to move as to whether or not this that second year when the renter has to pay rent every single month, would the addition of that one month or two months of rents in the second year trigger relocation assistance. Again, upon consultation with the city attorney's office that would need to be specified in the rental agreement that the concessions are being given but the aggregate rent is such that it would not trigger relo or vice versa, or however it's formed. These are aspects both Victoria mentioned on clarifications to the group and the public as well as these questions of jurisdiction that upon either giving feedback to the group they were content with not making code changes around those issues or that the guidance of the bureau and the city attorney's office was it wasn't appropriate in city code. So we do have some proposed code amendments that we're going to walk through really quick. Victoria will talk about the technical amendments then I will have a discussion with members of council about one policy recommendation we're bringing forward.

**James:** So the proposed technical code amendments are firstly there was concern if a landlord only had one unit technically they would be exempt under relo. There was concerned if they then had that property managed by property management whether that would be an exemption. We are proposing to say that owners with one unit are exempt even if they are using a property management company. The second proposed code change would be relocation assistance is given on a per-unit basis rather than per tenant

May 24-25, 2017

basis. Thirdly, that rent increases are calculated on a rolling basis and this goes back to one of the clarifications that I mentioned which is basically that question around how is that 10% increase within a 12-month period calculated and it would just be calculated based on time for the last rent increase. Rolling basis on rent increases then lastly, there was a lot of concern from the landlord side about what would happen if the relocation assistance funds were issued but then that tenant did not leave the unit so we're clarifying that a renter must repay the relocation assistance if they do not terminate their rental agreement, which is to say if they stay in the unit.

**Tschabold:** With respect to the one policy amendment we're bringing forward, we acknowledge this is outside the scope of the technical mandate, but this was something that was very -- very strongly felt on both sides of the issue. Both renters and landlords felt that 14 days was not enough time. On the renters' side of the equation not enough time to really assess whether or not they should move they should make a life decision. It's a quick time to see what's out there in the rental market, to try to secure new housing, and thus then notify the landlord they wanted to request relocation assistance and they intended to move out. On the landlord's side there were a number of issues that came up both with respect to some property manager part of a national corporation they had to get authorization from a corporate office to make these payments and sometimes that corporate office was not in the state. For folks that were managing single family homes that were owned by other people, they would need to request the cash be deposited into the account of a property management firm then be disbursed. Some folks said that they only process checks internally. They were on a system by which they processed check payments every month and so a 14-day window was not working for their operational procedures. I want to mention there wasn't uniform agreement that there should be an extension for both landlords and tenants depending on which side of the discussion folks were on they had different perspectives. What the bureau said was given that the mandate of this group is technical changes only, the bureau will not move forward with making a policy recommendation to city council unless there is unanimous support amongst the entire technical committee, for whatever that policy change is. So it was quite a long discussion. About an hour and a half discussion at least around whether or not the group could come to consensus on a policy recommendation around extending the number of days. While I think it's fair to say that not everybody on the group was happy with 31 days, they were willing to compromise extending the time frame from 14 to 31 for both parties in the transaction. Because absent that there would have been no policy recommendation back to you all, it would have just been flagged in the policy question section later. So given that there was the unanimous support and given that there was a significant amount of feedback that 14 days was too short a period of time for both parties we're bringing this policy recommendation back to city council. So with that we're going to briefly go through the policy questions again. Our commitment to the technical committee was we would summarize the policy questions and we would present them to city council on the record and that the housing bureau would not be taking a position on these but flag them in exchange for their participation in the process. There was a lot of input that they were unintended impacts going on in the housing stock and market. The housing bureau is not verifying these or not verifying these but there are claims more homes are being sold single family dwelling units being sold that rent increases were occurring at a 9.9% rate rather than 10% rate. That rental units were being removed from housing stock. That new rental units were only being provided outside city limits. So there were a lot of claims were being made as a consequence of the impact on the housing stock and the housing market. There's a lot of discussion around impacts of income tax obligations and requirements. There are a number of property management firms that said in order to meet their irs

May 24-25, 2017

compliance this is a payment to an individual that they needed to request the completion of a w9 so they could issue a 1099 given the payment amount and that it was considered a source of income, and on the renters' side there was some concerns that if this was considered income, which we have talked to some of our own accountants, that it could be depending on personal circumstances, it could also impact not just -- not only create a tax liability but it could impact people's benefits if they are low income and receiving some sort of public benefits for that particular tax year, some people are right on that edge, it could push them where they would see lower benefits or lose benefits in that particular tax.

**Wheeler:** Could you be explicit? How does this address that issue? How does it fix that problem?

**Tschabold:** We're not addressing it.

**Wheeler:** Just flagging that.

**Tschabold:** As a policy concern of members of the group.

**Fish:** I know you're not the tax lawyer and not making a recommendation, but is there anything in current law that -- we have our attorney here actually we could ask. Is there anything in current law that precludes a landlord or a managing agent from issuing a 1099 without a w9? You don't know the answer to that? Okay.

**Fritz:** Does what we have allow the tenant to say thank you but I don't want the relocation money? Because it would push me off of my benefits?

**Tschabold:** Yeah, the tenant doesn't have to request the relocation assistance but some folks that work a lot with renters had suggested there's no real information out there that this could create a potential income tax liability or potentially push people's incomes to a level where they could lose other public benefits.

**Wheeler:** I hope we will take a harder look at that because I think -- tax policy is pretty thorny, right? We all know that. For people to know personally where that exact threshold is and when they cross that threshold, that's asking a lot. In my opinion. This isn't a new issue. This has come up year after year after year and seems like it's probably a statewide fix we should be advocating for. Don't want to lose sight of that one.

**Fish:** I don't know the tax issues here so I'm not going to speculate, but it may be that it impacts people differently based on their circumstances. I'm not sure that it is -- it strikes me it would not be particularly onerous to require the issuer of the check to have an agreed upon document that just says among other things this may have a tax consequence to you and you are encouraged to seek an opinion on it or something so you're just giving people notice but not getting in the business of giving advice. Sometimes just alerting someone to the fact there may be an issue, particularly if they are assuming it doesn't create an issue, might be valuable. We don't have a recommendation before us, and this is for further consideration.

**Eudaly:** As far as impacts to benefits go that is something that we looked at and felt that risk was nominal and temporary. It is something people should be aware of for sure.

**Tschabold:** I think this speaks to a bigger issue that came up across these policy questions, which is that at this point the primary role of the city and city institutions was the adoption of this code by council. That there isn't any programming associated with it. I think that might be the -- that's the next slide, actually. There's a lot of questions around there's no consult really specific or language specific interpretation of this in plain language, that there's no education provided by the city over all from a programming standpoint for landlords or for renters. That thus far there's not a program staff that's out there. In the mayor's budget there's the creation of an office of landlord/tenant affairs which could have this function but deficit on both sides, both parties saw a need for more information, dedicated phone number folks could call. There's been coverage between the

May 24-25, 2017

mayor's staff, commissioner eudaly's staff, housing bureau staff. That's something that has emerged that seems to be a need on all sides.

**Fish:** In the short term couldn't we simply encourage landlord associations to pull together an FAQ to discuss with their members and put something on our website that is easily accessible that simply flags issues? We're talking about flagging issues; we're not necessarily giving them legal advice.

**Tschabold:** Legal aid services of ordinaries and I have worked together on a similar document. Commissioner eudaly's office has, the mayor's office has. Housing bureau has posted the document from legal aid services because we contract with them. I know that Portland Tenants United, Multi-Family Northwest have done this, so in the short term I think we have addressed it somewhat but this still was an ask of the committee to come back to council and say we think if this is part of city code the city should have more of a role in rolling it out and informing the public.

**James:** Continuing on, guess with the proposed policy changes, there was a lot of conversations around circumstances that could render a landlord in a difficult position to be able to pay the relocation assistance so there was a proposal that will be a hardship assessment or some hardship waiver for landlords unable to pay relocation assistance to a tenant. There was also an issue flagged around the mismatch and timing between the 90-day notice for eviction of a tenant and 60-day occupancy for FHA, then there was.

**Fritz:** I don't understand that. Could you explain what the 60-day thing is?

**James:** In the event that your landlord, who has a unit that you have a tenant in and you're wanting to sell that unit, you are mandated by law to give that person a 90-day notice because you're wanting to evict them so you can sell the unit. Meanwhile, the buyer needs a subsidy for their mortgage to buy this new unit, and if they are using the federal housing administration loan, FHA loan, they are required on their side by law to occupy that unit for 60 days. If you are the seller there's a mismatch in time frames between giving that 90-day notice and that person -- sorry. There's a mismatch between that and the person coming in, which would basically -- it puts the seller in a difficult position because they either need to prematurely issue that 90-day notice to make sure they are giving the buyer enough time to have that 60-day occupancy, so that was an issue that was flagged. I don't think they've explained that sufficiently.

**Fritz:** It's not one that we're currently changing.

**Tschabold:** If I may, Jane Leo, a part of our technical group is here and can speak to this issue. This one is one that isn't exclusively associated with relocation assistance it has to do with the extended 90-day notice more so because the relocation assistance fits into that 90-daytime frame that's already in our local landlord/tenant law. It has been an issue that she and her membership have come up against.

**James:** There was also an issue flagged around whether or not landlords should be able to withhold the relocation assistance if there's damage to the unit that surpasses the security deposit. Or what the security deposit could cover. There were several flags around whether or not relocation assistance should be income based rather than extend to everybody within Portland city limits. There was an issue flagged right now there's an exemption given to landlords renting out a unit that is their primary residence and they get that exemption if they are renting out that unit up to three years and there was a request that that three-year limit be extended to maybe five years or something, something higher than three years in any case. And lastly, there was a gentleman who came in for public testimony who suggested that because this policy is meant to sort of mitigate or counteract displacement, displacement was actually something that was sort of brought forward by the developers. The developers are sort of making about displacement a problem and therefore should be the developers, not the landlords, paying relocation assistance. One

May 24-25, 2017

more slide. Then there was a question around whether or not relocation assistance should be mandated to be paid in a lump sum or whether we should break it up into installment payments, and there were some folks that suggested that maybe we should mandate the use of escrow accounts so that there is a sort of third party that holds the relocation assistance funds to make sure that the landlord is paying them forward and that the tenant is getting them.

**Fritz:** What's the default? What's happening under the current rules? Are they allowed to meet it out of the three month or is that current rule say you have to give the lump sum?

**Tschabold:** Are they allowed to --

**Fritz:** Pay in installments.

**Tschabold:** We don't know. We don't collect data. We know anecdotally and community alliance of tenants collects information from their clients but as far as a comprehensive assessment of what's going on, if there's an agreement to it, a landlord could pay the entire thing at once. The requirements are that they have it paid by for instance in the event of a no-cause eviction or an eviction there's a requirement that it's paid within 45 days after the notice is given.

**Fritz:** All of it.

**Tschabold:** All of it. Now it doesn't specify in code whether it's paid every week up to the 45 days and it's paid completely by the 45th day but it does say it's to be paid by the 45th day. In theory it could go either way but we don't have a good assessment of what's happening. Similar on the other side with 14-day time frame.

**Fish:** Can seek a clarification on something? When does our state of emergency efficiently terminate?

**Tschabold:** I need to check but I believe it's midnight October 6. October 7 let's say.

**Fish:** We have a question as a council about whether to extend the state of emergency and if so under what terms so that's number 1. Number 2, we'll have a question about whether we extend this program appeared under what terms. So just so I understand these policy questions, absent the council directing the bureau to come back with specific recommendations, these are just -- you're flagging issues for us that came out of this process which we could either choose to look at now or choose to look at in October or choose not to look at it. Is that right?

**Tschabold:** That's correct.

**Fish:** Is there any -- you have given us a red line version of the ordinance which contains the technical changes for our consideration. Does the bureau believe any of those policy questions raise urgent questions that we should be addressing sooner between now and when the housing emergency is up for renewal? Are you playing Switzerland on that too?

**Tschabold:** I think that of the policy questions that are most substantial, I don't know how realistically it could be addressed in time for the under the current sunset. There are some challenging questions around hardship waivers in the event that -- there's lots of personal circumstances as to why an owner of a single rental property may not -- may be evicting someone and getting rid of that property. The establishment of a hardship waiver process is just not feasible between now and October.

**Fish:** So as a practical matter if the council -- some member of council or the council decides any of these policy questions should be looked at more closely, the logical time to do that would be in the fall when we are looking at renewal. That's the time frame that is probably more logical. Is that right?

**Tschabold:** Correct.

**Fish:** That would give the bureau more time to evaluate these issues and make recommendations.

**Tschabold:** Correct.

May 24-25, 2017

**Fish:** Thank you.

**Wheeler:** Very good, colleagues.

**Tschabold:** We have invited testimony from the technical committee members. I don't know -- there are questions first or if we want to do questions afterwards.

**Eudaly:** I have a question. You went into this a little bit but I just want to clarify everyone has been saying these amendments were the result of unanimous decision but would you characterize the decision process as a true consensus process because we have gotten feedback from members of the committee who clearly aren't in agreement with some of the pieces of the amendment.

**Tschabold:** The policy recommendation was unanimous. The others we collected feedback from the technical group, but in the end said the housing bureau would be making the final recommendation, so the only -- because the scope from the amendment from commissioner Fish's amendment was to look at the technical changes, the policy recommendation was one we felt like we could not move forward without absolute unanimous consent.

**Eudaly:** Okay.

**Wheeler:** Unless people have questions lets go with the panel. So the first panel Jessica Green, Katrina Holland and Alicia Harrison and we will follow up with a second panel Margot Black and Jane Leo.

**Wheeler:** Good Morning if you could just state your name for the record. Wait it is afternoon in a room with no windows it all looks the same.

**Katrina Holland:** I'm Katrina Holland, executive director of community alliance of tenants. Thank you for having us here today and thank you for this important time for us as renters as landlords to discuss these technical issues and flag these policy issues that are critical to the success of this program both now and potentially in the future should we decide to implement it in long term as a city. I want to be clear that community alliance of tenants is emphasizing we definitely need additional protections post state legislative session. We're in a crisis now and we understand the Portland relocation ordinance set to expire October 7th given the housing emergency declaration ending at that time but we do have long term issues to address. We encourage council to think about this as a long-term policy to implement and to continue to work collaboratively with landlords, with renters, with the county to implement some very important tenant protections moving forward. So the impact of relocation I can say from the community alliance tenants' perspective given we counsel about 200 calls a month with a volume probably three times that was definitely felt in terms of minimizing no-cause evictions, the impact wasn't as deeply felt because no-cause evictions and rent increases are the still the top two calls we hear on the hotline however we did hear from tenants that it did help to mitigate financial impact of being told to move with no warning. So in a sense it did provide support for mitigating the impact of no-cause evictions. In terms of I think it's a little too premature to see if there was long term effect whether it increased the housing stability of families or prevented families from moving into homelessness. Obviously the cost of living is really, really high. A lot of families particularly the ones we work with and serve still face very high barriers to getting into housing and maintaining housing in terms of financial perspective. I would also say that as a result of this policy additional harassment is also a problem that we have seen an unintended consequence and I would love council to begin thinking about how to address as we discuss this important issue in particular we did hear that one landlord retaliated and there was a recent ice raid within the last few days. There's definitely a significant imbalance between landlord and tenant, so like I said we must continue to work to balance this important symbiotic relationship because they need each other. The technical advisory committee was extremely helpful in identifying issues although somewhat uncomfortable

May 24-25, 2017

because some of the conversations were tense. I'm sure we can all agree on that, but it was great to see landlords and tenants and advocates coming together to work out the kinks. I would encourage council to continue in this manner moving forward as we consider long term issues or potentially an emergency. To answer your question commissioner Eudaly about whether or not we characterize the decision as true consensus it definitely wasn't. I think we have to think equitably about the situations that people are facing. We're talking about families that could potentially be homeless if they don't receive relocation assistance versus an organization or a landlord keeping with accounting procedures or operations. Very, very different in nature. So yes, we agree because it was very clear that tenants said 14 days is not enough time, and it's not in this market we definitely need more, about 31 days for the turn around to receive a check was difficult to agree to but we need more time on both sides so we agreed. I would also say that one of the things that we took away from this that I would really encourage council to take away from this as we move forward in implementing additional protections in this market is that the devil is in the details moving forward and thinking about long term policy implementation continuing the technical advisory meetings would be important. I know it's a very time-consuming, it is a drag on the staff, but it's really helpful in terms of bringing folks together to discuss these important issues and work out the details. Over all we would say this was very helpful and we applaud the city council leadership in appointing this group and look forward to continuing the journey with the city and all stakeholders in the rental market at various levels of government at the city, county and state level. I want to make sure to emphasize we have a ways to go to achieve equitable outcomes in this important sector of our market and we are willing to do the work to make it happen.

**Fish:** Katrina, did we have the right people around the table? When I say we, when the housing bureau convened the technical advisory stakeholder committee did we have the right people?

**Holland:** I would say so. I think we lacked some representation in terms of culturally specific organizations and folks that may have witnessed the impact of relocation or the impacts of no cause eviction and rent increases more broadly across intersectional streams. So I think but I think in terms of addressing the critical questions in a technical manner, yes.

**Fish:** You also mentioned potential, some of the calls you're getting people are telling you that they are being retaliated against for exercising the statute. Did you or the committee consider any additional protections that we should consider to address retaliation?

**Holland:** Oh, yes, we have a whole slew.

**Fish:** That's something we want to talk about particularly if this is extended. We would welcome that from you and from the technical committee.

**Holland:** Right now?

**Fish:** No. Thank you.

**Jessica Greenlee:** I'm Jessica Greenlee, property manager at affinity property management. I especially want to thank matt, Victoria and devicia for making the process productive. I felt like being included in this they made sure each meeting we're moving forward towards some consensus in addressing these issues. I really appreciated that. Some of the recommendations made by the bureau, the vast majority of landlords want to comply with the law and having that clarity in place is important to make sure that we are applying with the intent and not making missteps in that process. So, some of the recommendations made by the bureau helped to guide that. To make sure we're in full compliance with that regulation. So some of the other issues, though, that were brought forward in the policy concerns I would like to talk about specifically revolving around the w9 and the 1099 situation. From an accounting perspective for federal regulations we have to

May 24-25, 2017

have a w9 to issue the 1099 and there's a requirement to issue a 1099 for any payment made more than \$600. So, I also think that the w9 could be a catalyst for a conversation with tenants who might be receiving relocation assistance so that they become aware that this is forthcoming and it does not come as a surprise to them. It could be very helpful to include that language in here so if it does come up with the tenant stating we need this paperwork to issue this payment that they understand why and that it's clarified that it's a requirement of the relocation assistance policy. I think there probably is still a long way to go in clarification toward some of the language in here and the meeting has brought that very much to the forefront and is complex especially regarding affordable units. Home forward brought forth a lot of great points that weren't necessarily easy to outline within the ordinance itself. It took additional back and forth with the city's attorney to gain that clarity that was necessary. To fully understand what the ordinance applied to and did not apply to in that situation. Hopefully we're able to continue to move forward with this discussion and this ordinance when you revisit this in the fall. Thank you.

**Wheeler:** Appreciate your participation.

**Elisa Harrigan:** Good afternoon. Elisa harrigan with Meyer memorial trust. I'm also a phac executive committee member. I wanted to start out with giving just a special thanks to Victoria and Matthew for shepherding the process. There were a lot of strong opinions. It was very dynamic conversation about the policy. The process was pretty efficient and guided with the charge of the focus at hand which was the technical components of it. For that piece of it I did think it was equitable in the fact that folks got a chance to talk about the technical components. It's difficult to separate the conversation of just the technical pieces without some of the policy components because they do enter lay. So I think the technical component folks had a chance there was a lot of consensus when it came to some of the larger, thornier issues. I think more conversation, this was a pretty fast process, is needed and to really have an equity focus on there of who are we trying to impact and what is the ultimate intent that council had in the beginning of this. I would also like to thank Lisa from the city attorney's office. We threw a lot of challenging questions at her, and she was very good and gave very lawyerly like responses and was very helpful in her guidance when she was able to provide it. So the technical group was made up of a variety of different interests, renters, owners, social service providers, other experts in the field. One of the questions is this is a challenging topic and so being mindful of keeping folks who have expertise in the area versus just getting kind of broader and broader and just having a variety of lenses on it if you want to get to something that is actually going to be able to be utilized in a meaningful and effective way. So I thought that it was a large group but did represent a variety of interests in the city that we have here. The technical group was reminded often and did stay on focus with our charge of being to review technical changes because there were policy issues that came up the bureau did provide space for folks to flag them and as you've seen a number of those are on there. I think folks appreciated having the space to flag those critical policy issues but also stay focused on the technical changes that was requested by council. The main policy issue I do want to just flag and I know Matthew spoke to it is the 14-day issue. So there was strong agreement that the 14 days was two short for both renters and landlords. There was critical concern about that. So, I do want to emphasize that as something the committee wanted to put forward. The committee had strong concerns about that so although there was unanimous recommendation around the 31 days there wasn't necessarily consensus on the extension of the time period for each. There was more conversation but folks were really concerned about the time period not being able to be flexible in a quick enough time manner, waiting until fall that affects both sides sooner for it to be effective, not to be another displacement factor for renters. Then if the city council should choose to extend



May 24-25, 2017

the relocation assistance or the emergency -- housing state of emergency I would strongly recommend that a group be put back together to review those policy issues that were flagged sooner than later. Waiting until the fall will mean continued time frame of ambiguity and a lack of useful and meaningful utilization of a policy that was put in place to be effective. With these many policy challenges folks are either not implementing their rights or possibly fumbling and having other legal issues on both sides making it even further contentious. So, I think it should be taken up sooner versus later. And to really have advanced discussion about some of those issues in my opinion some could be discussed in a faster timeline than what would be implemented by the fall. I agree setting up an escrow, working out tax components could take longer but there are other policy issues that I strongly agree and I think some other committee members would agree could be worked out just in the not as fast timeline if it wasn't focused on only technical issues. So thank you again. I appreciate having been part of the process and being able to represent the phac.

**Fish:** Since we have had testimony that Kat-- first we have two distinguished directors, past and present, here. Since we have testimony that you're getting calls about retaliation I have asked the city attorney's office to check on a legal issue and that is whether the existing protections under landlord/tenant law apply to people under this ordinance. That is whether the existing state law protections against retaliation can be claimed by someone under this ordinance or not. So we'll hope to have an answer for. That that seems to be an important question.

**Harrigan:** I'm not a lawyer. But I like to provide information often.

**Fish:** Since you play one on tv.

**Harrigan:** Yeah. Technically yes, but the practicality of the use of that policy is difficult and especially when someone is in a place where they have to move in a quick time frame given the market that we have. I think there's a question of what technically does the law say and what in practice can we actually do. To your question the committee didn't actually come up with solutions or strategies around retaliation. That may be Kat and Kat's group that has strategies and solutions, but this group didn't take it up. Many of the policy issues had challenges on both sides so the tax piece both landlords and tenants, tenants, there's folks who have undocumented immigration status, other folks who are immigrants and refugees, there are concerns and challenges about providing tax information. So some of these are just really thick that really need to be dealt with. Are there work-arounds or ways we could provide support so there could be both compliance and utilization on both sides. So I do think that folks want to comply, it's just a matter of understanding and feeling that it's fair and usable.

**Fish:** Thank you.

**Wheeler:** Thank you. The next panel. Margot black, from ptu, and jane Leo. Come on up.

**Margot Black:** I'm Margot black, a member of the committee and I'm part of a lobbying entity Portland tenants united. I wrote some stuff but a lot of it was echoed by other members of the committee so I'm going to try to just say what I needed. I do want to join with you and other members of the committee in thanking Matthew Tschabold and Victoria James and others at phb, for assembling a thoughtful and representative stakeholder committee and for clear and patient leadership and facilitation of our meetings. I think they did a really good job keeping us focused and on track and identifying, discussing various issues rather than arguing about the overall merits of the ordinance itself. I agree with others certainly there are strong opinions on both sides but I do feel like for the most part the conversations both over email and in person were fruitful and productive and I thank phb's leadership for facilitating. That I also want to echo what Katrina and I believe Lisa said. I don't believe there was consensus on the policy issue on some of the proposed

May 24-25, 2017

changes and I'm a little worried about amending these and potentially creating more confusion and unintended consequences when perhaps it warrants more discussion. I participated in a fruitful email afterwards where there was some consensus that some of these issues merited further discussion. The two amendments that I'm concerned about that I felt weren't fully consensused extending the timeline for landlords and tenants to 31 days for the rent increase over 10% and clarifying that landlords of only one unit who use a property manager are still exempt from paying relocation. Most concerns about the 31 days have already been raised. I think there was broad agreement and uncontroversial agreement that tenants need more time than the 14 days their currently given especially when we consider the combination of both the intent of the relocation ordinance and the intent of the 90 day notice on rent increases that was instituted by this council in the fall of 2015 both acknowledge and address that forced displacement or potential forced displacement tenants need both time in order to either adjust their budget or find new housing and they often need the resources to do so, and that 14 days' notice definitely has equity and access issues. Tenants often don't know yet if they are going to be able to afford the new rent increase. They don't know if they will be able to find housing. Many tenants simply don't know about the ordinance. Ptu is working with an elderly fixed income vet who had a \$300 rent increase and didn't know about the ordinance until toward the ends of his 90-day notice so he's out of luck. We need to err on the side of flexibility for tenants to give them as much time to assess their options, learn about this ordinance, communicate with their landlord as possible. I think that once that has happened delaying the time for them to be paid the check, relocation expenses by 31 days could have unintended consequences of them submitting their notice to move before actually having anywhere to go because they don't have the financial resources to even begin their housing search until after that relocation check has come in. We need to recognize -- I know that was the intent of the council when they passed the ordinance, that moving is expensive those costs are actually real. This is not like a lottery award. This is mitigating the very real financial costs of moving which start with application fees at \$50 each and many in two adult household have to pay \$100 over and over and over sometimes. The minute you actually manage to secure housing you have to put down a security deposit and both -- the search for the housing requires often time off work and child care expenses. I say all this just to say if that can't even start until 62 days through the notice period which only then leaves the tenant 28 days of their current rent we potentially run into some issues of some tenants not being able to actually find and secure housing before they have to pay that higher rent. I would like to recommend that we extend the timeline for tenants by 31 days or as much as we're comfortable doing and refer the payment of relocation back to the committee for further discussion. It seems like the main reason that we needed that additional payment, additional time on the landlord side was the bookkeeping check authorization issue. I would suggest that as soon as a 10% rent increase is even decided on by these larger corporate multi-national landlords for whom they can't issue a check in under 31 days they should know that that check may need to be issued and they can begin those preparations at that point in time. I don't think that they need that full 62 days essentially from the time that they issue the notice, which is also some period of time after they have decided to issue that notice. I would suggest that we revisit the conversation with the landlord's lengths with the clarity on the impact on tenants. The other amendment that I want to just flag is the property manager loophole. I want to absolutely honor the fact that the intention of the council to exempt small landlords should - - to the extent that there's an error on the tenant's side with a small landlord using a property manager and then not being exempt from paying relocation, I do understand that it is -- it was the intent of the council to exempt that landlord even if they use a property

May 24-25, 2017

management company. On the other hand, there are some errors in the landlord side that allow them to not pay relocation when perhaps they were intended to. One error that or one such loophole that has been brought to my attention multiple times is putting multiple properties into separate llcs and I do acknowledge there's some disagreement whether it's an actual loophole but I have seen industry groups and property management companies publicly on their website advertise that as a way to not have to pay relocation. One landlord exemption already is a huge burden to tenants, a huge equity and access issue because it requires that tenants know about Portland maps, now know how to use Portland maps and county databases and secretary of state website to actually figure whiteout their landlord is and how many properties they have financial interest in. It's a puzzle for me as a very technologically literate person well aware of the databases to really track down whether or not their landlords have one unit or not. To further complicate that by then saying that the landlord is exempt if they are using a property management company and then requiring the tenant to go really make sure that their landlord really owns one unit, it just -- already for tenants who shouldn't be exempt from this ordinance at all just because they rent from a small landlord it doesn't make moving less expensive for this, it introduces additional burdens. I would say we shouldn't close that loophole on the one side without addressing loopholes on the other side. I would personally like to see that referred back to the committee until we can kind of look at ways that one landlord exemption is impacting both sides and come up with a strong fix for both parties.

**Fritz:** Thank you for that I want to ask Denis and possibly Lisa. Isn't it difficult to set up an llc a limited liability company? I can't imagine if you only had one unit why would you want to create an llc?

**Denis Vannier, City Attorney:** Commissioner, I would be happy to have a conversation with you about that. It depends what you mean by difficult. It's fairly cheap to set up an llc, and fairly quick. There are some hoops that one has to go through, but they are not overly onerous.

**Fritz:** What would be the advantage to the landlord of doing that?

**Vannier:** Again, you know, I would be happy to research that issue. I could see essentially if an individual set up several llcs to manage property then each llc is the landlord.

**Fritz:** I'm not talking about the person who really does only have one property, one unit. I think we're agreeing certainly we should not exempt people who have multiple just because they call it something else.

**Black:** But they are technically right now exempt.

**Fritz:** Not under the amendment I introduced. I thought the purpose of this committee was to make sure we were clear on that Lisa Gram phase--

**Wheeler:** Come on up and introduce yourself.

**Fritz:** The captioner can't hear you and you're not on the record.

**Lisa Gramp, City Attorney:** Lisa Gramp for the record. The reason somebody would do that would be to limit their liability for that particular property to just that llc. It's actually fairly common to set up your properties in that way. So if --

**Fish:** If you have a multi-family property, it's not common to set up 200 llcs for 200 units in the building.

**Gramp:** No, no. I'm talking about specific addresses. You would have 7 cedar street llc, 15 another street llc.

**Fish:** I appreciate, Margot, you flagging this. I think I understand the point you're making about a potential loophole. Is it your view that this amendment because it brings in property managers in effect has the reverse effect of encouraging someone to exercise this loophole?

May 24-25, 2017

**Black:** No, I'm saying where we recognize the intent of the ordinance is exempt owners of one unit even if they use a property management company and who are by definition right now not exempt if they use a property management company and we want to fix that in order to honor the intention of the ordinance, from a fairness standpoint, I think that we should -- like I said that's an error in the tenant's favor. If the tenant is renting from a property management company, that property management company manages more than one unit, by definition they would be owed relocation. I believe it's probably the intention of the council to exempt the owner of that unit from paying relocation if they only own one unit even if they are going through a property management company. I would say so basically we're trying to tighten down that exemption to make sure that owners who aren't meant to pay relo don't pay relo, of course the effect being that is even now a bigger class of tenants who don't get it. But we're not addressing on the flip side of owners who are intended to pay relo not paying relo. From a fairness perspective, rather than tighten it for the landlords we should do at the same time tighten it to make sure the tenants who are supposed get it are getting it. Basically don't exempt the property managers until we also fix the language around the llcs and potentially we had another situation where I think it was in the flagged testimony, from one of the flagged issues. We have an owner who has two or three units I think and two of them became naturally vacant. Tenants put in their own notice. Now they are only renting out one unit and gave a no-cause eviction and didn't have to pay relocation even though they own three up units so they are only renting out one unit so they gave a no-cause eviction. They were rather smug in the fact that they could. Part of my wanting to make sure that we kind of fix it equitably on both sides is important to me.

**Fish:** Thank you.

**Fritz:** Very helpful.

**Wheeler:** Good afternoon.

**Jane Leo:** Hello.

**Wheeler:** How are you today?

**Leo:** I'm here. For the record, I'm Jane Leo with the Portland metropolitan association of realtors here in Portland. In testimony there are many things that I could respond to but I specifically want to say that while we still don't support the underlying ordinance and have significant concerns about the policy considerations that some were named, some were addressed, some were left for you all to make decisions on, I do appreciate the opportunity to attempt to bring some clarification to the ordinance. Some points I do want to make, I do appreciate on behalf of the association this council the recommendation coming before you in support the amendment that recognizes the owner of a single property that happens to contract with a property management company. If you recall back to your February 2 hearing, I believe the woman's name was Mrs. Fink. She testified she owns one unit in north Portland. For whatever reason she should decide to use a property management company, she should still be allowed that one owner exemption so I support the amendment that's before you.

**Fish:** Can I ask you a question, Jane? I originally supported the one unit exemption, cause I was more focused on accessory dwelling units, the fact that the council has gone to great lengths to have people have as much flexibility as possible but the question has been posed, could you use legal artifice to game the system by having multiple properties, treat them all as separate llcs, therefore claim the exemption on each one even though you're technically a landlord owning multiple units? What's your view of that? Have you observed anyone that is part of your association either advising people to do that or taking that action?

May 24-25, 2017

**Leo:** The question has been raised by members of the association. Many of whom own rental property as part of their -- part of their retirement plan. The question has been raised and I'll be very honest with you, commissioner Fish, I have heard legal opinion on both sides as to whether or not even -- the question has really come down to even if you can create separate llcs, would the court recognize that as separate legal entities therefore falling under the one owner exemption or would the court say no, the lines trace themselves back to one person. I have heard legal argument on both sides of that.

**Fish:** Sounds to me given that god put lawyers on the earth to test limits of these things, right, and someone is going to try to come up with a creative theory, couldn't we I say that as a recovering lawyer --

**Fritz:** By divine right.

**Fish:** Not so divine. Couldn't we actually address this through a code change so that to discourage people from thinking that they could just spawn a bunch of llcs to create the fiction that they are just owners of one unit? I think my guess is that our legal team, which I'll put up against any other legal team, I think we have the best law firm in the city, I'm thinking we could come up with some language which might discourage some of our friends to put multiple properties into separate llcs by deeming that to be by declaring that under those circumstances you're not eligible for this exemption. Spend the legal fees but we're not going to treat that and if you do we're going to ding you.

**Fritz:** Now that I hear you talking about that, though, it goes back to the u.s. Supreme court citizens united decision. Corp rages being people and et cetera. I think it might be quite difficult to define -- possible to get to landlord maybe is the llc, but who is the person?

**Wheeler:** I'll chime in as well. Everything we're doing here is by code. There are numerable iterations we could go through and we could spend years discussing the legal theory behind every iteration that unfolds around every layer of this onion as members of council we have the ability to come back and right size or change or refine in any way we want based on what we actually see happening in the community. In terms of going through the exercise of what might happen hypothetically, I can think of lots of different policy issues that aren't even being addressed yet that weren't on that list. That's for another day.

**Fish:** I agree with that, mayor. That's why lawyers were smart enough to charge by the hour. [laughter] we could spend years debating these things. But I do think the question if someone's intent is to expand beyond the one unit exemption by creating essentially the legal fiction that there are multiple properties or in separate llcs I'm quite confident we could come up with a code fix that makes it clear in the definition section that is still treated as -- that that person is not eligible for exemption. I'm quite confident our crack team could do that.

**Fritz:** After we've had public testimony we get to discuss this again I would like Lisa Gramp to give us a suggestion on that because in the code it ought to be possible to say we're talking about human beings. You got interrupted, jane. Please continue.

**Leo:** I do ask that this council take into consideration that there is a tremendous amount of difference between a multi-family high rise unit that is rentals and those individuals that do own single family properties. There's a tremendous amount of difference in how they are managed and operated, and that that be kept in consideration as you go forward in talking about this and making your decisions. I do -- we do support the amendment that's come before you that the relocation fee is by unit and not by occupants. And to clarify a point that's come up regarding the 60 days, under federally guaranteed mortgages, which would include ones that you yourself may have taken part of at one time in life and may have one right now, if your mortgage is a federally guaranteed mortgage that's come to you through fha, v.a., usda or even some conventional loans, if that rental unit is put on the market and

May 24-25, 2017

right now I can attest that when I looked at the last numbers we have as of February 2nd to date of yesterday, 274 tenant occupied single family units were put on the market. We could debate all day long whether or not that's reaction to this council's actions or what's happening in Salem or perhaps both. But we're not here to do that. But to clarify if that unit is put up for sale and it's currently a rental and it becomes owner occupied, in a market that we have right now, which is in high demand market, and that unit is going to become an owner occupied on the federal mortgage occupancy is required within 60 days for that new home buyer, often that first time home buyer, 60 days is required for them to take occupancy in order to be eligible for that mortgage. So to the question that was raised I hope that that clarifies it a bit.

**Fritz:** I don't see why that's a problem then.

**Leo:** I'm sorry?

**Fritz:** I'm still not seeing why 60 days is a problem.

**Leo:** It's come down to if you have the owner of the property gives notice and it's a 90-day notice, but the house sells in five days --

**Fritz:** Ah, yes.

**Leo:** You now have your lending process, which is governed as a federal system under the consumer federation protection bureau the cfpb, we have then you start your clock starts ticking.

**Fritz:** Thank you. We don't have a proposal to fix that yet. That's one of the policy things we're going to put on the list for continuing the conversation.

**Leo:** Right, as part of the continuing conversation. My final point is on the 31 days like most things in life, consensus is reached through compromise. And in a good compromise, everybody loses a little bit. I believe that that was when we came to the 31 days that was recognized that it was everyone came to the consensus vote but recognizing that it may have not been ideal in their individual world but as a group it was a consensus vote for 31 days.

**Wheeler:** Great. Thank you. Appreciate you both being here. Come on.

**Gramp:** Hi. Lisa gramp. Can I just answer whatever questions you have? I have to go to another matter.

**Fritz:** What's your suggestion for defining personal human being in the code?

**Gramp:** Without getting into any real time drafting I wonder if we could figure out sort of majority interest in a property and craft some language in that way in order to avoid the llc problem.

**Fritz:** Does the language we have in this proposal conflict with that?

**Gramp:** No, it doesn't conflict with it. I think we would have to augment it to address that issue. In our code we are referring to the defined term landlord that is in the state statute. The state statute encompasses all these categories that raise this issue that was the property management issue that was raised as a result of the amendment. Remember that exemption was added as an amendment. That wasn't anticipated in the original draft. The amended language is what caused the property management language to get deleted.

**Fritz:** How long would it take you to figure out what that would look like.

**Gramp:** It would depend on what we wanted, I suppose. It wouldn't take me very long.

**Fish:** I can make a suggestion? I'm guessing the state law defines a landlord a person, a corporation, a partnership. The usual legal definition. It covers different statuses. I think the question that we're looking for some guidance on is regardless of how you define landlord for purposes of our exemption, coming up with either an additional definition or exclusion that says that if you own multiple properties that are in different legal ownerships, that will be considered to be beyond the one unit exemption.

May 24-25, 2017

**Gramp:** Exactly. Yes. I think it would be something to the extent that a landlord has a majority interest in more than one property much.

**Fish:** Regardless of legal status. People are going to hold property in a trust, they are going to hold it in a corporation, in a partnership. That's not our concern. It's just that it's we don't want to encourage someone to use those forms in order to disguise the fact they own more than one property and thus claim the exemption on each individual property.

**Fritz:** I wouldn't even have the majority interest. Any interest in one property.

**Gramp:** I would say it would depend on the policy direction. How you wanted to craft it.

**Fritz:** Could you do that within a week?

**Gramp:** Yes.

**Fritz:** Thank you.

**Gramp:** Is that it?

**Fish:** Do we have other people testifying other than a panel?

**Wheeler:** Susan, has anyone signed up for public testimony?

**Parsons:** Two testifiers.

**Wheeler:** Two minutes each. Please state your name for record.

**Nancy Newell:** I'm Nancy Newell. I have been a resident here over 25 years, own my own house. I brought to council's attention in the past major corporations that have impacts all over the world and our council can draw attention to the dangers and instead our council's history is very poor in Portland. They brought in Enron when I brought out the point that they were criminals in India on a natural gas explosion which was ignored. In this housing crisis, who are the players? How detailed research you as representatives of the people, I don't care what the laws have been made or all the confusion, why am I able to investigate and get the accurate information and Ken Lay, the chair, ends up dead under questionable circumstances. What are we accomplishing up here ignoring these multi-national corporations? The effect on the city. I'm going to tell you about water, Mayor Wheeler, because all across the U.S. port of water watches are winning cases on privatizing water and you as state treasurer that's a part of people's costs everyday living. If they can't pay for their water their kids are going to get sick. Seniors are going to die, and same with electricity. They killed people in California when Enron cut the electricity illegally. Portland was their headquarters. Bonneville was the headquarters of a nuclear plant that should have been closed decades ago. We have a terrible fight and the cost and we can't go through all the alternatives we want to go to because of the cost. So it continues to be a pattern. Why can't we do better in Portland? Why can't we do better? California now from San Diego to our border and all the way over to the border of Wyoming instead of taking care of our electric costs for people that have to have a life, we have got Warren Buffett who wants to build a transmission line to make money off his cooperation's in Wyoming. And front it with phony green projects. California from San Diego to Oregon has lowered rates, has gotten these dirty fuels out of their electricity, practically overnight. Just check out the story. The utility reform network. Why aren't we doing this? Why aren't we doing this in this city? This is supposed to be a city that's progressive. You have not earned that label and it can be done and I truly believe if we took the advice and started getting on it seriously because the housing without water and electric and considering those costs, those are things that you have an impact on and you can have an impact on pulling their licenses and have requested it on Warren Buffett. His real estate sign is all over Portland up to Mount Hood.

**Wheeler:** Thank you. Good afternoon.

**Meghan Dorton:** Good afternoon. Thank you for hearing testimony. I'm Meghan Dorton, a staff attorney at legal aid services of Oregon. We provide free legal civil legal services to lower income residents of Portland. In areas of law including housing, family law, public

May 24-25, 2017

benefits. So, I'm here today to say thank you to phb for the leadership in the work group which this my colleague Christina Dirks participated. We support the work of the work group and we think the results are fair and reasonable in addressing landlord concerns while reinforcing the protective intent of the ordinance. To that end, we would like to report that in our office as case handlers we have experienced at least anecdotally a dramatic decrease in the no cost notices in Portland. The few no cause notices we deal with in Portland are generally exempt landlords. That's still very burdensome for our clients but we have seen a market decrease in no causes simply have -- the ordinance has changed the legal landscape for low income tenants. It's changed the intake in terms of hotline, intake housing, in terms of the work that we do it has neutralized the most powerful weapons of retaliation and discrimination in our experience so far. So this has been anecdotal experience of our case handlers. I was also asked to address the public benefits impact of the ordinance on our low-income clients and that's an area of the law that factors into basically every case that we practice and our analysis is that the impact is very minimal on our clients. In terms of the most used benefit it has little or no impact such as for most folks receiving medical benefits and food stamps there's been no impact and on other benefits the public benefits just the ordinance makes moving a possibility for our clients and has such a positive impact on our clients that it greatly outweighs any negative impact. In terms of public benefits, we don't see a problem.

**Wheeler:** Thank you. Appreciate your testimony. Colleagues, further thoughts, questions, comments?

**Fritz:** It seems to me it's really urgent to get things passed so at least the tenants, the longer length of time for tenants which everybody agreed on. Although I'm very interested in looking at coming back even next week with additional language on defining what a person is in relation to this item. I think it will be better to pass it then do another one rather than hold this up.

**Fish:** Mayor, I would like to see us move forward on this. I was very encouraged to hear that consensus was reached on these technical changes and I would also appreciate we have been given a menu of policy questions that we can take up and we can in due course decide which have some urgency and I do think Matthew makes a good point with the clock running. If any of those policy issues are things we want to be able to discuss and debate at the same time we're taking up a renewal of the state of emergency and a potential renewal of this ordinance I think we should have those cooked for us at that time so I would urge us over the next few weeks to decide what policy questions we want the bureau to go deeper on beyond the technical work.

**Eudaly:** So, I'm going to raise my primary concern which was basically reaffirmed by much of the testimony today. So, if we extend the notice period to 31 days for the tenant and the time frame for the landlord to 31 days and the tenant doesn't receive relocation assistance until 28 days before their move out date and we say that if they over stay their notice period they have to refund the full amount of the relocation we are setting them up for failure and potential homelessness. So, although I do appreciate the hard work of housing bureau staff and members of the committee there's no way I can support the amendment as is. I have an amendment that was obviously written before this session and I am open to friendly amendments to it, so I'll read the amendment and then I'll make my suggestion.

**Fish:** Chloe can I ask you a question we have before us the annotated -- we have the ordinance with the annotated sections with the changes. Where is the 31 days reflected in that document?

**Eudaly:** Section c, I believe.

**Fish:** I see, okay.



May 24-25, 2017

**Fritz:** Was there a reason for 31 rather than 30 days? Sorry to be asking a question after we said no.

**Tschabold:** So, we presented a few different options and one was there was a 1414, 1430, 3014, 3030 and then the group could not reach consensus and candidly the bureau staff said we're going to take this off the table and we're going to move this to the policy questions, and the group asked for one more attempt and they reached 3131. And from the perspective of some of the property managers 31 captured the longest month for them. They do any payments on a monthly basis.

**Fish:** Commissioner can I ask you a question before we get to the text, if this particular issue was removed from the matter before us, are you in accord with the rest of the proposed changes?

**Eudaly:** No, I also have an issue with language in section d that would like to see removed and send it back to the committee for further consideration and clarification. I strongly believe -- I mean, number one, we're in a housing emergency, we passed an emergency ordinance to deal with it with the only tool we had left. The two items that I'm taking issue with don't really constitute an emergency and they are policy issues. And, I think both of them could have unintended consequences, as I mentioned earlier.

**Fritz:** Matthew that second, indeed, the committee did have consensus on that?

**Tschabold:** Yeah, this is one that the housing bureau had flagged as a technical issue so it brought forward a recommendation with the mayor's office. This one, we flagged as a technical issue because in section b, and section -- I'm sorry, in section c, one of the requirements to receive relocation assistance -- they're both landlord obligations and renter obligations in the code. And the obligation of renters to receive the relocation assistance is that they are providing notice that they're going to moving out rather than accept the rent increase. They economically cannot accept the rent increase so they are choosing to move out. So the bureau had categorized this as a technical fix because -- the discussion was in part d, you talk about what the consequence is for a landlord if they don't meet their obligations and there was a request that that same language for tenants be added to the code and consultation with the attorney's office -- I won't speak for the attorney's office and offer legal advice. They thought it was redundant with c. This is already an obligation that the renter has, if they take the relocation assistance and provide notice that they're moving out by a certain date, they are obligated to move out on that date so it was why the housing bureau categorized it as a technical issue.

**Fritz:** D is about if they then change their mind and decide to stay?

**Tschabold:** Well, if they change their mind, they can't unilaterally make that decision, once they have provided notice to the landlord. They would have to have the landlord agree to allow them to stay for whatever period of time they agree to on mutual consent.

**Eudaly:** And that puts us into policy territory, I would argue.

**Fritz:** I'm trying to understand how the committee -- was there debate about this in the committee?

**Tschabold:** There was not -- certain technical members were in agreement with this and certain technical members were not. For the technical issues, the bureau made a final recommendation per the amendment. It was only on the policy question the extension of the 14 days that we explicitly and specifically said we would want the entire body to agree.

**Fritz:** Commissioner Eudaly, what's the concern on d, if they don't move out, they have to get relocation assistance back?

**Eudaly:** You're coming up with a scenario where someone simply changes their mind and stays in their unit and thinks they can keep their relocation money. The recourse the landlord has is the same recourse the tenant would have if the landlord refused to pay it which is to go to court. I'm imagining a scenario, especially now we've set up the tenants

May 24-25, 2017

to have 28 days to receive their relocation funds and secure a new dwelling where the tenant hasn't had an adequate amount of time to secure a new home. The tenant experiences a health crisis or a family member has a health crisis or a situation where they forget to move their last load of boxes and the landlord can claim, you were here an extra day -- and they can because it's that vague. You were here an extra day, you have to refund the relo. So, I think -- you know, there's two issues. Coupled with the time frame, it's highly problematic and the issue of how vague it is sets people up who may experience extraordinary circumstance or oversight to owe their full amount of relocation when they have been in voluntarily displaced and something arises in their life, you know, maybe -- I just -- I'm very uncomfortable with it.

**Fish:** Mayor, can I jump in for a second? I'm mindful that we've set up a process and we have recommendations and I would normally give great deference to the work of a committee on something like this shepherded by the housing bureau. I want to put aside the fact that this is an emergency ordinance. If we don't have consensus as a council, we can take the emergency clause off and I presume this goes to a second reading. Matthew, correct me if I'm wrong. We can -- we can vote to accept these changes today. We can amend this and seek to change them. We can ask for more time to study any particular clause that we don't understand or we could ask that it go back to the committee and ask you to reconvene the committee to make some recommendations are those the four options before us.

**Tschabold:** You could ignore and doing, as well. [laughter]

**Fish:** Okay, thank you. So, if it's a policy question, is it appropriate to go back to this committee or is it something that we should grapple with, at this point? The committee has discharged something to us. What might happen if this goes back to the committee?

**Tschabold:** It's hard to say. You know, I don't -- it would be -- if -- if the request from council was specifically to take the -- this provision in section d, subsection d, and reach a committee consensus, I -- I don't -- I'm not saying that's not possible. It definitely will be a challenge and it would probably be a much more nuance and complicated kind of structure of code. You know, this is a -- the exercise was a delicate exercise because there are people who support the policy in general and people who don't and the bureau would work with the group to reach a consensus. If not, the bureau would consult with the mayor, as housing commissioners, in what a recommendation would be in the absence of consensus.

**Fish:** Mayor, I'm just pitching. You can tell me to shut up when you want. If commissioner Eudaly feels very strongly about two items then as a practical matter, this is not going to pass as an emergency?

**Eudaly:** To be clear, I have an amendment I'd like to offer that I haven't been able to read yet. Shall I do that? Under section c, remove code changes that change the time frames from 14 days to 31 and under section d, remove added language that says if a tenant after receiving relocation assistance does not move out in accordance with a tenant notice the tenant shall pay the relocation assistance back to the landlord within a reasonable timeframe both of the removed items will be sent back to the technical advisory committee for further consideration with council concerns in mind and return in three months or less -- totally open to that discussion with suggestions that address those concerns. Here is the rationale.

**Fritz:** Let me second it for the sake of putting this on the table.

**Wheeler:** Commissioner Eudaly moves, commissioner Fritz seconds.

**Fish:** I'll support it with a friendly amendment.

**Fritz:** Can I hear the rationale, first?

May 24-25, 2017

**Eudaly:** Both of these sections have suggested changes or policy and fall outside of the scope of the technical advisory committee. I think it's imperative that the council use a critical eye to the ultimate impacts, which I'm arguing that they are unknown and potentially unintended and damaging to some. Ultimate impacts those changes would make to the intent of the ordinance. The original intent was to create an opportunity for tenants to avoid homelessness and other potential harms that an unexpected displacement causes. Tenants receive relocation money in a time frame that allows them to find another home is paramount. Tenant could use longer to 14 days to decide if they can absorb a rent increase, giving the landlords additional time creates a time when they would not receive relocation until they were 62 days into the notice period, with a no-cause eviction notice, the tenant receives money within 45 days. That seems fair for both parties and we feel that should be the goal with a rent increase notice. Adding a damages clause against tenants which is not clear creates more conflict between parties. If the goal of this clause is to address the lack of a clear 30-day notice requirement on the part of the tenants, then it seems to me that concise language be written into section c. If the goal is to create accountability and the tenant accepts relo and refuses to move, the language should be more clear so there is less room for personal interpretation of expectations that could land both parties in court and put a tenant in further unexpected debt with a judgement on their record. I'm asking that the committee take these concerns in mind and craft policy suggestions on these two issues that alleviate the potential for additional unintended consequences. My specific direction to the committee is to a decide what is the fairest time frame for a tenant to receive a relocation check and b craft language that gives clear language on when they're expected to move which a relocation check is requested and or accepted. And as far as friendly amendments, like I said, we could ask the committee to come back in one month rather than three months, if there's a sense of urgency around this. I want to recognize the concerns, expressed by some of the people that gave testimony today, that the increasing the tenant notification period from 14 days is important. So, I would accept a friendly amendment to separate those two notice periods and send the increase on the landlord side back to the committee for reconsideration.

**Fish:** Thank you. And, thank you, commissioner Eudaly, for your amendments. I will support your amendment if this returns to council within 30 days with or without a recommendation from the committee.

**Eudaly:** That's acceptable to me. How do I accept a friendly amendment? Thumbs up?

**Fish:** I appreciate the amendments and your passion on this issue and if you have a concern, I'd like to better-understand your concern and I don't feel like right now I have enough information. We have a group of stakeholders that we've asked to help us on this. If we don't accept your amendment, the emergency clause would be lifted and this wouldn't be effective for 30 days. I would err on the side of giving the committee a chance to revisit this and then come back with a recommendation within 30 days.

**Fritz:** I'd like to hear the housing commissioner's opinion, please.

**Wheeler:** I was afraid you were going to ask me that. [laughter] As the author of the process that was created at the recommendation of the city council -- I'm hearing commissioner eudaly's concern and I think she's done a good job of laying out the logic. For us to send half of the proposal back to the stakeholders who did their work and had this discussion and who already had some pretty difficult, but civil conversations and disagreements, if we move forward on the tenant piece and put the landlord piece back, I think it's going to be seen as an unbalanced decision on the part of the city council and those on the committee who represent the landlords will probably feel that their input has been disrespected. That is honestly my concern.

May 24-25, 2017

**Fritz:** Thank you and I didn't know you were going to say that, that reflects my concern, too. So, I'm not willing, on an emergency basis, to vote for the amendment. I think we should get the increased length of the time for the tenants as soon as possible. Picking and choosing what to do -- especially putting it out even 30 days, it's the end of May already. October will be here before we know it. I think this is a pilot policy and it's not going to be perfect and we should try the next iteration of it.

**Wheeler:** Could I -- I might be outgunned on the amendment. If that's the case, I'm fine with it. As I mentioned earlier, this is all code. Even if we move forward today, there's still the opportunity for the conversation with whoever we want to have the conversation with, to refine or change anything that is in code. I was not there for those meetings, so I can't -- I'm just hearing what Matthew is telling us -- he's politely saying they've done their homework, they've had their debate and they're probably not going to go further with it.

**Saltzman:** Do we want to use the Portland housing advisory committee in any capacity?

**Tschabold:** I just wanted to comment on the amendment to commissioner Fish's question, though. Looking at the code changes looking at exhibit a, I am confident that the changes in subsection c, with the extension to 31 days -- I'm confident that that body will not reach consensus on anything other than an equal amount of days. Since your question is on section d of the relocation assistance we didn't spend as much time on that and the housing bureau made the final recommendation and consultation with the mayor's office there could be a deeper conversation. But with respect to c and the extension of days, I am nearly 100% confident that if we took that back, there would not be a unanimous decision that didn't have an equal extension of days and so at the end of the day, that policy question would still rest on the bureau, the housing commissioners and city council.

**Fish:** That's why I suggested that it come back to council with or without a recommendation of the committee because we have the benefit of a recommendation from the housing bureau.

**Fritz:** What I heard from everybody was we needed more time for the tenants to make their decision. I do want -- if we pass this today, that happens. If we put -- we can pass it and come back next week, which I heard from Lisa Gramp we could come back with a tighter definition of what a person is in relation to this code, which I would suggest we do.

**Fish:** We can't pass it today over commissioner Eudaly's objection the only thing we can do today is lift the emergency clause. If a majority of the council wants to pass this, the only action is to remove the emergency clause and have a second reading.

**Fritz:** And then the tenant extension wouldn't go into effect for 35 days?

**Fish:** As my friendly amendment, I suggested a recommendation to come back in 30 days because under that scenario it's not going to kick in anyway. Whether it's a recommendation of the committee or housing bureau, I'd welcome another bite at the apple.

**Wheeler:** Commissioner Eudaly has accepted commissioner Fish's friendly amendment, is my understanding so why don't we focus narrowly on that for the time being. We'll call that commissioner Eudaly's amendment so we don't have to vote on the amendment to the amendment.

**Fritz:** Both c and d and doing what with 14 versus 31?

**Eudaly:** Will you repeat your friendly amendment so I can jot it down here, commissioner Fritz?

**Fish:** Recognizing that you control the clock here for procedure. It takes one person to prevent an emergency ordinance from being adopted. Since it would otherwise not be effective for over 30 days, I have suggested that on the items that you have objected to, that we pull those out and within 30 days, bring them back to council with or without a recommendation from the housing bureau.

May 24-25, 2017

**Fritz:** So that was pulling out the extension of 31 days to the tenants, as well as --

**Fish:** That's a refinement that I would be -- commissioner Fritz, I'd like your guidance on it.

**Fritz:** I'd just like to understand what we're going to be voting on.

**Eudaly:** My originally amendment would simply remove that language from section c. I had, then, suggested that I would happily accept a friendly amendment, separating the two, putting the extended time period in place for the tenant so we can revisit the landlord. I just want to point out here, that the compelling reason to extend the time period for the tenant is because 14 days is not long enough to make a major life decision of whether you can absorb a rent increase and, b, you can find a new rental in the 90 days that you will have. The compelling reason that we've heard on the landlord side is, we don't want to have to cut an extra check. So, when we talk about equity, I think that it is widely acknowledged that fair does not always mean equal. And, I don't think it's reasonable to say if we're going to give 31 days to the tenants, we have to give 31 days to the landlord because that's equal and that's fair. It's not fair. The landlord has a choice. Their choice is to no-cause evict a tenant or raise the rent over 10%, that's what triggers relo. If they don't want to do that, then they shouldn't do either of those things. Once they do one of those things and they risk involuntarily displacing a tenant, adding to our housing crisis and burdening -- triggering that relo, they will know we have 45 days to write this check. Well, if they write checks once every 30 days, then that 30-day time period is going to happen within 45 days and if the tenant doesn't want relo, the landlord can rip it up. I'm sorry if we can't move forward on this, but the argument is just not compelling and there's -- I just cannot accept only giving a tenant 28 days within which to secure housing at the end of their 90-day period and I want to point out, I'm the only person up here, despite the fact of commissioner Fish being a renter, who truly understands, based on lived experience, what this potentially means to a renter. So, I am asking you to consider that.

**Fritz:** I would like to say

**Saltzman:** Is your amendment referring bot questions back to the committee?

**Eudaly:** C and d.

**Fritz:** What she's now saying in the amended version is it wouldn't refer the tenants and landlords being equal --

**Eudaly:** I suggested that as a potential friendly amendment. If we see a reason to extend the time period for the tenant, we could leave that in place but we send the second piece, which is extending the time period for the landlord, back to the committee. In the event of a no-cause eviction, the landlord has to write a check at 45 days so it would provide consistency where it would be hard to argue that that creates an extraordinary burden for the landlord.

**Fritz:** I would like to say a couple of things first of all you don't know my history so you don't know how much experiences I've had with these kinds of issues so I'd be happy to have a chat with you about that some time.

**Eudaly:** All right.

**Fritz:** Secondly, we've got a committee which you put together, this council asked the committee to keep working on stuff for us. Getting to the equal to 31 to 31 was something that was the only thing the committee could come to agreement on. I'm very concerned about your 28 days. If it's such a big rent increase that the tenant knows immediately, and they can't make it, they're going to say it right when they're handed the notice the clock starts now. But to expect the committee to go back to work after the council has -- and to send them back with this thing, which isn't what they were suggesting, as I said before, I think it's important to get that extra time for the tenant and that's what we could do --

**Wheeler:** So let's go back to what commissioner Fish's -- could you flush that out one more time? I hate to be dense.

May 24-25, 2017

**Fish:** You're not dense, mayor. Let me just say --

**Wheeler:** Maybe there's a resolution.

**Fish:** I've been on the council now for eight or nine years and we've had more of these discussions in your first three or four months than I can remember over the years. We deliberate in public and we are all struggling to figure out the answer here and I appreciate the fact we're doing our deliberations in public. Doesn't mean we're going to get it right from anyone's point of view, but this has been a hallmark for the first few months under this mayor. I think it's important and I hope it continues. This is an emergency ordinance, I learned this from Randy Leonard. When you have an emergency ordinance and someone objects, it means we can't pass it. We can take the emergency off, have it have a second reading and it's not effective for at least 30 days. So, recognizing that because she has a principled objection to this language that it would otherwise be delayed 30-something days, my recommendation is that we pull out c and d, send it to the housing bureau and ask them to come back with a recommendation in 30 days with or without consensus from the committee, and we adopt the rest as in the -- we adopt all the other provisions today in this emergency ordinance. The effect of that is no different than voting up or down other amendments, going to a second reading and waiting 37 days because an objector controls the clock and the only question left for us to debate is if we make one change in c or keep it as-is until we get a recommendation that's my approach.

**Wheeler:** Does that work with you, commissioner Eudaly?

**Eudaly:** Yes.

**Wheeler:** That works, okay.

**Fish:** Mayor, commissioner Fritz, I think, has a view. Dan may. If you can get consensus on whether we make one change to c or keep it as-is, I think we have consensus as a council to move forward.

**Fritz:** I think that the rest of the changes without c and d are -- I'm wondering whether it's worth doing them. Those two are the most important things that the committee sent to us.

**Eudaly:** I don't agree with that at all.

**Fritz:** All we would have then is b, right?

**Wheeler:** We're not going to always agree on anything. My preference would be to go forward with the recommendations as put forth by the council. As commissioner Fish points out, that ain't going to happen today. We either remove the emergency clause and wait 37 days or we do what commissioner Fish suggesting is throw it back in the pool for one more shot and see if we can get closer to a consensus. My personal view is -- I'm just going to be honest -- we're not going to.

**Fish:** It's academic. Perhaps you can ask commissioner Saltzman what his view is?

**Wheeler:** I think he was twitching. Commissioner Saltzman?

**Saltzman:** I think that -- I support giving it back to the housing bureau for 30 days, given the situation and seeing whether the committee can come up with another recommendation on that I'll be prepared to vote in 30 days on the question. If we know the committee's deadlocked, we ask the Portland housing advisory commission to look at it. I hope they would, you know, do that as well.

**Fritz:** I don't support moving forward with the proposed way out. I think it's not helpful, especially something that's a short-term thing, to send it back to the committee when they already hashed it out we've heard, it was very difficult. I just don't see how that helps.

**Eudaly:** There are several technical amendments in here that are needed to clarify the ordinance, that are still intact, if you agreed to these corrections with c -- the language in c and d, which I want to point out, I'm not removing all of c and d, it's two specific items. There's no reason -- I don't see a reason to object to the rest of the amendment.

May 24-25, 2017

**Fritz:** Okay. So one in b is the one about the one property owner. We have discovered we need to change that I mean we can pass it today, but in the end we need to change it. And then the end of section b?

**Eudaly:** There's a rolling notice period.

**Fritz:** The rolling notice period is in c. You have the rolling notice period, but you wouldn't have either of the numbers?

**Eudaly:** You wouldn't have an increase in the notice periods that's the only change.

**Fritz:** The definition of landlord and rolling and what's the end of b?

**Tschabold:** The provision that clarifies that the relocation assistance is per dwelling unit, not per tenant in the dwelling unit.

**Wheeler:** All right, colleagues --

**Saltzman:** I think we're at the point where we need to make a decision because we're not going to get five votes on anything.

**Wheeler:** I'll lay out what I'm going to do so there's no surprises here. I'll call the Fish-Eudaly amendment, if that goes forward, then I will also ask for a motion to remove the emergency clause cause that's required to move the whole thing to second reading.

**Fish:** Mayor, I don't want to unduly complicate this, my friendly amendment is to strip c and d set them over for one month and take it up in 30 days.

**Wheeler:** That is my understanding and that is the Fish-Eudaly amendment. Is that your understanding, commissioner Eudaly?

**Eudaly:** Uh-huh.

**Fritz:** Can I just comment it seems unlikely we're going to agree in 30 days any more than we are now so you're out more days after that.

**Saltzman:** The bureau and committee will have the discussion we had today.

**Fish:** And the two provisions that we're setting over would come back as an emergency ordinance.

**Wheeler:** We're voting on the Eudaly-fish amendment.

**Tschabold:** Is the motion to strip out all of the changes in c and all of the changes in d?

**Eudaly:** No. Do you want me to read it again? What I heard from commissioner Fish was stripping --

**Eudaly:** Remove code changes that change the time frames from 14 days to 31 days and under section d, remove added language that says if a tenants, after receiving relocation assistance does not move out of the dwelling unit in accordance with the tenant notice, the tenant shall pay the relocation assistance to the landlord. It leaves the rest of the language intact.

**Fish:** Aye.

**Wheeler:** Wait, it's my job to call the roll. [laughter]

**Fish:** Aye. **Saltzman:** Aye. **Fritz:** No. **Eudaly:** Aye.

**Wheeler:** No. The amendment passes. Please -- can I get a motion, please? I need a --

**Saltzman:** I'll move.

**Fish:** Second.

**Wheeler:** Commissioner Saltzman moves, commissioner Fish seconds. Please call the roll?

**Fish:** No. **Saltzman:** Aye. **Eudaly:** Aye. **Fritz:** Aye.

**Wheeler:** Aye. So, the emergency clause is removed. And that's what we need to do is a now, non-emergency first reading. This moves to second reading. Thank you, everybody.

**At 4:15 p.m. council adjourned.**