



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28TH DAY OF FEBRUARY, 2018** AT 9:30 A.M.

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

Commissioner Saltzman left at 11:30 a.m.
Commissioner Fish left at 11:50 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

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

		Disposition:
COMMUNICATIONS		
178	Request of Joanne Bulkley to address Council regarding Portland officials should not engage in Federal immigration activities (Communication)	PLACED ON FILE
179	Request of Jack Pollock to address Council regarding merge 810.10 and the ACLU 9 Model Plan to make Portland's sanctuary status codified and enforceable and not merely symbolic (Communication)	PLACED ON FILE
180	Request of Chris Harris to address Council regarding Bureau of Transportation Greenways diverter to be installed at 50th and SE Lincoln St (Communication)	PLACED ON FILE
181	Request of Bernie Constantine to address Council regarding Bureau of Transportation Greenways diverter to be installed at 50th and SE Lincoln St (Communication)	PLACED ON FILE
182	Request of Joe Walsh to address Council regarding communications (Communication)	PLACED ON FILE

TIMES CERTAIN		
183	TIME CERTAIN: 9:45 AM – Amend Public Improvements code to further implement Portland in the Streets Program; amend Transportation Fee Schedule; repeal and amend certain administrative rules (Ordinance introduced by Commissioner Saltzman; amend Code Chapters 17.24, 17.25 and 17.26; amend TRN-3.450 and 10.03; repeal TRN-2.04 and others) 30 minutes requested	PASSED TO SECOND READING MARCH 07, 2018 AT 9:30 AM
*184	TIME CERTAIN: 10:15 AM – Approve the designation of sixteen trees as City of Portland Heritage Trees and remove the Heritage Tree designation from six trees (Ordinance introduced by Commissioner Fritz) 20 minutes requested Motion to add emergency clause to protect the trees as quickly as possibly: Moved by Fish and seconded by Fritz. (Y-5) (Y-5)	188843 AS AMENDED
CONSENT AGENDA – NO DISCUSSION Commissioner Amanda Fritz Portland Parks & Recreation		
*185	Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder for construction of the Peninsula Park Community Center Pool Improvements project for an estimated \$2,000,000 (Ordinance) (Y-5)	188832
*186	Authorize the Director of Portland Parks & Recreation to execute an agreement with Willamette Oaks Building, LLC for environmental obligations at Willamette Park (Ordinance) (Y-5)	188833
*187	Authorize an Agreement between Portland Parks & Recreation and Portland Rose Society for the Portland Rose Society to fund, project manage, design, permit, and construct the Washington Park International Rose Test Garden Gold Medal Award Garden Pathway Improvements (Ordinance) (Y-5)	188834
Commissioner Dan Saltzman Bureau of Transportation		
*188	Authorize agreements with TriMet and Ready Credit to purchase and distribute Hop Fastpass cards to encourage transit use and reduce parking demand and driving (Ordinance) (Y-5)	188835
*189	Grant revocable permit to Portland Saturday Market, Inc. to use portions of SW Ankeny St and portions of SW 1st Ave for market operations and to close portions of SW Ankeny St, SW Naito Pkwy and NW Naito Pkwy during certain hours (Ordinance) (Y-5)	188836

Portland Fire & Rescue		
190	Accept and appropriate a grant in the amount of \$15,500 from Oregon State Fire Marshal 2017 Hazardous Materials Emergency Preparedness Grant for intermediate and advanced air monitoring training for the Portland Fire & Rescue HazMat Team, and authorize an Intergovernmental Agreement (Second Reading Agenda 169) (Y-5)	188837
REGULAR AGENDA		
Mayor Ted Wheeler		
191	Reappoint Jennifer Alger and Jennifer Nye to the Building Code Board of Appeal for terms to expire March 31, 2021 and reassign Jennifer Nye from the alternate architect position to the regular architect position on the board (Report) 10 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz (Y-5)	CONFIRMED
192	Appoint Ernest Harris and Destiny Wright to the Noise Review Board for terms to expire February 1, 2021 (Report) 10 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz (Y-5)	CONFIRMED
Office of Management and Finance		
193	Authorize a five-year Price Agreement with U.S. Bank/Elavon for merchant services for a not-to-exceed amount of \$25,000,000 (Procurement Report – Project No. 121332) 15 minutes requested	RESCHEDULED TO MARCH 07, 2018 AT 9:30 AM
194	Accept recommendations of The Special Appropriations Committee for grant awards from the \$350,000 allocated to competitive special appropriations program during the Fall Bump process (Previous Agenda 172) 15 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)	ACCEPTED
Portland Housing Bureau		
*195	Approve application for the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for 26th & Ankeny Apartments located at 2580 Ankeny St (Ordinance) 20 minutes requested (Y-5)	188838
*196	Authorize Intergovernmental Agreement with Home Forward to provide asset management and development consulting services for Portland Housing Bureau owned properties to satisfy the Housing Bond Production Goal (Ordinance) 20 minutes requested (Y-4; Saltzman absent)	188839

Commissioner Nick Fish		
Water Bureau		
197	<p>Authorize a contract with Stantec Consulting Services, Inc. in the amount of \$749,190 for the N Willamette Blvd Bridge Main Replacement Project (Second Reading Agenda 174)</p> <p>(Y-3; Saltzman and Fritz absent)</p>	188840
Commissioner Dan Saltzman		
Bureau of Transportation		
*198	<p>Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the Downtown I-405 Pedestrian Safety and Operational Improvement project, through the exercise of the City's Eminent Domain Authority (Ordinance)</p> <p>(Y-4; Saltzman absent)</p>	188841
199	<p>Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Hearing; Ordinance; C-10061)</p>	RESCHEDULED TO MARCH 07, 2018 AT 9:30 AM
200	<p>Adopt the allocation methodology for the Local Transportation Infrastructure Charge; establish a maximum fee; amend Charge Required Code; and direct staff to develop additional components of Neighborhood Streets Program (Second Reading 109; amend Code Section 17.88.090; amend Policy TRN-1.26) 30 minutes requested</p>	RESCHEDULED TO MARCH 07, 2018 AT 9:30 AM
City Auditor Mary Hull Caballero		
201	<p>Assess property for sidewalk repair for the Portland Bureau of Transportation (Hearing; Ordinance; Y1094) 15 minutes requested</p> <p>Motion to remove 2370 SE 60th: Moved by Fritz and seconded by Eudaly. (Y-3; Fish and Saltzman absent)</p>	PASSED TO SECOND READING AS AMENDED MARCH 07, 2018 AT 9:30 AM
202	<p>Update Auditor Code to conform to May 2017 Charter amendments that protect the Auditor's independence and add a duty; amend Auditor Code following passage of new state law that preserves City's privilege when information is disclosed to Auditor for the purposes of an audit or investigation (Second Reading Agenda 176; amend Code Chapters 2.12, 2.14, 3.05, 3.21 and 3.77)</p> <p>(Y-3; Fritz and Saltzman absent)</p>	188842

At 12:04 p.m., Council recessed.

February 28 – March 1, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28TH DAY OF FEBRUARY, 2018** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish and Fritz, 4. Saltzman arrived at 3:41 p.m., 5. Commissioner Fritz left at 5:20 p.m. and Commissioner Saltzman left at 6:30 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidy Brown, Senior Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

The meeting recessed at 3:32 p.m. and reconvened at 3:41 p.m.

<p>203 TIME CERTAIN: 2:00 PM – Accept the report A Plan for Preserving and Expanding Affordable Arts Space in Portland and instruct bureau staff to examine the recommendations for adoption (Resolution introduced by Mayor Wheeler, Commissioners Fish and Eudaly) 1 hour requested</p> <p>Motion to add additional BE IT FURTHER RESOLVED paragraph that the Portland Parks & Recreation will consider ways to integrate recommendations in this report in its long-range planning efforts, currently underway, to shape future services across the parks system: Moved by Fritz and seconded by Fish. (Y-4; Saltzman absent)</p> <p>(Y-4; Saltzman absent)</p>	<p>Disposition:</p> <p>37345 AS AMENDED</p>
<p>204 TIME CERTAIN: 3:00 PM – Amend to make permanent the mandatory relocation assistance for involuntary displacement of tenants under Affordable Housing Preservation and Portland Renter Protections (Ordinance introduced by Mayor Wheeler; amend Code Section 30.01.085) 3 hours requested</p> <p>Motion to add to exemption list 30.01.085 (G) 12. a Dwelling Unit where the Landlord has provided a fixed term tenancy and notified the Tenant prior to occupancy, of the Landlord’s intent to sell or permanently convert the Dwelling Unit to a use other than as a Dwelling Unit subject to the Act: Moved by Commissioner Fritz and seconded by Mayor Wheeler. Vote not called.</p> <p>Motion to delete exemption 30.01.085 (G) 8. for Dwelling Unit as regulated affordable housing by a federal, state or local government; add a directive that the Rental Services Commission come back with a recommendation to Council: Moved by Saltzman and seconded by Eudaly. Vote not called.</p>	<p>CONTINUED TO MARCH 07, 2018 AT 9:30 AM</p>

At 7:10 p.m., Council recessed.

February 28 – March 1, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF MARCH, 2018** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:05 p.m. and left at 4:00 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidi Brown, Senior Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

<p>205 TIME CERTAIN: 2:00 PM – Accept report of the Welcoming/Inclusive/Sanctuary City Task Force (Report introduced by Commissioner Eudaly) 2 hours requested</p> <p>Motion to accept the report: Moved by Eudaly and seconded by Fish. (Y-4; Saltzman absent)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
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At 4:35 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Key: *** means unidentified speaker.**

FEBRUARY 28, 2018 9:30 am

Wheeler: Alright is 9:30, good morning everybody. It's the morning session of the February 28, 2018 session of the Portland city council. Karla please call the roll.

Fritz: Here. **Fish:** Here. **Saltzman:** Here. **Eudaly:** Here.

Wheeler: Here. I would like to introduce city attorney Robert Taylor to kick off what will be a new responsible for the city attorney and I couldn't be happier.

Robert Taylor, Chief Deputy City Attorney: Thank you Mr. Mayor. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the city council meetings. So everyone can feel welcomed, comfortable, respected, and safe. To participate in council meetings you may sign up in advance with the council clerk for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show your support for something that is said please feel free to do a thumbs up. If you want to express that you do not support something please feel free to do a thumb's down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being rejected for the remainder of the meeting. After being rejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected, and safe.

Wheeler: Very good. Thank you. Karla it's my understanding that communications items 178 and 179 would like to come up together and 179 would like to read first which is fine. If you could call the first two.

Item 179.

Item 178.

Wheeler: Good morning.

Jack Pollock: Good morning.

Wheeler: Just your name, we don't need your address.

Pollock: My name is jack pollock. I belong to one of the many citizen's groups around town working to strengthen Portland sanctuary city status. We come here today to express our appreciation to the council, the mayor's office and the chief of police for all the work you have done so far to improve our sanctuary city policies, specifically police directive 81010, currently titled Immigration enforcement and diplomatic immunity. The changes you made put Portland on track to becoming a model of fairly applied law enforcement and an exemplar for sanctuary cities everywhere. The directive as previously written gave Portland police discretion to cooperate with and facilitate the work of immigration and customs enforcement agencies within the department of home land security. Those

February 28 – March 1, 2018

agencies under the trump regime have committed a list of abuses and civil rights violations too long to enumerate in the time allowed. All of this only serves to complicate Portland police officer's jobs. It undermines public confidence and discourages people from cooperating with them this. Much of what needed correcting in 81010 has now been addressed and rewritten in accordance with Oregon state law and resolution 37277. We thank you and your energetic staffs for your dedication to make Portland a sanctuary for dreamers and immigrants and a safer, more productive community. We thank you for setting an example of what the city officials and citizens can achieve by working together. There are areas of 810.10 that need further revision so we ask that you continue to work with the Aclu, causa, the innovation law lab and other community groups like ours to further improve the document. Finally with the revisions to 810.10 must come the assurance of training and accountability. The attorney general sessions does not recognize sanctuary cities and is ironically contemptuous of our state's right. This means as long as there are loopholes that allow cooperation between Portland police and ice, cbp and dhs sanctuary status remains a mere symbolic gesture and we cannot protect people who live and work here with symbolic gestures. We can take inspiration from one symbolic gesture, illustrated by Portlandia. Our mighty colossus who kneels to extend a compassionate hand down from on high so she can lift people up not throw them out. It's worth noting that her other hand holds a trident behind her, pointed towards Washington d.c. to guard against its attacks on our sovereignty. Portland faces many challenges, but I believe that 810.10 shows that we can work together to meet those challenges and make life better for everyone living here. Thank you all for listening.

Wheeler: Thank you jack. I appreciate it and I just want to clarify for my colleagues we did ppb recently has enacted a revision of the directive 810.10, and that specifically addresses as you know immigration enforcement. For the record the directive affirmatively states that Portland police bureau officers and staff are not permitted to assist ice with federal immigration enforcement, specifically Portland police bureau officers are not able to arrest a person for the sole reason that they are undocumented. They are not allowed to assist with the execution of administrative removal warrants, or honor or comply with federal immigration detainer requests and just for the record we did work with the aclu and many others in shaping 810.10. We, actually, directly used seven or utilized seven of nine of their model rules, that there is some disagreement in terms of the degree, but we believe that we either specifically took them into account, included them in a directive, or made the argument that they are already included in current directive or contained in another policy, but I want to assure you that we did, in fact, take a hard look at those model rules and we believe that we have encompassed virtually all of them in our directive and will continue to work with people like the aclu and others as we continue to shape these policies.

Fish: Mayor, because we get periodic communication from the good people here today, on the aclu's list of nine demands and we all have and this question about then is how they incorporate did into 810.10. As the commissioner in charge, could we request that someone in the bureau just give us a road map, maybe a red line version because we have the model provisions from the aclu, and it would be helpful to see how they were incorporated, and then that will in turn help us to respond to inquiries that we get from the public.

Wheeler: Commissioner Fish I can get that to your office probably before this meeting adjourns. We have that, we have shared it with the aclu and others and I would, delighted to share it with all my colleagues as well. If you wouldn't mind Michelle make sure that gets done. Thank you. Good morning.

Joanne Bulkley: Good morning. I will go forward with this although some of it you have addressed some of the issues, but my name is Joanne bulkley and I am here to talk with you today about the continuing work to codify resolution 37277 which declared the city of

February 28 – March 1, 2018

Portland a welcoming city, a sanctuary city and inclusive city for all. As part of the resolution the Portland police bureau was instructed to revise police directive 810.10 to ensure the Portland police do not play any role in enforcing federal immigration laws. As you clearly know the city recently released a revised version of 810.10 and it is a vast improvement on the previous version. I want to echo the thanks of the previous speaker for all of the hard work of the staffs of the mayor's office, the commissioners and their staff and the hard work of the chief outlaw and her office in developing this new version. As Jack noted there are actually still important areas of improvement to ensure that 810.10 fully alliance with resolution 37277 and Oregon state law, and we will be back in August when it's going to be reopened to make what we hope are those additional and final improvements. Now that the revised directive is in place, I have to ask what is next. It is one thing to create directives and policies and quite another to move from the theory that they represent to the reality of everyday life. In order to ensure that the revised 810.10 has a beneficial effect that we are all looking for, I have two requests today. First that careful attention be paid to the dissemination of 810.10 through well thought-out training, and as someone who works for a large corporation I have direct experience of the gap between policies enacted by leadership and the understanding and implementation of those policies by the people actually doing the work. Although it is easy to think that training is simply the process of providing the directives and telling officers to follow it, officers are human beings with many demands on their time and attention. Some officers may also have differing views about enforcing immigration laws. To have effective training it is crucial that we, the underlying purpose of the directives be presented to the officers in the training. For example the importance of building trust between the Police and the community is paramount. The fact that the public must feel comfortable reporting crimes to the police, and that everyone needs to feel comfortable being a witness, if that's needed, etc. In addition translating the directive into plain language and including the use of real world examples in training is a must. It is only when information is salient and applicable to our lives that training is effective. Second as a research scientist I know that it is only through data collection and assessment of outcomes that we can understand how successful or not successfully 810.10 is in the field. So I request that the Portland police bureau develop and implement a plan for reporting on outcomes to the police bureau leadership, the city government and the community. Thank you for your time.

Wheeler: Excellent testimony. I will second what you just said but the training being critical to implementing and enforcing policy. No dispute there and I agree with you 100%. I am going to broaden that a bit. We have actually been doing training and what effects or sizes for all city employees who come into contact with people who are immigrants so that they understand as well what the policies are. The data collection one is really interesting. We have lots of discussions around data collection, what data should be collected and how should it be collected that preserves people's trust both in the police bureau and their rights to their own information. I would love it if you could think on that are, specific set of questions a bit more and perhaps give us advice as we take a look at 810.10. I would be interested in that feedback.

Bulkley: I would be happy to do that.

Wheeler: Awesome, thank you. I appreciate that. Thanks both of you. Next two, or let's see. I think 180 and 181 are also together, is that correct?

Moore-Love: I will read them both.

Wheeler: I believe that they are.

Moore-Love: Okay.

Item 180.

Item 181.

Wheeler: Are Bernie and Chris here today? Thanks for coming in. Next item please.

Item 182.

Wheeler: Good morning.

Joe Walsh: Good morning. My name is Joe Walsh, I represent individuals for justice. To steal a line from Shakespeare, "hell is empty and all the devils are here", we, many of the people of Portland come before you to indict your actions as follows. You have and continue to steal from the poor and give to the rich. You call for donations of bed rolls and blankets and socks and yet your police and your subcontractors steal these and other items from the homeless during your ordered sweeps. Warming stations are totally inadequate to sustain life. Not enough of them? And not open until humans are freezing to death. 25 degrees is the temperature that you will open these warming centers. The waste of tens of millions of dollars of taxpayer money year in and year out, with no sufficient reduction in the homelessness or the houselessness. This charge is a waste of government funds, when faced with the decisions to open up our local government you consistently refuse like you did with the police shooting report last week. Shame on our republican mayor, putting out signs that say sidewalks must be kept clear, and there will be no sitting or resting. Shame on our republican council, violation of the first amendment. Holding b.s. sessions over and over, lying about transparency, shame on our republican millionaire majority on this council. You have no transparency. You raided and you shut down a self sufficient village with no consultations with the nonprofit that helps to set it up. You are charged with hypocrisy of the worst kind. Violation of the Geneva accords, and of humanity and now this message comes to commissioner, Amanda Fritz, from the village of hope and their allies. We are currently sitting and occupying your office until you come to speak with us about our need for space to establish our self managed houseless community and as you receive this is a reward to each and every one of you for 30 pages of silver if you resign. We will take your resignations. You are a total disgrace to this city, and God help you when this city wakes up and mayor, one term.

Wheeler: Thanks Mr. Walsh. Excuse me, excuse me this is it should excuse me, you need to go back to your seat. You need to calm down or you are going to be removed.

Walsh: You need to be polite and professional.

Wheeler: I need to be polite and professional. Have any items on the consent agenda been pulled?

Moore-Love: We have had no requests.

Wheeler: Call the roll.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Sorry, aye. **Eudaly:** Aye.

Wheeler: Aye. The consent agenda is adopted. First time certain item 183 please.

Item 183.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you mayor, and I will turn it straight over to Rich Eisenhower.

Wheeler: Let him rest for a minute, if he will be quiet let him rest for a minute and then get him out. Please continue.

Rich Eisenhower, Portland Bureau of Transportation: Thank you commissioner Saltzman. Good morning mayor, city commissioners my name is Rich Eisenhower along with Jody Yates and Kristan Alldrin from the Portland bureau of transportation. Today we are here to present the new Portland streets program and ask for your vote today to adopt our new Portland streets administrative rule, modification to the city code and our existing administrative rules and updates to our fee schedule. These are the nuts and bolts and the first step to implement the Portland streets program. As you might recall back on October 25, 2017, we brought you our livable street strategy. That strategy was adopted, which established a policy statement that prioritizes people. The statement provides direction for all staff by confirming perform pbots position that placement is an appropriate use of the public right-of-way and that pbots prioritizes the use of space for people. The livable streets

February 28 – March 1, 2018

strategy process generate over 40 action items. The following four listed here are where the main focus of the work is, to enhance the customer experience, improve awareness and participation, increase the partner capacity, and evaluate and report. The livable street strategy allows us to develop our progressive new program with Portland in the streets. The Portland streets program will encompass all programs for place-making and community uses as a public right-of-way. The Portland streets program will develop space for the community gathering, promote healthy and active lifestyles, build community identity, activate underutilized space and generate local business activity. Portland streets is an umbrella program that includes many of our existing programs, but for this effort we focused on the refinement of three existing programs and the creation of three influence programs. We will continue to develop new program areas and refining all our existing programs to bring them under this umbrella. Our goal is to create a framework that can apply to all program areas to provide a consistent and predictable process for both our staff and the public. The first existing program that refinements, with refinements is our block party program. Block parties are small scaled parties held on residential streets such as neighborhood potlucks and barbecues held by and for the residents along that street. The second existing program area is our community event program. Community events are larger scale events that intend to build a sense of community. These events bring people from the entire neighborhood, our region, and event support and encourage community gathering and local businesses. The third and final area, existing program with refinements is our street painting program. Street paintings are large format works of art, designed and painted on local service streets that build community, empower neighbors to shape their own public realm, create an artistic impression that's about people who live nearby and break down any social --

Wheeler: Can I ask you a question? I always liked these and curious about it. Who actually comes up with the designs? What is the role of the neighborhood in helping with that process?

Eisenhauer: It's from them, we work with a nonprofit group called city repair that brings together every time that we are starting this time of year we come together in June for what's called the building convergence to paint these so it is a group effort bringing all the neighborhoods together to create the design together.

Fritz: City repair works with the neighborhoods, with the immediate neighbors so they decide what they want?

Wheeler: That's great. Good. Thank you. I was always just very curious. They always cheer me up so I am appreciative of seeing that.

Fritz: A program that has been going since commissioner hales, that was the first time they started it.

Wheeler: Very good. Excellent. Thank you.

Eisenhauer: The first was in 1998. Yeah. So breaking down any social isolations they have been very successful. Of the first new program areas is our pedestrian plazas. Pedestrian plazas are long-term community place-making projects that create open space and underutilized streets, alleys or roadways for the public use and activate. The second new program area for, new program area is street prototyping, street prototyping projects are community initiated that test new street or intersection design concepts and we collect data and form future design decisions. The final program area is spaces to places. These projects bring gravel, dirt or underdeveloped low volume streets or alleyways into places where people want to gather and install amenities, desirable to the community. And as mentioned earlier we will continue to develop new programs and refining all of our existing ones through part of Portland in the streets. As such our program framework has been designed to be flexible so that even out of the box ideas can be permitted in a timely and

February 28 – March 1, 2018

predictable way. So are the program areas, and I am going to turn it over to Kristan to talk more about our program goals, shift and permitting, outreach and our fees.

Kristan Alldrin, Portland Bureau of Transportation: Good morning.

Wheeler: Good morning.

Alldrin: My name is Kristan Alldrin with pbOT. I would like to start by sharing with you the Portland in the streets program goals that were generated from our work, which include reduced barriers for community-led place-making projects and encourage place-making projects that reflect community needs and character, ensure citywide access to programs and equitable geographic distribution of projects, encourage experimentation and innovation which is what brings life to our streets. Our first emphasis is an internal shift in permitting, this includes streamlining internal procedures and coordination efforts with the bureau partners to improve our program management tools. Specifically we are bringing our bureau partners together to utilize one citywide permitting software for review and tracking of all pbOT permitted applications, also establishing more consistent requirements and application processing for Portland in the street projects, we have rewritten city code and our administrative rules which we bring to you today which govern this work. To build capacity and increase the participation in Portland in the streets programs, we propose some fee changes. Under our community event program, we have created two new permit types, one is for ticketed events with a fee that varies, based on the number of attendees and the other, which was requested by our customers to allow existing sidewalk cafe permit holders to temporarily extend out their outdoor seating during a community event permit, with assessed fees based on the area of that extension. We are eliminating the fees for block parties and parking day programs which are intended to reduce barriers and make permits more accessible. We are working on other fee changes and after we complete some targeted outreach with our applicants and community partners we will bring those to you with our overall bureau updates. The other shift is making the – is an external shift which is putting the applicant first. This means providing greater hands-on assistance to applicants through the permitting process across all program areas. Proactive outreach, to let folks know about our programs, early technical assistance such as project scoping to set projects up for success, and an online tool kit, community tool kit that provides applicants resources to help with the design inspiration, funding opportunities and identify community partners. We will, we will provide greater hands-on assistance with the applicant as seen in this new process diagram with a clear focus on streamlining, this is the framework that all of the program areas will follow and it puts the applicant first, it establishes a predictable process and ensures consistency. Some examples of this technical assistance include creating traffic control plans if needed and if relevant helping to obtain other permits and licensing that might be required by other bureaus. These are ways that we can ease the burden of some of our requirements for our applicants. The work on the community tool kit are the updates that the applicant will see and experience. This is the external facing online community information for all Portland in the street programs. We are updating our website and all program applications so that they are simpler and user friendly. This includes one online application intake form, and pbOT has created a new position to whom will be responsible for an initial intake of these projects. We are redesigning our web pages to include many resources to help applicants, they include real life case studies with project inspiration and project costs, graphic guides for how to get permits easily, resource information on where to get place-making materials, and financial assistant opportunities such as available grants and a live map to show where the Portland in the street projects are happening in the city.

Wheeler: May I ask a question? This will happen when?

Alldrin: We are in the process currently or meeting with the consultant actually later today to help design the websites. We have already done some of the internal coordination work

February 28 – March 1, 2018

with the bureau partners, and our applications, we've been working on them over the past year.

Wheeler: So this will be an app, is that correct?

Alldrin: It will be a new website.

Wheeler: A website? And is there some way, and maybe this is the office of community technology question, I am really excited to see bureaus like yours using technology platforms to make it easier for people in our community to be able to access services and find what they need. Is there some way to bring all these together in one location? I think about for example the Portland report, the pdx reporter app and this app and there is a couple of others and I think that commissioner Eudaly may be working on or has been working on something through oni.

Eisenhauer: Some of it has started with the itap project that has turned into the pops, the online process.

Wheeler: Is that going to be one of the potential outcomes?

Eisenhauer: I think it's --

Wheeler: We don't want to talk about pops today but it's on the radar? I would love to see that at some point, and maybe I will put in that out as a marker because we are doing great technology and application work like this, and the next logical step is to try to figure out how to put it all in one easy location.

Alldrin: Agreed.

Wheeler: Okay. Cool. Thank you and what's your time line on the web page?

Eisenhauer: Our hope is hopefully within the next month in April to have it up and running. Our events season is starting now.

Wheeler: Great.

Alldrin: We have a lot of the content, its just sort of providing the branding and the framework, what it will look like.

Wheeler: Appreciate it.

Alldrin: So the -- let's see, yeah. So the consistent with our program goals, last season, pbots block party program launched a pilot project in 13 neighborhoods east of 82nd avenue and cully with the goal of increasing program participation. These historically underrepresented neighborhoods within our city and pbots took action by making permits more accessible to these residents by removing permit fees, making available free barricades within the neighborhood, creating an online application and translating materials into the five of the most common spoken languages in this area. The pilot project was a success and we ended up issuing four times as many permits in this area than had prior. We are excited to announce that we will be expanding the successful campaign in 2018 with an additional 14 neighborhoods. We plan to continue our outreach by participating at various community events and continue to build and strengthen our relationships with the neighborhoods, and directly connect with the residents on what Portland in the streets program means to them while spreading our program message of building community and that concludes our presentation today. We look for your support by updating city code, administrative rules and the program fee changes, we thank you for this opportunity, and we are here to answer any questions that you might have.

Eudaly: I have a question.

Wheeler: Commissioner Eudaly?

Eudaly: Thank you. I am excited about a lot of the changes that are coming. Could you give me an example of what a cafe outdoor seating extension is?

Alldrin: Sure, so when a community event permit is issued, if alcohol wants to be served in the right-of-way and the event organizer who is taking out the permit doesn't want to have that, and there are businesses along the street that want to serve and be part of the event, and want to go out into the street beyond the sidewalk, designated area, that their

February 28 – March 1, 2018

sidewalk cafe already permits them, this will allow them to serve beyond that point to, at a maximum of the city center line, as long as they are working in conjunction with the community event permit holder.

Eudaly: And then maintaining of the pedestrian.

Alldrin: All street closures, there is, we always maintain an ada compliant pedestrian through-way. Yeah.

Eudaly: I find it personally challenging to navigate those spaces sometimes so my question is really what we do around educating business owners about ada issues.

Alldrin: On existing sidewalk cafes.

Eudaly: Special events, the kind of things that you are talking about.

Alldrin: Yeah. Part of our effort was to have good signage as to where pedestrians need to go because sometimes that's very -- it's unclear. So that's one of the -- when -- in those circumstances because these are probably 5% of the permits, but there is a need, the Mississippi street fair is a good example. A lot of that, a lot of bars and restaurants extend their sidewalk cafes or want to extend into that, but where do the pedestrians want to go that want to go through this street so we are working with the designing more clear and apparent pedestrian signs.

Eudaly: Great, thank you.

Saltzman: What are some examples of ticketed events?

Alldrin: We haven't had them yet. That's the new, one of the proposed new opportunities so we are going to meet with a pilot group of our pass permit holders to share with them our proposed fee structure and to get their feedback because the regular event holders who to date have not been able to have events that sell tickets.

Fritz: I think we at least discussed it because we had a cannabis businesses event associated with is the park and the adjacent right-of-way, and I forget where we ended up as to where the ticketed park could be, but that's an example of where, and especially if it's 21 and up event, you would want to have, whether it's sold or not you have to have some kind of control if that's what you are talking about.

Alldrin: So it would be ticketed, the tickets would need to be available to anyone it couldn't just be a select population, and as long as they require that, and meet all of our other requirements for a community event permit we would permit it at a higher fee structure, it's the -- as our -- we present it to you in our documents submitted.

Fritz: Does that fee structure mirror Portland parks because we also provide that, it is a higher charge if you are selling to over 21, is it very similar?

Jody Yates, Portland Bureau of Transportation: Actually, we actually worked with parks and kind of evaluated the fee structure in parks and we are kind of mimicking generally speaking with parks.

Fritz: I will be interested if you have any advice for us because I appreciated how you looked into this and how can this work for the community and so I will be asking my staff to talk with you in that particular area. I want to make sure.

Yates: And I do see some clear opportunities to -- we have a lot of streets that are next to parks and there is a clear opportunity to partner with parks on those.

Fritz: Thank you.

Wheeler: Very good, is there any public testimony?

Moore-Love: No one signed up.

Wheeler: This is a first reading of a non-emergency ordinance, it moves to second reading and thank you. Great presentation. Thanks commissioner Saltzman next item. Can't do that. Let's move to commissioner Eudaly are the folks for 191 here.

Eudaly: Building code board of appeal. It doesn't look like they are, but I think we have noise here.

February 28 – March 1, 2018

Wheeler: Very good, I will make a couple of administrative announcements as slowly as I can. Item 193 could you read that Karla?

Item 193.

Wheeler: I am withdrawing this to my office it will come back on March 7. So item 193 will not be discussed today. Please call 192.

Item 192.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you mayor. Ernest Harris is a long time civic and business leader in northeast Portland. He has an mba from the university of phoenix, he has been an asset to the noise control office for many years. The noise control officer has worked closely with Mr. Harris to explore better ways to connect the community with office of neighborhood involvement's permitting arm. He's the vice president of the north, northeast business association, also known as I will say neba, not sure. A new one for me, he volunteers for prosper Portland on the tenant selection committee for the albert commons and Ernest is interested in serving on the noise review board to offer a voice for those whose voices have not been solicited. Should we do this one at a time?

Paul Van Orden, Office of Neighborhood Involvement: Our other board member is also here but she is in the bathroom.

Eudaly: And that's Destiny? Okay.

Van Orden: Yes.

Eudaly: So Destiny wright who prefers to be called dezi, dezi wright has been in the construction industry as a union member of the local pile drivers local 196 for several years now. She's experienced on many large scale projects such as the recent reconstruction of the sellwood bridge. Dezi has helped the noise board advocating for consideration for the safety of her fellow pile bucks and the potential impacts to their work environment. She's a dedicated member of her community and the Sullivan gulch neighborhood. Miss wright hopes to help the board keep a focus on the need for livability in our neighborhoods while recognizing the balance that must be made to complete large and medium-sized construction projects in our rapidly growing city. Today we have officer Paul Van Orden with noise control and both appointees Ernest Harris and hopefully momentarily dezi wright here to answer any questions or concerns the council may have.

Wheeler: Very good.

Van Orden: Thank you members of council. Paul Van Orden, the city's noise control officer I want to thank you for having the opportunity today to introduce two wonderful candidates, or two board members that we are appointing today to the city's noise review board. As a little piece of background board members serve for three years on the city's noise review board, and it is a quasi-judicial board much like the planning commission so it does have some notable weight in terms of the decision-making process, and we have had an honor of working with these folks in the noise office and look forward to working with them as newly appointed board members and I will introduce dezi and Ernest and I am not sure if any of the council members have any questions for them.

Wheeler: I have one question. The biggest noise issue that's come before this council in my year plus, a couple of months, 14ish months, has definitely been related to the increased volume of construction. Particularly construction that involves pile driving, if I can use that pejorative term. There are a couple of technologies that are out there and as I understand it, there is one technology that cost a little more, that is quieter, there's one that's faster, cheaper, but much more disruptive to the neighborhood. First did I get that right and second where do you come down on that issue?

Destiny Wright: For me, I've been a pile driver for the last eight years. Really there are a lot of variables involved. There is not really one superior way over the other. You are looking at location, you are looking at soil conditions, and you are looking at the structure

February 28 – March 1, 2018

itself, if you are going to be building a 30-foot tall, or 30-story tall highrise, you get up on that 30th floor, and the last thing on your mind is what's holding that building up. That's something that we just take for granted when you are sitting up in the Portland city grill. We count on the people building those structures, those engineers, those people in the field that put that together. That they know what they're doing and they built it in a way that we are safe and comfortable. Sometimes that may be auger cast where they are drilling, sometimes that may be with driven piles. Really it depends on the location, where you are at and I think safety and making sure that we are up to code for a seismic event is of the utmost importance.

Fish: I have a question Paul for you. The construction noise issue normally comes to us around new construction. I rent an apartment in a building that's going through a major updating. One of the things that they are doing, and it's not a typical building of this vintage, is they are replacing all the windows. In my building it has more windows than any apartment building in the city. So that process of removing metal windows and replacing them with energy efficient ones, it has the experience for me is like being in a dentist office with someone having a nuclear power drill and it reverberates around the building, the noise is just deafening. What I have heard from the management is that there is no way around this, we are sorry, we will do it during regular work hours. How do we balance these questions when it's a renovation and it's clearly that everybody is being told that they are not going to have quiet enjoyment during regular work hours and I should note that in my building there are a lot of older adults who live there so they are retired so the idea that everyone is going to work and the building is empty and so there's less of an impact is not the case and there is a lot of people there 24/7. So how do we strike that balance?

Van Orden: It is a difficult balance to strike. We are one of the cities that has more restrictive construction hours for a city of the size that we are, so we try to restrict it by having a tighter window, you can't start six in the morning like many cities, you start at seven and have to be finished at six. The challenge is so many of the projects not necessarily in your building wind up having a element where you are trying to balance ground floor, multi-floor commercial with residences in the building. So you often have a even worse situation where someone is trying to push the envelope because they are working during the day wanting to do the renovations at night and so it is definitely an ongoing challenge in the city to find a perfect balance. I don't think that there is a better solution than we currently have which is trying to keep a fairly tight window to the hours of construction. That's one of the few options that we have for maintaining some level of sanity. It obviously does not work perfect if you are stuck at home, if you're retired in your home, if you are bed-bound. So it's not necessarily a perfect situation, but that's one of the things that we tried to do.

Fish: And one thing that I would like to explore later, not now, is to what extent does the volume of noise in that context deprive a tenant of the right of quiet enjoyment? And this becomes less noise code issue because you are following the rules and you are trying to do the right thing, and does this become a landlord tenant question? Where in effect the tenant arguably should have the right to say if I am going to continue to live in this environment there needs to be an adjustment of my rent because I am not getting the benefit of the bargain. And again this is a different category than new construction which I know is burdensome to surrounding neighbors, but we'll see more of this as buildings are more energy efficient. When you replace the windows and put up scaffolding that's a big deal, and the typical person in my building to put the face on it, it's a six week job to replace the windows. Open up the windows, put the scaffolding in, put up boards and have construction workers coming in and out of your apartment, drilling, art falling off the walls, all this for six weeks, and at some point it seems that's excessive.

February 28 – March 1, 2018

Van Orden: It's humbling that I am in a position that my residents that I am in year three and a half, four straight of construction because I am in the Williams Vancouver corridor. So I know how maddening this is for neighbors to have construction every day month after month, literally in some cases if you are in the pearl or Williams Vancouver, Belmont all these dense places you are often dealing with constant construction for months to years straight. It can be maddening, so anything that we can do to find some solutions is definitely an important factor as the city is growing and very well spoken. Thank you.

Fish: I will work with you and Chloe on this and the office of landlord tenant affairs mayor, and I think part of it can be addressed through better notice. Part of it can be addressed through accommodations because some people have to be moved, if you are home convalescing from an injury you cannot be in the middle of a war zone or if you have a diminished immune system you cannot be around people traipsing in and out of your apartment and part of it seems to me needs to be financial accommodations.

Wheeler: Very good. I would like to give Mr. Harris a say if he would like.

Ernest Harris: Well, as a landlord I've been -- all the things you talked about I've been part of that, on the receiver's side as well as listening to the issues. I think that overall when it comes down to noise and making those types of decisions, we have to take into account what the public, to address the issues of the public, some of the issues that you address, some of the things that the mayor talked about we have to look at those types of things and try to weigh the, the construction versus the public interest in reducing some of the noise. One of the things the mayor just talked about was about having different types of methodologies to pursue the construction parts of that, that might limit some of the noise, so looking at some of those things might be an option as well. Then there is regulations and all of that, so all these things have to be taken into consideration in making decisions to further that process.

Wheeler: Thank you very much. As you can tell you're going to be front and center because the pace of the construction in the city will probably increase rather than decrease in the years ahead. Noise has become a paramount concern for people, we are hearing from many more people so I wanted you to be aware of the conversations that we are having, commissioner Fritz?

Fritz: I don't know that there is many more people its an ongoing thing, it was certainly a major part of my first term staffing in 2009, the noise committee was dealing with this issue, Mary sipe who's here in the audience, was very involved throughout when mayor haless had the bureau and I then when I did at the end of his term, this is something that we will keep working with and I very much appreciate your willingness to serve. I know we don't usually take testimony on reports so I will reference Mary Sipe and others who have shown up at the meetings and that you listened very carefully and I appreciate that very much, the big conclusion I came to, is there is not a single right answer. We are just going to try to keep ratifying it and recognize that there's always going to be challenges that we can probably always do better so thank you for your willingness to step up. Often there is a case when nobody says thank you at the end of the hearing so thank you for what you are going to be helping us to deal with.

Wheeler: I will entertain a motion colleagues

Fish: So moved to adopt the report.

Fritz: Second.

Wheeler: I have a motion from commissioner Fish and second from commissioner Fritz any further discussion? Please call the roll.

Fritz: Thank you to commissioner Eudaly for finding these wonderful people who are willing to serve and keep serving it is a very challenging committee thank you Paul Van Orden for all your service to the city, and yay Portland for having an organization such as

February 28 – March 1, 2018

yours at the office of neighborhood involvement that does engage community members in not only giving input into decisions, but making them, so thank you, aye.

Fish: Thank you Mr. Harris and Miss Wright for your willingness to serve, and I just say that as someone dealing with the health challenge who also lives in a rental building I have a new perspective on noise and I am not just talking about the annoying person that fires up the leaf blower at 7:00 on Saturday morning. So I look forward to working with you and thank you very much for stepping up and serving, aye.

Saltzman: Thank you very much for your willingness to serve and thanks, Paul. Aye.

Eudaly: Commissioner Fish I am surprised you did not take this opportunity to bring up the garbage trucks in your neighborhood and perhaps you want to consider moving back to northeast Portland and joining me on the east side.

Fish: There you go.

Eudaly: Because you live in a noisy neighborhood.

Fish: I certainly do.

Eudaly: I just want to say we call it noise control and I think the public perception means that we are just here to restrict noise, we are here to protect people's right to make noise, as well as to protect residents' right to live in a relatively tolerable environment. So yeah, just thank you for your continuing service and I look forward to working with you. Aye.

Wheeler: Well said, commissioner Eudaly. That's what you are, the balancers of interests and it's not an easy job, but we have two great candidates and thank you for your voluntary service. We appreciate it. Paul as always thanks for the great work you do. I vote aye the report is adopted. [gavel pounded] back to time certain item number 184.

Item 184.

Fritz: Thank you mayor, I think notice is a hearing that everybody on the council looks forward to every year so I am very happy to introduce this ordinance to our growing inventory of city of Portland heritage trees which currently has 298 trees with this designation, and I encourage folks watching at home to be thinking about where there might be significant trees in your neighborhood, I know that there are some neighborhoods like mine that have zero, so I certainly am keeping my eye out and going to be nominating some. The heritage tree program is an important part of raising public awareness regarding is the contribution of trees in our community. So thank you urban forestry staff Angie DiSalvo and urban forestry commissioner Greg Everhart who have led the heritage tree committee selection process.

Angie DiSalvo, Portland Parks and Recreation: Thank you council members for the opportunity to bring heritage trees forward on our trip to look at nominations and delisting's. My name is Angie DiSalvo I am parks and rec urban forestry staff and urban forestry manages the heritage tree program under authority of title 11 trees, this includes administering the program, inspecting and protecting heritage trees as well as maintaining our publicly owned heritage trees. And urban forestry commission is a key partner in this important program, and the primary responsibilities is making recommendations to you for nomination of new trees. As such Greg Everhart, urban forestry commission member and chair of the committee is going to be presenting today.

Gregg Everhart: Great and I know that most of you have heard me several years in a row now but we miss commissioner Eudaly so I will remind you, you cannot be a heritage tree unless you are large, old, have a connection with some historical event or figure, or perhaps are really unusual horticultural type. It is a abnormally large number of trees both to lose six in one year, normally it's one or maybe two, but we're really happy that we did really great outreach and we had 87 nominations, a little more than we were prepared to handle. So I will go quickly through the delisting's, these trees have all been removed at this point. So this is really kind of a record-keeping thing, but last winter you remember we had both a major ice storm and a snow storm, it was devastating to the urban forest.

February 28 – March 1, 2018

Heritage trees actually did really well. Of the nearly 300 we had four damaged severely. This white oak had some upper limbs damaged, and this crack developed and it was moving, so the first of these three trees were removed with emergency permits and by code the city forester can deem a tree to be an immediate hazard. So on the slide you will see a common name, a scientific name, the number of heritage trees of that type that we have, and some of the measurements that we take. The one in parenthesis is really important because all the title 11 numbers are in inches at diameter height. Heritage trees which are usually large, we measure and record their circumference, but remember those numbers like 12 inches and 30 and 36 inches because where I cannot tell you how old a tree is, you really realize then what we lose in terms of the years. Sometimes how irreplaceable any tree might be. There is a heritage tree number, we were up in like the 340s I think now, because we have lost some over the years and then we have got the location of the tree and how many heritage trees there are in each neighborhood because they are not spread evenly. So this oak tree has had this big split and part of it was moving. It would have landed on potentially a sidewalk street and other buildings. So the city forester gave a removal permit. Was it needed? This was is a victim of the snow, and actually brought this tree to you two years ago. We think it was actually a multiple tree you know, five or six acorns that sprouted and grafted together but they were leaning so that the snow load basically took the whole thing down. We salvage the wood, some of this oak wood has become benches in community gardens. This third one was essentially dead. An inspector happened to drive by and they know where the heritage trees are and there were no leaves on it in June so this is the dead dying removal permit. Only had one more Shagbark Hickory's, that's a fairly rare tree from the Midwest. This shows you the specific storm damage. We lost two of our American elms, we've lost three or four of them in the last two years, so we are getting to our reduced number of elms. This tree had been in the program, if it's a public tree urban forestry arborist do the pruning and maintenance for the tree. So the committee, where the tree is not an imminent hazard goes and visits the tree. We look at it, we have got half the committee is arborists, and we agreed with urban forestry this tree could not recover. There is then a public hearing before the urban forestry commission, and it needs at least six commissioners to vote to delist and remove a tree because this happens throughout the year, this is not a decision that we bring to the council, the commissioners, from urban forestry are allowed to make this decision. There is a public hearing, the neighborhood nominated this tree, it still lives there, sad to see it go but supported our recommendation. This elm is more recent in the program, the branch that broke was 36 inches in diameter and didn't hurt anyone but did hit a couple of cars and then a building. So when we met here you see the sign there, I thought that we had a protest on our hands, but it was actually a memorial sort of an honoring of this tree. So it is my reminder to say that people love trees, they particularly they love large trees and even more particular heritage trees. So again this tree had already had all the pruning it needed to avoid this problem and was not going to be able to recover. The last one is the example, I think our smallest tree, this is, this was in the first courtyard, at the Chinese garden. It's actually an example of a horticultural variety and its historic connection was because it's native to china and was found in a southeast neighborhood yard, and those people were willing to donate it to the garden. So it had a long decline for a particular kind of root rot, and it had fewer and fewer leaves so it's also being replaced. That's the bad news.

Fritz: I have got to say for the Osmanthus that it's gorgeous when it's in bloom, and when I visited with my parents when they visited here they were selling small ones at the shop and I purchased one, it is still alive but by no means grown a lot. So it's something that once it gets to that size it's a slow going tree unless I am not doing what I should be doing to it.

Everhart: Keep it moist, and you probably be good.

February 28 – March 1, 2018

Wheeler: That was the depressing part of the presentation and I know that we will jump into the forward looking optimistic part of the presentation. I want to acknowledge we have students here from Lincoln high school from the urban exploration class. Did I get that right? Welcome. Good to have you all here. Who is your teacher? Hi.

Mary Rechner: I am Mary Rechner.

Wheeler: Ragner?

Rechner: Rechner.

Wheeler: Rechner, thank you for being here, thanks for bringing your students in. We appreciate it.

Rechner: Thank you for having us.

Everhart: I am always willing to influence young people to help plant, prune, and nominate potential heritage trees, so this is the fun part. The bad news is that we still don't have an even distribution of heritage trees, there are only five for instance that are east of I-205 and this shows kind of in color the darker greens are the neighborhoods with the more heritage trees and the light green, is a little deceptive because those neighborhoods don't have a heritage tree. We are doing two things about that. One is that we have added three new members to the committee, two are from outer east and one from southwest and so now the committee is better geographically diversified, We also started to track where our nominations were and we've improved sort of the instruction so people will be more successful with their nominations cause you see that some of those tree symbols are gray. Those are trees that were not healthy enough, actually had not been compared in terms of the dimensions to existing heritage trees, or perhaps were not in the right-of-way, they have been nominated as a public tree, but in the southwest it's hard to find the sidewalks.

Wheeler: Can I interrupt and maybe you can quickly catch me up. So for a heritage tree to be a heritage tree it has to be typically old, large, of historical signatures, it has to be nominated and who is it nominated to?

Everhart: It could be nominated by anyone, but if it's on private property, you need to have the consent of the owner and so what happened in southwest.

Wheeler: Where do they nominate it?

Everhart: What?

Wheeler: Where do they nominate it?

Everhart: Oh its this one page form and it's available on the website, the deadline is always the end of arbor month which is April, so may 1, we will know how many nominations we have got this year.

Fritz: And I will put the link on the front page of my website so people can know this year.

Wheeler: Then it goes to this committee.

Everhart: There is one prior step, and that's what's shown in this slide there. There is an inspection, and so a certified arborist from urban forestry goes out and sees that the tree is reasonably healthy, it has no big structural defects, has enough room to grow both in the air and in the grounds, and we'll have a long, you know, potential life and the consent form was signed if it needed to be.

Wheeler: And then it goes to the committee.

Everhart: Then it goes to the committee.

Wheeler: and what kind of vote is required at the committee?

Everhart: For a heritage tree status we had 10 people on most of our site visits we had at least seven often unanimous support, and for a tree of merit which has no protection, is not in the code we go with a simple majority.

Fritz: And then to the commission before it comes to us?

Everhart: Yes, and they need to actually, I think, that again is six, but that's been unanimous each year as well.

February 28 – March 1, 2018

Fritz: One of the things I remember commissioner novick saying was that we should have, allow for a slightly younger trees so they could have more time to enjoy the heritage. Which I thought that was a good point because you know, some of these trees are not going to get big and old unless they get the right pruning, the right encouragement and the right protections.

Everhart: That is what the tree code is supposed to do, I am continually saying we need to protect our teenagers and our middle aged trees. So that we have the seniors, but the code is what the code is in terms of what qualifies a tree to be a heritage tree.

Fritz: So that's another thing that we need to correct in this tree code.

Everhart: Well, it is a burden, urban forestry maintains all the public trees. So there is some financial limits and we have roughly half public and half private.

Fritz: Thank you.

Everhart: Can you extend my time slightly?

Wheeler: Of course.

Everhart: I do have.

Fritz: Council questions don't count anyways.

Everhart: I have Angie reminding me of the time. So anyway, I won't belabor each of them, that they are each very special. This English walnut is up in Humboldt. Humboldt had no heritage trees, there tree team and actually some committee members worked hard to locate some candidates. We have only two of these. This is one of the trees that's not as visible as we normally require. You can see the top two-thirds from the street, but there is an ally and you can see the entire trunk if you peek through the boards, so we anticipate putting a second plaque back on the alley. Copper beach, we have quite a few of these because they grow really large in our climate and I am sure commissioner Fritz remembers these from the beach forests in England. They are remarkable. This tree is special, it's what we call a phoenix tree. It was struck by lightning in 1960, see it has that hollow which normally would terrify a certified arborist or a tree risk assessor but they assured me that it was basically going to grow back around and that a hollow pipe could be stronger than a solid rod so I trust them and the urban forestry staff. You don't see that cavity from the street which I think is important, its not an attractive nuisance to climb in there. This Boulevard Cyprus was one where I as a landscape architect had no idea they would get this big and this is where I am starting with a private tree because I like to really point out that these folks are giving a gift to their community, their neighbors, they are foregoing use of their property to preserve these trees. So this is a small house in Richmond, they cannot do a garage or an adu, but the tree is like 108 years old and it is an important landmark there, unusual horticultural variety. Here's the standard beach without the colored leaves down in east Moreland, large lots, you actually had two other nominees, but this was the one that really is expressing most fully what this tree can do, and you look right up the driveway at it. So these photos are from the backyard, because it is so big you got to get a distance away to see the whole tree. By contrast, there is now three small trees. We don't have any of these trees, and without this site I don't think that we would have ever had them as heritage trees, but Karen Hendrickson is the fourth generation of two families that had a nursery on their property in southwest in Maplewood and it's gotten smaller over time and will eventually be subdivided, we have actually gotten five heritage trees that we ok'd over the past two years. This one was keyed out, it is Chinese, it took a martin Nickelson on our committee, he's the curator at Hoyt, Chinese florist to figure out exactly what it was cause Karen typically has good records.

Wheeler: What do you mean when you say keyed out?

Everhart: You look at the seeds and the fruit, it's a way to identify that your species are, you know, out of whatever so there is a lot of kinds of maples and this is not one that's growing in Portland so you have to find the scientists and botanists that have decided what

February 28 – March 1, 2018

the name will be and what its identifying characters are. That was a technical thing, but he had to literally make up an American or common name for it because it did not translate well. The silver bell is also another small charming tree, white bells, we saw the end of the blooms and this last one is actually something that you probably won't see in this form, except at this site. Normally it grows -- we plant it now as a street tree with a solid single trunk, and it might grow 40 feet tall, this is 51 feet, when it is in this multi-trunk shrub form, it would be 20 feet. This is remarkable, they are all remarkable in their own way but this is unexpected. Now I am into the public trees, there is, I think, eight of them. Ponderosa pine just south of Gabriel park, most of you can actually visit this pretty easily. A real landmark, its visible from the south part of the park, as well as the street and it's in the Multnomah neighborhood, the folks that actually nominated 30 heritage trees. They are very concerned about losing large trees, and they actually took action on it. This Douglas fir was the other one we found, they nominated among a number of people nine different Douglas fir trees. This is near a corner, had good care, urban forestry didn't hesitate to take on a tree this large and then this is the anomaly, we've got four of the same species which normally doesn't happen because one will be greater than the others but these were all great. This is a species you see when you step outside city hall on the transit mall, very drought tolerant, heat resistant, taking in bad urban air. This was planted and the largest remaining tree along the highway 99. The so it's up along the interstate light rail and also in the same neighborhood are these three trees, which are in a little piece of sort over right-of-way, maintained by parks and again these tough urban trees, I think, it's like the essential expression of a tiny park. Trees and grass, it really just needs a bench and we couldn't choose, and ultimately one of the most severe, or serious members of the committee said you know if these were in different locations, we would accept each of them so this one is the tallest in the northeast corner, and then the tree down in the south actually was the broadest and had the biggest girth, so it's like saying which is the child you don't love the most or something and so we unusually recommend all four of these same kind of trees.

Fritz: Mind you there was an English ivy on that one on the overlook one. So lets get on that its right at the base of it.

Everhart: Yeah. I think it's something that the youth team might be able to tackle. Sort of educate people for potential forestry careers of high school age.

Fritz: Thank you.

Everhart: This is the Sassafras native to the Midwest. I would never have guessed it as a street tree. We think this tree is about 80 years old, we have a historian on the committee, Dave Hedberg, and he found that 12 Sassafras trees were inventoried by the works progress administration in 1938. There is no map, but this tree has got the size that would probably have indicated that age.

Fish: Any chance there is any minor white photographs of trees?

Everhart: I don't know. I can ask him.

Fish: The art museum has been showing the collection of the photographs you took of Portland I know his focus was on cast iron buildings and interiors but there is a lot of stuff along the industrial area, and I wonder if they were part of his portfolio.

Everhart: You would think that he would have at least the shade patterns on the buildings.

Fish: Might be worth asking the art museum because they have the complete collection.

Everhart: Yeah, that's a great idea, thank you commissioner Fish. So down to the last couple, again, this is a tree, like the Sassafras one in Humboldt that had no heritage trees, so their tree team and our committee members really looked for potential nominees, and this to me is a great example of a large tree existing in is a reasonably sized tree planting strip. Which is why we need a bit more width along our streets. And the final one, this is the only one that is in a park. I think the common name is appropriate, a grand fir. We had

February 28 – March 1, 2018

until three years ago just one, this was the tree, that was the tree, and it was cut illegally and it's where council subsequent to that changed the code so that we would penalize the damage or removal of private heritage trees to match what we do for public trees. This tree is actually much bigger but it was a case of not seeing the tree for the forest. So it's near a path, the plaque will be visible, and it was recommended and nominated by someone who looks for state champion trees. So to conclude 87 nominations, we looked at 60 of them that made the initial screening. We actually recommended 20 but we had some problems with consent on a couple of them. Trees on property lines are a problem in this city. So that's it, we will welcome questions and comments.

Wheeler: Commissioner Eudaly?

Eudaly: It sounds like there is a pretty easy nomination form online that includes criteria. Where could members of the public find that?

Everhart: If you google Portland heritage trees it will come right up. The front side is very simple information to fill out. The back side is some hints for choosing a tree that's likely to succeed.

Eudaly: And then I have a question. If one of the properties is sold, or there is a privately owned heritage tree, what are the rules about taking it down? If the property is going to be redeveloped?

Everhart: Well, that's where the city of Portland's program is unique. The trees are protected, so this is something that the current owner does and it constraints their use of the property and the use of the property into the future. So that's why these consent forms are notarized and recorded with the county so that the people are alerted, and what happened with the tree that was cut down illegally is someone either took down the plaque or ignored it or who knows what but you are constraining the value of your property which is why I think that it's such a gift from private property owners.

Eudaly: What would the penalty be for illegal removing?

Everhart: It's inch by inch. \$600? \$600 an inch if you remove the tree, where the city forester did not give you a removal permit.

Saltzman: Diameter?

Everhart: Diameter breast height, yeah.

Saltzman: Maybe we should make the penalty by height.

Everhart: Or age.

Fish: Can we go back for a second to the map that has all the heritage trees?

Everhart: Sure, let me tap, tap, tap.

Fish: Since we have students from Lincoln, we try to figure out which is the closest heritage tree to the Lincoln school campus?

Everhart: They have got one on their campus I believe. They have got a black walnut.

Fish: Fantastic.

Everhart: A great tree.

Fish: Who knew, good, thank you.

Wheeler: Very good. Any further questions, colleagues? Any public testimony?

Moore-Love: No one signed up.

Wheeler: This is a first reading, non-emergency ordinance, moves to second, commissioner Fritz?

Fritz: I want to thank Greg for all your work on this. You were the Portland parks and recreation in play but have been doing this for the love of Portland and the love of trees for a long time and I appreciate that. Thanks to Angie DiSalvo and the urban forestry team and the link to nominate a tree will be on my website by the end of the day and hopefully by the beginning of the afternoon session so thank you very much everybody for your attention and very proud of this work. Thank you.

February 28 – March 1, 2018

Fish: Commissioner Fritz would you entertain an emergency clause so our visiting students can see democracy in action?

Fritz: What a great idea, thank you.

Wheeler: We have a motion, is there second?

Fritz: Second so these trees would be protected as quickly as possible because that is in the public interest.

Wheeler: We have a motion from commissioner Fish, a second from commissioner Fritz, please call the roll on the amendment.

Fritz: That's an excellent idea commissioner, aye.

Fish: Aye.

Saltzman: Thank you to parks and urban forestry for the great work you do on this program. These trees are important to our city, aye.

Eudaly: This is one of my favorite annual events. I've gotten to see two now and I was happy to, well, happy, it was great to see the memorial to the one tree. I kind of think that we maybe should have a little ceremony for those heritage trees that we have, we lose every year, aye.

Wheeler: Aye, the amendment is adopted. To the main motion please call the roll.

Fritz: Aye.

Fish: Thank you for your presentation, I am starting to grow a little tree in my apartment, and I have noticed in the last year it has grown a half inch so it's not ready for the heritage designation but we are making progress.

Everhart: Historic figure.

Fish: Thank you, and I am reminded that we have three former and current parks commissioners here, and every year when we get this presentation dan always manages to say that it's one of his favorite presentations, and I think it's one of our collectively favorite presentations, and thank you for your good work, aye.

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

Wheeler: We spent a lot of time in this council chamber talking about the character of our city and what makes it special and why it's a community that people love and support, this is obviously a key component of that. Thank you for an excellent presentation and thank you commissioner for all of your hard work over many years to make sure that this program continues to grow and expand. That's a deliberate analogy and colleagues who have served as parks commissioners, I know that this is a program that you have stewarded with diligence and intentionality as well. Great presentation. I vote aye the ordinance is adopted as amended. Thank you.

Wheeler: Let's go please to 191.

Item 191.

Wheeler: Commissioner Eudaly.

Eudaly: I would like to call Mieke Keenan up to the front if she is here. Neither appointee could make it today, but Mieke is here with bds to answer any questions and I will just tell everyone a bit about our two appointees. So the building code board of appeal hears building code issues that are appealed beyond the bds administrative appeals board. Building code board of appeals consists of private industry professionals from a variety of designated backgrounds. The board provides an alternative to appealing code issues directly to the state. Jennifer Nye who we are appointing has been a member of the board in the alternate architect position for the past three years, she's recommended to fill the membership category of architect for her second term replacing David spitzer. Jennifer has over 15 years of experience as an architect in the Portland area. She's worked on both commercial and single family projects, ranging from single story buildings to high rises. She is a good understanding of the code and is considered a code resource within her office. Jennifer has quote "enjoyed being on the appeals board so far", and she believes

February 28 – March 1, 2018

understanding of code and building bring a lot of that to the board. We are also reappointing Jennifer Alger to the building code board of appeals. Jennifer Alger is recommended to renew her current position fulfilling the membership category of builder. Jennifer has been a member of the board in the regular building position for the past three years. She has over 20 years experience in the construction industry, she has an engineering background and education combined with a practical knowledge of the building structures. During her career she's been involved in numerous projects such as the Gus Solomon courthouse in downtown Portland and in addition to the, I know how to say this, Chemeketa community college health sciences complex in Salem. As I mentioned they are not here but Mieke is if anyone has any questions.

Wheeler: I will accept a motion.

Fish: So moved.

Fritz: Second.

Wheeler: We have a motion from commissioner Fish and second from commissioner Fritz. Please call the roll.

Fritz: I appreciate both Miss Alger and Miss Nye for being willing to serve. There is many, many as commissioner Eudaly knows, many, many appeals boards and other committees within the bureau of development services, and I don't know but you might be the first time that for the building code board of appeals that we had a majority of women on the committee and so that's something that I was working on when I was in charge of the bureau and I am glad to see that you have achieved the goal. Aye.

Fish: Aye. **Saltzman:** Aye.

Eudaly: Well I would just like to say thank you to Jennifer Nye and Jennifer Alger, and like Jennifer I have also enjoyed my job so far. Thank you for your continued service and thanks for being here Mieke. Aye.

Wheeler: Again I want to thank Jennifer for her service to this community and continuing to participate and even providing is a quote demonstrating how fun it can be to volunteer and serve even on a committee that is under a tremendous amount of pressure. So wherever you are thank you and I vote aye and the report is adopted. Thank you. Next item, 194.

Item 194.

Wheeler: Good morning Craig.

Craig Haynes, Office of Management and Finance: Good morning mayor and good morning commissioners thank you for accommodating me today. For the record my name is Craig Haynes and I'm an employee of the office of management and finance grants management division. Today I am here to present the recommendations of the appropriations committee for grant awards from the \$350,000 allocated to the fy 17/18 special appropriation program during the fall bump process. The committee consists of a representative from each commissioner's office and one from the mayor's office and they were charged with reviewing and discussing and making a recommendations for funding from the application received for the competitive special awards program. The individuals who served on the committee are Tia Williams, formerly of commissioner Saltzman's office. Jamie Dunphy of commissioner Fish's office, Cristina Nieves, representing commissioner Fritz's office and Pollyanne Birge from commissioner eudaly's office, Michelle Plambeck and Nathan Howard took turns representing the mayor's office. It is a collaborative effort and I want to thank the committee for the time and energy they contributed towards the process. The committee picked up where they left off after allocating the first \$350,000 was awarded to the program. This funding was awarded among 17 organizations, who are above the 17 organizations, the committee voted to rescind the funding from the rebuilding center. The reason being the rebuilding center decided not to pursue a feasibility study for which they were awarded funding. The

February 28 – March 1, 2018

committee didn't think it was fair to other applicants to allow a resubmission, the \$45,000 taken from the rebuilding center was added to the \$350. Allocated unified on process and everything was redistributed out. The committee is pleased to recommend the following 10 organizations for funding. Karla, could you?

Moore-Love: Kind of small. You will have to scroll it down, Craig, to get to the rest of it.

Haynes: Move over real quick. So the slide shows the organizations that were awarded funding. It shows the organization grant project title gives a brief project summary and the column to the right shows the amounts awarded. Amounts in red have been modified from the original Amount requested and those organizations are Amplify northwest, central city concern, El programa Hispana Catolico my Spanish is not very good, Familias en Accion, Home forward, New avenues for youth, Northwest disability support, Planned Parenthood Columbia Willamette, Reap incorporated, Write Around Portland. So the funding for the competitive award for fy 17/18 is \$1,000,000 total grants awarded were 26 grants, 16 on the first allocation and 10 on the second allocation. We hope this group of awardies accurately represents the goals and values of the city of Portland and I encourage the council to continue with the competitive special awards process. That concludes my presentation and I'll try my best to answer any questions the council may have.

Wheeler: Thanks Craig. Colleagues?

Saltzman: So all of these organizations previously qualified for the initial round, is that corrected?

Haynes: Yes. Meaning we received the 100 applications originally, we awarded 17 and with the additional funding that we received we went back to those applications and choose ten more organizations to award funding to them.

Saltzman: I am not clear what the difference between the red type, saying, they received additional funding. Did they all? Is that all?

Haynes: The figures in the red shows the modification from the original amounts requested by these organizations. Say for instance one organization requested \$100,000, but we reduced that ask and gave them say \$50,000, that's what the amounts in red represent.

Saltzman: Ok thanks.

Wheeler: Is there any public testimony on this item.

Moore-Love: This is a report.

Fish: Mayor I move the report.

Fritz: But we would take testimony, right because this is the opportunity for the public to weigh in on whether we should or should not give these grants and we know that although Mr. Walsh has had to leave he's going to pull these off consent in the future saying there was no opportunity. I don't see anyone wanting to testify anyway. Is that correct?

Wheeler: That's correct. Do we have a second?

Fritz: Second.

Wheeler: We have a motion from commissioner Fish, a second from commissioner Fritz, please call the roll.

Fritz: Mayor wheeler, thank you for continuing this process. It's far fairer to have this organized process where we encourage people, organizations, to apply for special appropriations money and then we don't pick favorites during the budget process which has so many other pressures on it. I also appreciate the active engagement of all council offices to decide who gets this money. Of course subject to council input and/or final decision making. Certainly there's an opportunity for the community to have weighed in on these allocations as soon as they were published. So I'm very confident that this is a good way to do things. I'm also very confident in each of these allocations. Thank you to Cristina Nieves and the other on my staff who put in a lot of time on it. Aye.

Fish: I want to echo everything commissioner Fritz said and thank the auditor for actually

February 28 – March 1, 2018

giving us the road map to how we might do this in a more transparent and open way. I want to thank Jamie Dunphy on my team for all his hard work and these are wonderful organizations and I'm proud to support the recommendations. Aye.

Saltzman: Aye.

Eudaly: Well, I want to thank the omf staff, Craig Haynes, Sheila Craig and staff from the various commissioners office, but in particular my own Pollyanne Birge. Aye.

Wheeler: I think this is another great example of how our teams can work together to actually do great work together. I vote aye. The ordinance is adopted. 195, please. Thank you, Craig.

Item 195.

Wheeler: Colleagues this apartment building, 26th and Ankeny apartments, will have 15 of the 96 units affordable to households earning up to 80% of area median income for 99 years. As part of the inclusionary housing program. This is the third project for which the developer urban development group has chosen to voluntarily opt in to the inclusionary housing program in order to benefit from both the parking exemption and other incentives that are available under the program. The multiple unit limited tax exemption or multi-program is one of the financial incentives provided to inclusionary housing projects choosing to make units affordable rather than paying a fee in lieu. Each multi-unit application comes before city council for approval and that's why it's here. In addition to the ten-year tax exemption provided by the multi, this project will also receive an exemption of the affordable housing construction excise tax that otherwise would have been due on the affordable units. This project will join 17 other projects that have already been included under the inclusionary housing program. I want to say that again. This project will join the other 17 projects that have already been approved under the inclusionary housing program making a total of 92 units affordable in otherwise market-driven developments. I would like to welcome our director of housing. Good morning, Shannon.

Shannon Callahan, Director, Portland Housing Bureau: Good morning, mayor, commissioners. Shannon Callahan from the housing bureau. As the mayor said we're pleased to be here with the 17th project under the new inclusionary housing program adopted at less than or finalized less than one year ago. This is now bringing 92 units of affordable housing under the program and developments that encompass more than 1,000 total units. Dory van Bockel, the Portland housing bureau's development incentives manager, is here with me this morning to answer any questions you may have.

Dory Van Bockel, Portland Housing Bureau: Good morning.

Wheeler: Good morning. I know commissioner Fish has a couple of questions.

Fish: Thank you very much and I'm going to support this, but I have a couple of questions. Some of which are just to make sure the record is complete then I actually have some honest questions that I don't know the answer to. Under the rules it appears that we're requiring 5% of the units be fully accessible for disabled tenants, which in this case means one of the units. Is that threshold big enough, high enough or should we think about increasing it?

Van Bockel: There's always opportunity to explore that further. It is to clarify adaptability to be fully accessible in the need of a tenant. It's not a lot greater than the overall standards by the city code itself, so that is something programmatically that could be explored.

Fish: So, mayor I want to put a card down, just as we normalized the requirement that there be a green roof I think it's time we look at our code and figure out what are some of these adaptability and accessibility requirements and we should bake them into our code and not link them to incentives plans. We're after all a graying population and we should be building more accessible units as a right and ordinary course.

Wheeler: Good point.

February 28 – March 1, 2018

Fish: This particular tax abatement is calculated on the basis of just the units, they are affordable, but Shannon, I was struck by that it also extends to the common areas and the parking. Why?

Callahan: That is a function of the underlying tax exemption program. It is within the ability of city council to change but that is how the tax exemption program is operated for.

Van Bockel: Can I clarify that would just be for the percentage of the affordable units.

Fish: Can I just observe that while I am a big believer in having those common spaces, but Clark commons has an art room. Projects that has developed as housing commissioner had communal spaces, so we support that. I do think the calculation of the 15% is probably open to some creative math, so I would ask you to be particularly zealous in making sure that their calculation of 15% actually has a real world flavor.

Van Bockel: The county assessor looks at that when they actually do the appraisal of the property based on the square footage of the area.

Fish: I'm just going to go out on a limb and say I doubt the county assessor does a site visit but again, I think we ought to be careful that the incentive is tailored narrowly and that someone isn't defining common spaces in some very extravagant way. What happens after ten years? We're going to this afternoon put in place a permanent relocation protections so we have someone who is in an affordable unit for ten years. At the ends of ten years the regulatory agreement expires. What happens to the tenant?

Callahan: The regulatory agreement does not expire. The tax exemption is for a period of ten years but the requirement for affordability is for a period of 99.

Fish: For 99. So that is an important distinction so that it continues. Someone who is fortunate enough to get into one of these apartments can expect to be there as long as they can afford the rent.

Callahan: Yes.

Fish: Here's my final question. There was a flood of applications and entitled projects to beat the deadline for i.z., so as a council we have been talking about how to create incentives to bring some of those developers back into the fold.

Callahan: Yes.

Fish: That's an example here, right, where otherwise they could develop without i.z., but we're offering an incentive?

Callahan: This particular developer had a vested permit prior to inclusionary zoning but based on the package of incentives offered chose to opt in. This developer will tell you as the mayor has said that the waiver of parking requirements when paired with inclusionary zoning is key for this developer to make these pencil, so they have literally chosen this. The mayor will actually be bringing back and incenting the pipeline program that we have to have at this council on I believe March 14th.

Fish: The one piece of this that gives me pause is I'm all for creating incentives for people that opted out by virtue of the rush to file ahead of it. I think we calculated somewhere between 15 and 20,000 units.

Callahan: Yes.

Fish: There was a conscious effort in the development community to avoid i.z. because we set a prospective date and everyone who could tried to get their applications in. Can you assure me that in creating the incentives we're not in effect giving a better deal to actors who chose to opt out than people who played by the rules and followed in the ordinary course? I want to create incentive, but I don't want a perversion situation where we reward people who intentionally tried to avoid having i.z. and now are getting a better deal.

Callahan: I think a lot of the projects in the pipeline will never come to fruition. I think the reality is that people rushed in and may not actually have had the ability to complete those projects. The projects that we would be looking to incent are projects that would be moving

February 28 – March 1, 2018

forward, and I think that this is not an uncommon feature for developers to come in in advance of any particular change that they think impacts their bottom line. When we have seen sdc increases whether they be in parks or transportation we have not quite seen the flood of applications but it's very, very common that folks will take advantage of the opportunity to apply.

Fish: Right.

Callahan: I don't think the package will be bringing back in March will be incenting that behavior.

Fish: If you could just not necessarily today but if you could follow up with me, the question I would be interested in knowing is developer a, who is playing by the rules of i.z. and is currently developing and is agreeing with our rules, versus developer b, who preempt early to filed something to beat the deadline but is now taking advantage of additional sweetener and is in a better position because of their behavior. I would have from an equity point of view a concern that if we were giving better benefits to b than a, who is playing by the rules.

Callahan: Yes, I'll follow up with you on that, commissioner.

Fish: Thank you.

Wheeler: Commissioner Fritz.

Fritz: To follow up on that, not to you, but commissioner Fish. We can only provide incentives on parking if we're requiring parking in the first place so I would submit to my colleagues that's something to just think about as we move forward.

Wheeler: Commissioner Saltzman.

Saltzman: Projects in the pipeline -- yeah, the projects we're talking about that beat the deadline, were they issued building permits? Is that what the final action was?

Callahan: No, it could have been any number of different steps in terms of land use action to get in ahead. It will vary but it's a feature of state law and our existing code, it was not much we could have done. A land use action would have been a determining factor as well.

Saltzman: Isn't there some deadline under which a land use action or building permits expires if it's not executed within a certain amount of time?

Callahan: I believe it's three years. I think there is frankly some legal wiggle room with that. They will -- certain projects as always will happen whether pre-i.z. or not will naturally not proceed for a variety of different reasons.

Fritz: As you heard in the hearing last week it's the rules in effect on the day you submit your application. Regardless of whether they go through the land use process with the building application if they've got their application even it's on the back of a napkin, in no way complete, no way doable. That says -- director Callahan said it's a function of state law that we don't have any control over.

Saltzman: Just to underscore something, I obviously share the concern. We have so many projects that beat the deadline, but I have always in the back of my mind been content to wait and watch until the deadlines on the permits expire and those projects are no longer valid because 15, 20,000 units in the pipeline is not going to happen. So many of these will not happen and the ones that will happen will have to happen under our new rules, the inclusionary housing rules. So I look forward to the incentives but I'm content to play this game out and send the message to the development community these rules are not going away. These are bedrocks now of our housing development in the city of Portland.

Fish: I had one other question, but I couldn't read my handwriting. [laughter]

Van Bockel: I'd be happy to follow up with you later commissioner.

Fish: I think I should have gone into the medical profession, not politics. According to the cheat sheet I have, the value of the ten-year exemption is \$150,000?

Van Bockel: Per unit -- no, in total.

Fish: In total and that will be applied against the \$3 million cap?

Van Bockel: It's the first year that's supplied toward the \$3 million cap.

Fish: What's the distinction.

Van Bockel: Just the first year foregone revenue. The 16,247 will go towards the \$3 million cap.

Fish: If for 2018 how much cap do we have left?

Van Bockel: A lot.

Fish: A lot, so we have not been bumping up against the cap?

Van Bockel: No.

Callahan: Commissioner, if you remember we also negotiated with the county a rolling cap over a period of time to meet development cycles, so making sure no jurisdiction -- we had a \$3 million cap but we're calculating that over a five-year period so we can meet development cycles if we need to.

Fish: Please be rigorous in defining common spaces. I'm not a former IRS agent but I'm told sometimes people get very creative in defining home offices. There may be creative math in terms of common spaces and let's make sure they are truly common spaces accessible to everybody and not a way to pump up the benefit of the exemption.

Callahan: Thank you.

Wheeler: Any further questions? Is there public testimony on this item, Karla?

Moore-Love: No one signed up.

Wheeler: Please call the roll.

Fritz: Thank you both for your work. Aye.

Fish: Good project and thank you for your very clear explanations. Aye.

Saltzman: Thank you and thanks to the urban development group for their continued interest in our inclusionary housing program. Aye.

Eudaly: Aye.

Wheeler: I would like to second that thank you to the urban development group. They are very clearly helping to lead and demonstrating that i.z. can work very effectively in this community. I thank my colleagues who have worked on this for a number of years. There are few bureaus that have actually been stewarded by three sitting members of the city council. I want to applaud my colleagues who have worked on this previously and I want to thank both Shannon and Dory and your whole team for their hard work on this. Aye. The ordinance is adopted. Next item 196.

Item 196.

Wheeler: Colleagues, prior to the passage of the housing bond, the Portland housing bureau has primarily been a funder of affordable housing and not an owner or developer. In order to meet the bond's production goals efficiently and effectively, I directed the housing bureau to work with our partners in utilizing existing capacity rather than duplicating our efforts. Home Forward is a trusted partner of the city of Portland and an integral part of the city's housing programs. In addition, as an Oregon public entity Home Forward is subject to the Oregon public contracting code, so they are particularly qualified to issue solicitations on behalf of the Portland housing bureau. Collaborating with Home Forward to develop and manage housing created under the bond creates time and cost efficiencies. This allows the Portland housing bureau to leverage Home Forward's current resources and capacity to reach the bond framework goals quickly and effectively. Home Forward has proven expertise in procurement subject to Oregon public contracting code long term asset management experience and development of affordable housing for the most vulnerable populations in Portland. This allows for immediate management oversight and coordination of the current bond properties as well as pre-development design work on the southeast 30th and Powell development. This partnership brings the benefit of both

February 28 – March 1, 2018

agencies' best practices to the bond framework by creating low barrier, sustainable and affordable housing for Portlanders. Beyond that, we're showing how good government and partnership can enhance the work that we're all doing on these critical housing issues. By taking meaningful steps to make our housing bond an example in partnership with home forward, we're also supporting efforts at the state pushing a constitutional amendment that will give us greater flexibility to continue to stretch our housing dollars further. The constitution amendment is a key piece of my strategy for also supporting the regional housing bond because affordability is not an issue that's unique to Portland alone. As a region we can demonstrate through Portland's housing bond that government can be responsive and responsible. This is ultimately why I support the constitutional amendment and have been fighting for it on behalf of my regional colleagues. That's why I pushed the housing bureau to do more faster and better on behalf of all Portlanders and I'm grateful that I can count on home forward to be right there with me and with this city council. I want to thank both home forward and the housing bureau for taking up my challenge and collaborating to get this work done. I would like to invite the interim director for the Portland housing bureau Shannon Callahan and executive director of home forward Michael Buonocore. Thank you for being here today.

Shannon Callahan, Director, Portland Housing Bureau: Good morning mayor and commissioners, Shannon Callahan from the Portland housing bureau. Last year the housing bureau and community members completed an extensive framework for the implementation of Portland's housing bond. Those guidelines have led us to the partnership you have before you today. Before we talk about the specifics of this intergovernmental agreement I wanted to share with you the broad outline of some of our bond goals as a reminder. The Portland housing bond is Oregon's first voter approved measure for affordable housing, a \$258,000,000 bond authorization. It will add at least 1300 new affordable homes, 600 will be deeply affordable. Deeply affordable means a family making 30% or less than median family income. For instance a family of two would be making less than \$20,000 a year to qualify for a deeply affordable unit. 300 units will be set aside for individuals and families that require supportive housing and 650 units will be sized for families. I wanted to also give you an update on the progress under the affordable housing bond. To date we have acquired the Ellington apartment complex converting 263 apartments into permanent housing. We purchased a site at southeast 30th and Powell for the development of an estimated 200 new units and this morning we're also announcing that we have entered into an agreement for the purchase of a property in cully for a new development for a new development for at least 75 units of affordable housing. You will also see on the map in front of you the cully property and two other properties we're in active negotiations with in east Portland. Active negotiations means we have entered into letters of intent after receiving approval from our internal and external advisory panel which consists of two bond oversight committee members on a rotating basis. To successfully meet timelines for development and ensure these buildings are operated consistent with our community values in a manner best suited for our tenants success we have sought out this partnership with home forward. In practice I have tried to outline how this would look. Hopefully it will make sense to you it made sense to me. I was trying to create a house but it didn't come out the way I had intended. In practice we'll use our framework and the policies developed with our community and our bond oversight committee for the foundation of all of this work. Then when needed as for example on the 30th and Powell site we will jointly work with home forward, who as the mayor mentioned is uniquely situated to help with public contracting and procurement and has deep expertise in affordable housing development. Once we develop the building, have a building, home forward will step in with professional asset management services. Home forward performs this function for over 6,000 existing units of affordable housing and will bring their expertise

February 28 – March 1, 2018

and commitment to residents success to help us provide for the long term health of the bond assets and for the tenants who reside in our buildings.

Wheeler: Before you move off that slide could you briefly explain the difference between asset management and property management in this example?

Callahan: So a property manager is a day-to-day on-site partner at the housing complex. They take rents, help with minor repairs, generally keep the overall health of the building going, landscaping, it's more complex than that. Asset management is really a function that interplays with making sure that we are doing the right kinds of accounting. They check with the property manager. They act as oversight for that property management relationship and they make sure that we are planning for large scale needs of rehab as well as in this case home forward will also serve as a point of contact as will the city for tenants that may have issues on the ground with their property managers. I am sure that our asset management team or Michael could give you a bigger explanation of the work but that's a high level overview and they would also help plan for resident services. It's not something that we have undertaken in the past. We do not have any resident services yet at the Ellington but as we increase the number of families that are coming into the building including those with supportive services we need to make sure we have a balanced amount of services for those residents and that's expertise that frankly the housing bureau does not have but home forward does.

Wheeler: I know I'm greatly oversimplifying this because I'm going to dumb it down well below even the good answer you just gave. Would it be fair to say that property management is the day-to-day operations in addressing tenant needs and keeping the building clean and functional whereas asset management is really focused on the property itself and its long term viability? Is that oversimplifying it to a ridiculous degree or is that how the two pots are separated.

Michael Bounocore: It's not ridiculous, no that is appropriately simplified, and one also applies the discipline at a portfolio level so we're looking at individual properties but also at the overall health.

Wheeler: That's helpful for me, commissioner Fish.

Fish: Shannon, I'm trying to get my arms around something that is a marked departure from normal practice. Let me talk it through and make sure I understand it. So, with respect to home forward properties, they are generally owned by home forward who in turn has a property management company that helps them. Complaints from tenants generally go to home forward to be resolved if they can't be resolved internally and sometimes those complaints come to us because we're the appointing body. So that's one category. Another model is how we finance affordable housing development where we put public resources in, but the nonprofit developer, sometimes for profit, mostly nonprofit developer has an asset, property management agreement so complaints from tenants go to the nonprofit, they resolve them unless someone comes here and testifies about a nonprofit that they have a problem with. So currently we're sort of one step removed from that process.

Callahan: Yes.

Fish: We're now the owner.

Callahan: Yes.

Fish: I think the city only has two affordable housing developments under city lights where we're the owner. So, now we're the owner and we're delegating to home forward this function of asset management. They in turn will put a property manager in and tenant complaints will then be dealt with by home forward, but what's different here that is we're the ultimately responsible party because it's our building. How do you intend to address that change in accountability and also to avoid the city being sort of the logical bypass place to come with a complaint rather than having it addressed at the appropriate level within home forward?

February 28 – March 1, 2018

Callahan: Commissioner, if I can back up just a little bit, right now the housing bureau does not have these functions, so we would literally be looking to create and staff up on asset management and learn on the job as we have been doing. So home forward is stepping in for us at least on an agreed because for a 42-month period of time to allow us to professionally manage these buildings in a way that,

Fish: I get that.

Callahan: For the benefit of the tenant. I look at it very -- having worked in the commissioner's office and having taken calls and issues from both folks who live in home forward properties and regulated housing, home forward will be the primary contact because I think they understand the relationships and what needs to happen with property management, but it does not prevent an individual or individual tenant from talking to the city. I think it's actually an added layer of accountability.

Fish: We're the owner and we have contracted with home forward so who would the housing bureau would field that call if there was a complaint that went through home forward and then came to us?

Callahan: Presently, right now, it's myself or Javier Mena, the assistant director, but we're looking to bring on a new position that would help us with not only what we're doing under the bonds but other property management of buildings that are not occupied or properties that are not occupied. So for instance we own the Joyce hotel. It's not occupied presently, but we would have someone who is helping us with insurance and other issues, we will have a point of contact.

Fish: When you have that point of contact will you let us know? Because I think what we want to avoid is having five council offices freelancing with someone that has a complaint. It should go somewhere where someone can pick up the phone, call home forward, get to the bottom of it and either solve the problem or kick it to somewhere else.

Callahan: We will do that. Thank you, commissioner.

Fish: Thank you.

Wheeler: Commissioner Eudaly did you have a question?

Callahan: So just briefly, I have just a couple of more things before I turn it over to Michael. I wanted to make sure that this relationship does meet key framework goals identified with our community process of both seeking partnerships and streamlining development, making sure we have sustainable financial viability of our assets and successful management of the building for the tenants. Before we have brought this to you today, I also wanted to let you know that we have worked with a variety of community partners on the development of this iga, including our bond oversight committee, who did an in-depth review of the entire agreement at a meeting two weeks ago and gave it their blessing to bring it forward to you. We have been working with housing Oregon's Portland policy council over the last few months letting them know about how this partnership would shape out and making sure that we all understood what this meant for the future of the bond. Before I turn it over to Michael, I would like to just really truly thank home forward. They have been a partner with us since the inception of the bond. They committed to very early on the support for 400 of the deeply affordable units before we went to the ballot and quite frankly their team has been supporting us every step of the way as we buy, acquire and address tenant issues. So, thank you.

Fish: Director on other question, if you were to issue an rfp with a lot of bundled money the normal course would be that once you get -- once you've gone through your due diligence and selected process you come to council for approval.

Callahan: Yes.

Fish: Before you move forward.

Callahan: Yes.

Fish: What's the equivalent piece here?

Callahan: We'll be following the same process.

Fish: At what stage?

Callahan: Well, at acquisition you will see the property as I just mentioned this morning we have a property in cully that we have entered a purchase and sale agreement.

Fish: But you have to come to us before its acquired.

Callahan: You will approve the sale. When we create the development plan for instance we don't have a fully flushed out development plan for southeast 30th and Powell our first stop is our bond oversight committee to help us plan for the amount of units making sure we're reaching our goal overall. What's the blend of permanent supportive housing we're looking at, and the next step would be you before we move forward on a development of many other steps between there. Neighborhood, community I don't want to shorten the process, but before we move forward on an actual development it would come to council for approval.

Fish: Thank you. Good.

Wheeler: Michael.

Bounocore: Good morning, mayor Wheeler, commissioners. Thank you for having me. Before I offer my prepared comments I just want to let you know that my very talented director of asset management molly rogers almost came out of her chair at the question of distinction between asset and property management and would be happy to provide a primer to anyone who would like to go deeper on that. So this morning I want to confirm or affirm our commitment to the success of the bond and our partnership with Shannon and the team at Portland housing bureau. Shannon and I meet weekly. Our teams meet in a variety of configurations more than weekly and we are all linked and pointed at the same goal, which is to build a system between our agencies that ensure we deliver for the public. That means getting housing built and acquired that meets a host of goals in the immediate term from bedroom sizes to geography to population, priorities and making sure that we have our eye on the long term horizon so they remain affordable housing assets in the community for decades. We live and breathe that work at home forward, and it's hard and we bring the benefit of many hard-won lessons from over 75 years of doing that and so we thank you for your trust in us to help you do this work. I know I don't need to tell anyone on this council that the housing crisis that we are facing is the result of decades of massive federal disinvestment in affordable housing, but it bears being said publicly as often as possible. We continue to struggle with the perception that the crisis of housing and homelessness reflects some local failure, and it's true that we need more done locally and part of the reason it's important to deliver successfully on this bond is because we need public confidence and support for a regional housing bond for a dedicated revenue source to fund services for supportive housing and more. We also need our community and the country to recognize this crisis has been caused by the federal government's failure to provide resources that we need and just because they have done so for so long doesn't mean we should accept that it will always be true. We have to demand sustained appropriate federal funding for subsidized housing and vouchers and we have to hold the conviction that making sure everyone has a safe place to live is a choice that we can make in in country. It's a big day for housing at this council. You must have days that it feels like it's never enough. Getting it right matters, staying in the fight matters, and we are here to support you every step of the way. Thank you.

Wheeler: Thank you. Commissioner Fish.

Fish: Michael, I wish we could take those words and frame them somewhere. That was a very eloquent statement. Today's "los Angeles times" has an editorial documenting the federal government's failure to follow through on multiple commitments around dealing with mental health crisis. We went from a policy of not wanting to institutionalize people to a policy of wanting community-based facilities to a policy of repealing everything we

February 28 – March 1, 2018

committed to so there was no policy. I was at a forum last night where a good number of people blame the city for the housing crisis and I thought this is newt Gingrich's vision. Starve the beast at the federal level, kick it to the local level, then let us fight among ourselves when we don't have the resources. I want to ask you one question, the president's proposed budget targets most of the people that we all care where you sit and where we sit.

Bounocore: That's right.

Fish: One of his budget cuts seemed particularly harsh and that was zeroing out funding for capital maintenance in public housing. As a practical matter what would that mean for home forward?

Bounocore: That would be bad. [laughter] I think about the president's budget in a couple of ways. It's really important for us to speak out about how cruel the impacts would be of that budget. We need leaders such as yourselves and, you know, political leadership at every level voicing how destructive that budget would be. It's also important for us to reassure our community who reads the news as well and worries that they may be losing their housing assistance. I think the reality is we have enough champions that I want the community who receives our assistance to feel relatively assured that we believe we will be able to keep them stable and safe and we believe that the president's budget is a nonstarter if it were brought to life it would be incredibly damaging for the community.

Fish: Thank you.

Wheeler: Well said. Does that end your presentation, Shannon? Very good. Is there public testimony on this item?

Moore-Love: No one signed up.

Wheeler: Thank you for your presentations.

Lightning: Good morning. My name is lightning I represent lightning super justice watchdog. Again on that making the amendment on the constitution pertaining to the bond use, again, that will also as you know have an effect on the city bond and if they can pass the metro bond which will also alter the amount of units that can be created from the private to the public partnerships. It's going to have a tremendous change in the direction that this can go pertaining to the city bond itself. So if that does pass it will make a big difference on the overall units. Now issue number 2 is that I want to see on the bond again is to build new units, I want to see new units created, I want to see the property tax base expanded, I want to see more supply of units out in the marketplace, I want to see jobs created in the communities, I want to see in the local communities materials being bought to stimulus the local business areas in the communities, so I want to see everything built new. I do not want to see seasoned apartments being purchased. I think what happens when you do that as the government is that you basically create a situation where you will drive up unit prices in the marketplace. You will compete against the private sector and they will only have to look at their rents and they will probably increase their rents across the board. It's a very bad move to be buying existing units and not expanding the current number of units in the marketplace, I absolutely disagree with that. Now, again, on home forward, I don't have any issues with home forward. It's my understanding they are a government entity if I'm correct. Again, it's my understanding on this situation that they will possibly have ownership of some of the properties if the amendment goes through on the constitution, which would allow them to do that. Again, my understanding on this property management agreement it goes for 42 months with a one-year, two-year -- one 2-year extension, I'm sorry. Then you go back to the development agreement, which is a six-month with a three-month possible extension. On the development agreement itself, I understand home forward will be getting a percentage of any project being built. My understanding on the development fee will be 5% on the management fee over all on the project will be 10%. Again, I don't have any issue with home forward making that money.

February 28 – March 1, 2018

My position is that I just want to have an understanding will they end up acquiring any of these properties or will this continue on the bond to be all city owned. Thank you.

Wheeler: Very good. Let me just reflect on one comment that you made with regard to purchasing existing housing. I think you made a good argument. I understand your argument, but we're already in competition with the private sector. There's competition for all of the real estate. There's not a lot of land out there. When we can do a land play we certainly do it. We build from scratch, but the goal when we have housing that's existing is to preserve it as affordable housing. So housing that may be lower -- I'm using this as a pejorative, lower income housing today there's no reason why a developer couldn't come in there, do a complete reconstruction of that, evict everybody and have it be much higher cost housing. We do weigh the relative cost and benefits, but our objective is to preserve what is there as affordable housing permanently, but I see your larger point.

Lightning: If I may add to that, the problem that I have in buying existing units is that as the government local investors when they see the government coming in on a property they tend to back up a little bit because normally that government can come in and push that price up higher. So the private investor shies away and when that happens, you're beginning to get investment dollars that could have gone into the city. The city itself could be building new, expanding more inventory, what they do with that money now they take it somewhere else and when you begin to move their money, possibly somewhere else, it can end up leaving the state. That's going to be a big disaster in my opinion, it will drive up unit prices, won't expand the property tax base, and in my opinion the investors will come back and have to begin raising their rents possibly. It's not the way we want to go. We want more units created, more supply, more jobs created, and keep the money in the local economy.

Fish: Mayor?

Wheeler: Commissioner Fish. Thank you, sir.

Fish: Mayor, I just want to make one observation. There are circumstances where our ability to acquire an existing development prevents mass displacement. I think the missing piece here is that out of state people are coming in buying up these properties for investment purposes, doing modest improvements, jacking up the rents and evicting everybody. In terms of maintaining neighborhood stability I can't think of a more important goal for our spending.

Wheeler: As you know commissioner Fish, I agree with you completely on that point. Any further comments? Please call the roll.

Fritz: I think Michael Buonocore's statement getting it right matters and staying in the fight matters. That's all about what we're doing here and I don't think we have let the perfect be the enemy of the good in any of this stuff and still the challenge has been staying in the fight. I know that everybody on council is committed to doing that despite or not because of the fact that people keep coming and telling us to, we don't need anyone to tell us to. It's very obvious that we all need to do more, not just the council but everybody in our community needs to be addressing this problem. I also appreciate the fact that it was pointed out yet again that it was the federal government's responsibility and that people can move here, people become homeless here or are in danger of losing housing because of practices beyond control of city council. I believe we all need to accept it's not just the politicians who are making the decisions that result in this huge need or the way to fix it. Thank you to everyone willing to stay in the fight for as long as it takes. Aye.

Fish: I can't think of a better partner than home forward so I enthusiastically support this. The city of Los Angeles has embarked on a multi-billion dollar campaign to address homelessness and the most recent numbers are completely discouraging. They have had a spike in homelessness because this problem is not just about housing. It's about poverty, it's about mental health, it's about addiction, it's about a whole host of things, we can no

February 28 – March 1, 2018

solve this problem alone. The president's budget which would result in a 20% cut to hud and eliminate all the tools that we use for affordable housing development, home, cdbg, other things, does however have money made available for the hud -- for the gentleman in charge of hud, secretary, and he has proposed opening facilities in distressed neighborhoods in the country where he would teach low income people character. I think we need a little less character building and a little more investment in affordable housing if we're going to solve this crisis. I cannot -- George Orwell would be turning in his grave if he was listening to this discussion. Appreciate the discussion and the partnership. Aye.

Eudaly: Well, thank you to the housing bureau and to home forward and you're right, Michael, it never feels like enough, but today we are making a couple small, vital advances. Aye.

Wheeler: Well, I'm going to build on commissioner Fish's commentary. I would be turning in my grave if I were dead. [laughter] I'm not, fortunately. It is correct what has been said that we have limited tools here at the local level and we have to use them as wisely as we can. We obviously were given this housing bond by the voters in this community and we're exercising great diligence in terms of how we deliver on the promises around that housing bond and I'm glad to see that we're continuing to move forward, thoughtfully and responsibly in terms of how we deploy those resources. I mentioned the constitutional amendment up front, that's a little bit arcane but it's very important in terms of getting the dollars to go as far as they can by partnering both with nonprofits and private sector partners. That's not only important to the city of Portland and the metro region, that is a statewide issue and I hope everybody will continue to support that. Good work on this. I vote aye. The ordinance is adopted. Thank you. We have a second reading. Number 197.

Item 197.

Wheeler: This is an issue that has already been brought to the council. We heard a presentation and have taken public testimony. It is a second reading. Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Please call item 198.

Item 198.

Wheeler: Commissioner Saltzman had given me a heads up that he would have to be out of the chamber, but he told me to go ahead and have the presentation on this item.

Marty Maloney, Portland Bureau of Transportation: Good morning mayor, commissioners. My name is Marty Maloney with pbot right of way.

Fritz: Somebody put a quarter in the meter please, thank you.

Maloney: Agenda item 198 is to authorize eminent domain authority as well as to offer just compensation for needed permanent and temporary rights associated with downtown at 405 pedestrian safety and operational improvement project. The property rights in question are needed for completion of various operational and roadway improvements including curb ramps, crosswalks, and signal operations. I would like to add that all affected property owners have been invited to attend this reading of the agenda item and I would be happy to answer any questions council may have at this time.

Wheeler: Commissioner Fritz.

Fritz: Did you get any responses from the owners?

Maloney: I spoke to all of them and everybody was pretty much in favor of the project.

Fritz: Thank you.

Wheeler: Any further questions? Is there any public testimony on this item?

Moore-Love: No one signed up.

Wheeler: Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Thank you. Items 199 and 200, can you read them both there are both going to be moved?

Item 199.

Saltzman: They are both going to be moved.

Wheeler: At the request of commissioner Saltzman item 199 is being moved to March 7. Please read item 200.

Item 200.

Wheeler: Again at the request of commissioner Saltzman this item is also being moved.

Fish: Can we take 202 out of sequence just for the vote?

Fritz: Actually I would prefer you didn't cause I can't vote on that. I was going to just leave.

Fish: I have to take a call and I won't be here for the other one.

Wheeler: Thank you commissioner, item 202, please.

Item 202.

Wheeler: This is a second reading. There's already been a presentation to the city council. There's already been public testimony on this item. Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Please call item 201.

Moore-Love: We don't have a quorum. Oh, here she comes.

Wheeler: Yes, we do. Thank you.

Item 201.

Fritz: I did view several of the longer hearings from last week. I did not view that item that I just left for so I didn't feel competent to vote on it.

Wheeler: Very good. Thank you. Good morning.

Sherree Matias, Auditors Office: Good morning. I'm Sherree Matias from the auditor's office.

Mike Zeller, Portland Bureau of Transportation: I'm Mike Zeller, I'm and inspector with the sidewalks department at maintenance operations.

Wheeler: Thanks Mike.

Ryan Hoyt, Portland Bureau of Transportation: I'm Ryan Hoyt sidewalk inspector for pbot.

Wheeler: Ryan thanks for being here.

Matias: This ordinance is for sidewalk repair on property that is required by the city and your remonstrances have been pulled from this assessment and are not in this ordinance.

Wheeler: Is that is your presentation?

Matias: That's it.

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

Moore-Love: Looks like someone wants to speak.

Wheeler: Come on up, sir.

Kyle Bell: My name is Kyle bell. I live on the corner of 60th and division. The reason I'm here is because my property was assessed and they went through sort of a long strip of sidewalk and determined that it was not safe. I disagreed. I had them come out and relook at it. It seemed like the system, the reason I wanted to come by, it feels like the system is sort of -- sort of not equal and balanced or somewhat flawed. There's a half inch parameter that's given on any sidewalk whether it's a crack, raised, lowered, and there are portions of my sidewalk that may have fit into that category. It didn't feel like as expansive as what they were wanting to make it out to be. I wasn't aware of the digital part of presentation, so I actually took real photographs to show -- hold up. If that can be seen -- we can pass them out? This was before the work was done there are a lot of leaves on it. I apologize for that. I felt like this is literally moments before they cut up my sidewalk. At the time that those pictures were taken I felt they were more likely to slip on a leaf than trip on a crack in the sidewalk. I'm not putting into question anyone how they are doing their job. I felt like everyone that I had a chance to talk with, Sherree Matias wrote to me and was super nice. Everyone is great, they're an incredible group of people. It's just hard from a citizen's

February 28 – March 1, 2018

perspective. I decided to take a walk down my street and so I went basically two properties down. The first property is courtyard plaza, its a retirement center. While their sidewalks are actually literally do have bumps or cracks that you can trip on it wasn't until I got to the second property after my property, which is the mt. Tabor bureau of parks, where there is a giant -- the sidewalk is like this high. I took a picture of it, I laid a quarter in front of it to show how high the property nearly adjacent to mine is probably over an inch high and within their driveway is also significant cracks. I just took a picture with my foot next to the crack to show literally the parks bureau.

Fritz: Is that the one that's got a preschool in it right now?

Bell: A what?

Fritz: It has a preschool in it right now.

Bell: A preschool -- I don't know if there's a preschool in there, no. It's along division if you were to walk up division from the corner.

Fritz: So it could be that we're if it's the one that's on division. I think that's the one that we've got redevelopment so it will get fixed. Its by the maintenance yard.

Bell: It's not tagged out, they haven't marked it. I know they go around and mark these well in advance that they are going to take care of.

Fritz: They are going to do the whole side that's the issue because it's at the maintenance yards right.

Bell: It is.

Fritz: The whole of the maintenance yards is getting redone and so it will be redone as part of that project.

Bell: It isn't specifically that. As soon as you walk in any direction in virtually any neighborhood in southeast Portland the sidewalks all look the same. Some have cracks. There are ones that are major tripping hazards and there's ones that just simply are not hazardous to anyone's health including skateboards. In addition to that there was a piece of sidewalk that was just off to the side that was literally just a piece of concrete in the grass strip that they removed because they said it couldn't be in the grass strip any more, and then I had to stop them, the concrete guys were just up the street. It was labeled as ready to pour and they were going to pour a new piece of concrete after they had removed it right back in the hole where they had just taken it out, I was told it was to be back filled with dirt and grass. It just threw into question the whole process, it felt like people just sort of weren't talking. The they the measurements completed wrong I brought a copy of what they written down as the measurements for various portions of this entire job. It goes beyond my property lines, which is clearly visible even by just the fence, you can see on both ends they have gone into the neighboring property and sent the bill to me. This whole bill is like a \$7,000 bill. I wouldn't normally come down to the city to talk about much of anything, but this felt like a \$7,000 bill for something I felt was a completely functional sidewalk that was not a hazard. My first impression was maybe it was because of the retirement center was the concern, but then after looking around the rest of the neighborhood, it became more evident that that wasn't a concern. I'm not saying I'm being targeted but it felt really weird to really focus on this one corner given any other sidewalk literally across the street there's every sidewalk has -- I'm like obsessive with sidewalks now, I even walked around this building, there's cracks, chips on the corner that's apparently a thing, you can't have a chip on the corner. It has all -- this has become the process I have had to come to bring it to the city council, mayor. I don't know where to go from here. I would love to walk around the neighborhood with somebody to show them the process. It feels like you're being policed by people doing a good job, they are good people, they're communicative, but it's the measurement at which they decide this needs to be fixed, this we'll pass on. This idea that a person can call in and that's kind of the determination if a citizen calls and they make a complaint that determines, oh.

February 28 – March 1, 2018

Fritz: Then after that they look at the rest of the area so that's how it works unfortunately. Since the transportation commissioner is not here I wonder if we could defer this until next week.

Wheeler: I want to thank you for coming in. You're telling a story that's very familiar to me. I'll tell you when I bought my house, we got tagged on the sidewalk. We had to replace it and I was willing to do that because the sidewalk was in pretty bad shape, but I could tell the reason the sidewalk was in bad shape is because there's a large tree root going right under the sidewalk. My question at the time was, okay, I want to be a good citizen, I want to do what I'm obligated to do, but if I rebuild this and the tree root is still there, the same problem is going to continue to exist and then we sort of ran into a conflict between the tree and the sidewalk. So here I am less than a dozen years later and the sidewalk is exactly the same way as it was when I was originally tagged. I say that publicly knowing I'll probably get tagged again, which is the rule, but I want you to at least understand I do hear what you're saying and I know that people want to make sure if there is enforcement it's equitable as opposed to selective enforcement. So I hear that. I agree with the commissioner it might behoove us to hold off on a final vote on this and have that conversation with commissioner Saltzman and his team and see if there isn't some more information we could glean from that conversation. I do thank you for coming and taking the time to take the photos that help illustrate your narrative as well. That's very useful for me personally. Commissioner Fritz.

Fritz: If you could stop by commissioner Saltzman's office I imagine his office would want to talk to you, I don't know if you could borrow the photo's back Karla so you could share them with commissioner Saltzman.

Wheeler: I'm sorry to mention this, I just noticed this is not brought by commissioner Saltzman. This is brought by the city auditor.

Fritz: That's because they have done the assessments. The underlying issue is what standards does the sidewalk get fixed to and I believe that would be transportation.

Wheeler: Does the auditor have any objection if we hold this off for a vote?

Matias: No we would recommend you.

Fritz: You have to come to the microphone.

Wheeler: We're not going to vote on it today anyway. It's a first reading. It will go to second reading and maybe we can get the information between now and the second reading.

Matias: We can remove this property from the ordinance and it's recommended that we pass the others to second reading, but we can take this property out and send it back to sidewalks and let them recommend -- make a determination.

Wheeler: Gentlemen, is that is okay with you? Great. Does that require a formal amendment for us to do that?

Eudaly: To remove the property?

Zeller: I believe so, yes.

Fritz: Could you give us the address, please?

Bell: 2370 southeast 60th.

Fritz: I move we remove property 2370 southeast 60th from this assessment.

Wheeler: We have a motion.

Eudaly: Second.

Wheeler: We have a motion from commissioner Fritz, a second from commissioner Eudaly. Call the roll on the motion.

Fritz: This is not to say you don't have to pay eventually but I do think you raised some really good issues I would like answers to as well and hope you'll follow with commissioner Saltzman. Aye.

Eudaly: Aye.

February 28 – March 1, 2018

Wheeler: I want to clarify just for the record this isn't taking you off the hook. This is giving us an opportunity to better dig into your particular situation. I vote aye on the amendment. Is there anything else before I move this? Is there any public testimony on this issue?

Bell: I wanted to clarify I don't have any trees, if you look at these big pictures there's no tree. There's a lot of leaves from neighboring trees down the street.

Eudaly: Good news for you.

Bell: Also noteworthy it's the little pump house on the corner of 60th and division, its the old reservoir pump station also happens to be made of concrete, which was just interesting. It just seems slightly ironic to me that it's \$7,000 worth of concrete and I would love to put that more into historic preservation which I think is still important with that little building if you ever drive down 60th and look over there.

Wheeler: Thank you. Is there any public testimony? That was it? Very good. This is a first reading of a nonemergency ordinance. It moves to second reading as amended and with that unless I missed something we are adjourned.

Fritz: So if you could get the photographs from Karla to take to commissioner Saltzman that would be helpful.

At 12:04 p.m. council recessed.

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.**

February 28, 2018 2pm

Wheeler: Good afternoon everybody, this is this the afternoon session on Wednesday, February 28, 2018 of the Portland city council. Please call the roll.

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

Lauren King, Deputy City Attorney: Welcome to Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name for the record, your address is not necessary. Please disclose if you're a lobbyist, if you are representing an organization please identify it. The presiding officer determines the length of the testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is up a red light goes on. If you're in the audience and would like to show support for something that is said feel free to do a thumbs up. If you want to express you do not support something, please feel free to do a thumbs down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Well done. Karla, please read the first item for today.

Item 203.

Wheeler: So colleagues, before I send this over to commissioner Fish, I just want to state that we're delighted to have people here today to testify on this resolution. It's a very important resolution and I don't want anybody to believe otherwise. However, I also want to acknowledge that we have the relocation ordinance coming up after this and that is going to engender a lot of public testimony. So we have an hour reserved for this item so I would like people depending upon how many we have signed up to testify on this resolution, I would like you to start thinking about how you could get your talking points into two minutes instead of three while the presentation is unfolding. Thank you for your understanding on that. Commissioner Fish.

Fish: Thank you, mayor, colleagues. I'm really excited to be here today and to be part of a council that's going to make a bold and dramatic statement about the value of arts in our community. In the five weeks since we held a work session on our recommendations about affordable creative spaces we have received an enormous amount of support and requests from the community. My office has put together a change memo that has been circulated to each of the offices, council offices and there are copies available for the public as well. I'm going to turn it over to Jamie Dunphy on my team to walk us through what's in the memo and we have a couple of panels we'll take testimony then it's my hope that we will vote on the resolution.

February 28 – March 1, 2018

Jamie Dunphy, Commissioner Fish's Office: Thank you, commissioner. Good afternoon, mayor, commissioners. For the record my name is Jamie Dunphy, I'm a senior policy director for commissioner Fish. We have a full house this afternoon with people who are far more interesting to hear from than me so I'm going to be very brief. Included in your packets in front of you is a copy of a change memo from commissioner Fish reflecting the important feedback we received since our work session January 19th. This memo clarifies the intent of certain recommendations and gives instruction to city staff to begin implementation. Today's resolution is asking you to do two separate actions. First you'll be formally accepting the report before you. This report remains unchanged since you last saw it in January. Since these recommendations were agreed upon by internal and external stakeholders willing to put their names on it our intent is to honor that endorsement and leave the report unchanged. The second part of the action this afternoon will be to approve recommendations in the change memo and in the resolution which pertain to how these will be implemented and which items will not be pursued at this time. The first step on all these recommendations is to have city staff work directly with the offices of the respective commissioners in charge to review and begin working on any applicable recommendations. Second, when a recommendation is ready for implementation it's brought back to city council on the regular agenda for approval. This includes programmatic changes, administrative rules or changes to city code. The remaining nine steps outlined in the change memo are intended to clarify either the intent of a recommendation or correct a technical aspect about how implementation will be more effective. Commissioner Fritz based on your feedback I'd like to point out, we are not going to be pursuing recommendation number 9, the idea around exempting creative space from far or height. It's never my intent to have a city commissioner run from the room.

Fritz: Thank you.

Dunphy: I would like to make it clear this report serves as ideal recommendations taken in a vacuum. In a perfect world these recommendations could be implemented as written but we recognize that's not realistic and each of these recommendations will need to be tailored to fit into existing bureaus and programs throughout the city. Our intention is to remain flexible working toward a common goal with details to be worked out by bureau staff, city council and the general public. For example, within the bureau of development services there's a clear need for concierge service for a range of permit seekers from small businesses to nonprofits and yes artists. We want to be intentional about supporting each group with scarce public dollars so commissioner Eudaly's plan to create a small business liaison that also serves arts groups is considered an enormous win in this effort. We'll be looking for opportunities beyond the recommendations in this report that work toward the same goal so if anyone in the public has ideas that fit this framework please reach out. Lastly, I would like to thank my city hall colleagues, Pollyanne Faith Birge, Lisa Taylor, Amira Streeter and Jennifer Arguinzoni for your partnership on this effort. Thank you, city council, for acknowledging these challenges our community is facing and working to find solutions. This afternoon I have three panels of invited testimony and a very full room filled with enthusiastic art supporters so this is the conclusion of his presentation. I would like to invite our first panel of testimony, suba-- I'm sorry, I can't pronounce your last name. The new creative laureate. Brian Rogers executive director from the Oregon arts commission and Jeff Hawthorne, interim executive director at RACC. They'll be followed by Ross Mckeen of the Oregon children's theatre who will read testimony from Stan Penkin, who is on our panel of external stakeholders. Stan is also the former chairman of the oversight committee and this council proclaimed February 15, 2017 as Stan Penkin Day in Portland. Andre Middleton the executive director with Friends of Noise and another member of our external stakeholder group for this report. The third person on the second panel is Charlene Zidell, Zidell Cooperation and our last panel will be Demaris Webb cofounder of

February 28 – March 1, 2018

the Vanport Mosaic festival and Carlos Chavez, executive director of Morpheus youth project.

Fish: Thank you Jamie, thanks for all your great work, let's welcome the first panel up and colleagues, as they are getting seated, suba, our creative laureate, I think is off to a great start. She already has her own Facebook page and has organized her own festival with one of our key nonprofit partners. What's left to do this year? Congratulations on all the work you've done and will do. Thank you all for joining us. Jeff you want to kick us off?

Jeff Hawthorn: Thank you. Good afternoon, mayor wheeler, city commissioners, my name is Jeff Hawthorne, I am the interim executive director for the regional arts and culture council, your stewards for the city's investments in the arts. I want to start by saying what a pleasure it's been to work with Jamie Dunphy, Pollyanne Birge, Amira Streeter, Jennifer Arguinzoni and Lisa Taylor from your staffs. They are truly fantastic and I really appreciate their collaborative spirit in this process. It's been challenging for us at racc to listen to the plight of artists and arts organizations over the years with precious few resources to respond to a growing emergency. Art spaces are disappearing in front of our very eyes. Artists are being priced out of their neighborhoods and creatives are struggling to live in a city that they helped define. Thanks to them Portland enjoys a strong reputation as a center of creativity and innovation. In early 2017 we all agreed that the city itself was in the best position to take the lead and collaborate with bureaus to identify changes that can make a real difference for artists who struggle to remain in Portland. We view this report as a wonderful start with great recommendations that we stand ready to implement with you in the months and years ahead. From our point of view low-hanging fruit includes creation of an online searchable database of art spaces because racc conducted a comprehensive venues inventory in 2010 and local arts advocates have already updated that open source inventory and built a starter database in partnership with fractured atlas out of New York. With adequate funding racc could work with them and the city's i.t. department to expand the database, promote it to local artists and keep it up to date. We support greater intentionality in decoupling percent for art projects from the originating construction site to create more public art in east Portland and other underserved neighborhoods in the city. This is something that racc has already started doing but I think it's a very good idea to codify this as a deliberate strategy. We also applaud commissioner Eudaly for reinstating a concierge at bds, and the arts community will be encouraged to hear several city bureaus are already starting to work to revamp their permitting processes to work better for everyone in Portland. We love the talk about filling empty spaces with artists temporarily, and we would love to take this conversation to the next level by partnering with you and prosper Portland to acquire buildings that could be held permanently as flexible spaces for ongoing arts programming like in Chicago. Going forward racc is well positioned to convene the arts community and continue the conversation about what it means to live and make a living in the arts in Portland. We will collect even more good ideas in the months ahead and will remain in close contact with you and commissioner Fish to share other smart approaches and promising practices, but let's be clear, a lot of the hard work is still to come and some of these solutions will require investment. In the meantime, racc intends to hold the line by supporting artists through grants, public art commissions, professional development opportunities and more. I would like to remind you that at one time the city used to invest \$200,000 a year to help racc respond to special emergencies as they arise. For example, helping an arts organization get back on its feet when it loses its facility to development, flood or fire. Should you ever want to reinvest in something like that again you know where to find us. [laughter] commissioner Fish, thank you so much for your leadership on this and for being our liaison to the regional arts and culture council and I appreciate all of you for having this conversation with the arts communities today. I also appreciate your understanding that Portland would not be Portland without the artists and

February 28 – March 1, 2018

creatives who inhabit this special place. Artist help power our economy, enhance children's education and connect us to a more equitable future. Local artists are a vital resource for solving very real problems here at the city and we rely on them to keep Portland healthy and whole. For all of these reasons I recommend that you accept this report and work with us at racc to pursue the recommendations within. Thank you.

Fish: I want to also publicly acknowledge that Eloise Damrosch is with us, your predecessor and long time executive director at racc. Eloise thank you for being here and Jeff, you have done an outstanding job as interim executive director, we haven't missed a beat. Thank you for your service. Suba.

Subashini Ganesan: Good afternoon, mayor, commissioners and all present at city council. Thank you for providing much needed visibility for the artistic and creative community of Portland. A community that relentlessly continues to serve as a key factor in our city for tourism, relocation, economic growth, and cultural vibrance. I'm an artist, arts administrator, instigator, activist, women of color, recent immigrant and creative laureate of Portland and I would like to offer my thoughts on four of the ideas recommended in the document. Much of my statement is a result of many conversations I have had with artists and art makers. The population that this affordable art space document is ultimately seeking to serve. I'll start with point 18 or idea 18, culturally specific creative space development. This is very much in alignment with what diverse, multi-cultural professional artists are seeking in the city. More creative spaces where artists of color can thrive and make work on their terms and elevate their stories. Idea 6 explore options to incentivize creative space landlords. This is a truly popular idea as this creates a sense of possible home for artists and art makers. The concern, of course, is length of lease, conditions of the space, there's also a question of the type of art that gets space through this idea. Dancers and theater artists typically need more space than musicians or two or 3-d artists so more square feet is needed for certain artistic practices. How will the city help provide equitable incentives so that all artistic forms can benefit from this idea? Idea number 3, creative space certification. It's interesting to artists, especially newcomers who see this as a list that introduces them to the artscape of the city. The questions raised are about criteria for space certification and if certification could create a side effect of hierarchy in the venue landscape of Portland and if that could lead to loss of revenue for noncertified venues. Lastly, idea number 1, concierge at city hall, artists and art makers want to be assured that this paid position at the city level is for someone who will advocate and go to bat for them. Someone who knows what it means to be an independent artist trying to make a living in this city. Someone empowered to help cut the red tape. What artists are afraid of is someone who will pull out a map that shows all the stops to the fire marshal, noise ordinance pdc, olcc, et cetera, et cetera, but we want someone who can streamline bureau needs and advocate for artists. One point that is outside of the current recommendations comes specifically from the disability arts community. There's concern that there's a lack of language around art spaces that are intersectional and accessible. In particular it was encouraged for the document to mention ada title 1 or 2. Title 1 addresses accessible places for performers and artists and title 2 addresses access for audiences and public. Finally, my experience as an artist and arts administrator in Portland for the last ten years is that there are organizations, venue managers, artistic director and artists who have been on a shoestring budget creating some version of several of the recommendations proposed in this document. While the city is embarking on implementing new programming I hope that the city can provide visibility for all these different individuals and entities who have been tirelessly doing the work thus far in each of their communities to the best of their ability. Recognition and fiscal assistance from granting entities connected to the city are also great ways to honor the work that has been done thus far. As the creative laureate I'm happy to receive information from our city artists and arts

February 28 – March 1, 2018

organizations so I can bring a comprehensive list to the city. I'm committed to make sure the city that works can be more creative as the city that works together.

Fish: Well said. Could you remind us where we can find you on Facebook?

Ganesan: CreativeLaureateofPortland, but I even now I even have an email address. Creative.laureate@Portlandoregon.gov.

Fish: Thank you. Now we're honored to turn to Brian Rogers, executive director of the Oregon arts commission.

Brian Rogers: Thank you, Mayor and Commission. For the record my name is Brian Rogers, I'm the executive director of the Oregon Arts Commission and the Oregon Cultural Trust. We're two state agencies housed within Business Oregon the state's economic development department, and we fund arts and culture activities across the state in a number of different programs and services including operating support, specific projects and individual artist support. We also block fund every county and federally recognized tribe to make local grants in our community. The value and importance Americans have for the creative expression is very high. 82% of Americans believe arts and culture are important to local businesses and the economy. 87% of Americans believe that the arts and culture are important to the quality of life. In a recent American for the Arts: Arts and Economic Impact Study the following data was presented. The impact of the nonprofit arts and cultural industry in Oregon is 687 million. 48% of that economic impact comes from Portland. For a total impact of \$330 million. Across the state nonprofit arts and cultural organizations support 22,299 jobs and 52% of those jobs are in the Portland metro area for a total FTE support of 11,505 jobs. Attendance across the state to arts and cultural organizations is around \$9.9 million and 47% of those people or 4.6 million attend events in the Portland metro. Attendees spend an average of \$23 per person per event excluding cost of admission. Improvement to quality of life is also evident by arts and cultural programs and services in addition to creating a sense of place through arts organizations, public arts projects, events and festivals and the presence of artists living and working and presenting their work in a community. We recognize this density of the creative community encourages other businesses including restaurants. More and more cities and community leaders recognize the economic impact and community well-being and livability the arts and culture provide. Citizens are asking for increased arts and cultural events and support and promotion of the artists. Artists are the core to creative communities or districts. Often have a difficult time in acquiring space or retaining space they have. Oftentimes the soho effect comes into play where artists and arts organizations are priced out of the very community or neighborhood they helped build and make vibrant and without affordable space artists and arts organizations have no choice but to leave the very communities they help revitalize and make desirable. Some communities across the country have taken active measures so ensure that artists and arts organizations are welcomed and have the resources to maintain residence and presence in the community. These communities like Portland know the importance of supporting the creative industry and its growth. For example the Three River Art District in Asheville, North Carolina, consists of a wide array of artists and working studios in 22 renovated buildings and former industrial area on a mile long stretch of the French Broad River. The Paducah, Kentucky, Artists Relocation Program attracted working artists of all types to participate in the city's creative energy and reside in the oldest residential neighborhood. When the arts were being cut, Paducah fostered an environment where artists could flourish by offering properties at minimal cost to become part of the true art enclave. Paducah Bank has invested over \$30 million in artists restoring their community. Recently we have begun, the Art Commission and Cultural Trust administering the Creative Resource Economic Fund which is funded by the legislature and support capital innovation projects around the state. In the current fiscal year we're administering \$4.1 million in state funds for capital construction. In the Portland area

February 28 – March 1, 2018

projects this year include the Portland institute for contemporary art, pica received a \$100,000 grant and Asian pacific American network of Oregon Apono received a \$300,000 grant, both for the new space, renovation including apono's ground floor art gallery. While this funding and funding like this from our sources is vital it doesn't address the ever expanding need for affordable space for artists and arts organizations. Incentives and direct services are needed to encourage artists and organizations to stay, grow, and continue to make Portland a vibrant city it is. This proposal, affordable art space in Portland, provides a solid platform to address a very real issues facing the city. The proposal provides a very clear outline of 24 ideas now 23 that will help advance the city's creative community thereby increasing livability and growth of the economy. This proposal is rare across the country. I applaud the effort and thoughtfulness. Thank you for your time and consideration.

Fish: Brian thank you for joining us. Two things, thank you for making it so easy to give to the cultural trust and I think the partnership with the Willamette week give guide took it to the next level for those procrastinators to give to arts organizations, then it tells how much you can do as a match. Thank you for reminding us that overwhelmingly Americans support the arts. You wouldn't know that from the president's proposed budget which proposes to zero out public funding for the arts, but it's good to be reminded how robustly we support the arts in this country. Thank you all three. The next panel is ross mckeen of Oregon children's theatre. Andre Middleton, executive director of friends of noise. Andre, we made appointments to the noise oversight board so this has a nice symmetry. Their job is to keep the noise down, yours to make as much as possible and we have Charlene Zidell of the Zidell corporation. We welcome all three of you, Ross would you like to kick it off.

Ross Mckeen: Thank you. For the record my name is ross mckeen, I'm the managing director of Oregon children's theater, a nonprofit performing arts company that reaches over 120,000 children and families in any given year and we're proud of the work we do. I'm actually here today standing in for stan Penkin, who is a community and arts advocate who worked on this report as one of the stakeholders. I'm standing in for him, I'll watch the time and take away my page of talking about me, which those of you who know me will know what a loss that is for me. [laughter] let me read stan's and if I have time I'll plug a show we're having. In recent years Portland has grown dramatically as a hub for arts and culture. Although it's not new york, Portland has become a vibrant center for artists, theater, dance, music, makers and much more. The arts speak to the heart and soul of Portland's culture and are something we must nurture and cherish, but in this era of rising rents and development focused largely on high paying tech and creative users and our most affluent residents we lack affordable artist housing, rehearsal and performance venues and studio space. Additionally it's difficult for professionals to develop arts related careers in our city so we often lose the rising stars in arts and administration to cities such as san francisco, Chicago, new York or elsewhere. Lastly, there's inadequate acknowledgment of the significant economic impact of arts and culture and its central role in making Portland attractive to high quality employers and the next generation of those who will define and shape our amazing city. According to a study by the urban land institute Portland is at a crossroads. Particularly as it regards the evolution and transformation of the central east side industrial district. If our artistic and maker communities are priced out of the central city, we risk losing some of the essential ingredients that enhance fabric and spirit of our city. Smaller and culturally specific arts groups in particular struggle to find office and performance space as property values grow and as landlords raise rents to unaffordable levels or redevelop their properties for other uses. Portland must protect this vital community. Finding ways to preserve and enhance with the many tools and methods available to do so public private partnerships, land

February 28 – March 1, 2018

banking, community investment trusts, repurposing existing or surplus assets, development of mixed use urban projects, integrating subsidized and market rate components in the same project and creating districts or campuses are all possibilities that must be fully explored. Now is the time for our leaders and stakeholders across the city to come together and create a cohesive, ambitious long term strategy for securing a place for the artistic and maker communities. The 24 ideas for preserving and expanding affordable space presented today are a much needed start in recognizing our urgent need to act and act quickly. Some of these ideas could be implemented relatively quickly and others will understandably take time. Today is the day to get started. Time is running out. Many thanks to mayor wheeler, commissioner Fish and commissioner Eudaly for initiating this arts affordability effort and a most special thanks to Jamie Dunphy for his diligent efforts in leading the charge. On behalf of Oregon's children's theater I extend an invitation to attend our opening this weekend or anytime during our run of a fabulous play called and in this corner, Cassius clay, a story before he stepped into his role as Mohammed Ali and his charge for social justice. It's an important and wonderful story and we're proud to be presenting it. Thank you.

Fish: Thanks for being here. Andre Middleton, welcome.

Andre Middleton: Good afternoon, mayor, city commissioners and my name is Andre Middleton I'm executive director of friends of noise. Friends of noise was started about two years ago as an art organization with the desire to address the closing of several youth centered creative spaces in the Portland metro region. Obviously it's hard to cover the rising cost of rent for these creative spaces if your revenues can't include alcohol sales. We have seen the joy, the sense of accomplishment, the growth of an all ages community that supports each other on stage or off and thus our mission has grown to include professional development, youth empowerment, workshops, support navigating the early steps in entry into the music and entertainment industry. We have joined a constellation of stellar youth focused organizations like Marrow, the August Wilson Red Door Project, kukatonon children's African dance troupe, Morpheus youth project, world stage theater, Rock 'N' Roll camp for girls and Deep under ground just to name a few that are providing access and instruction and creative self-expression and youth community engagement. Yet many of these organizations as are we are often space threatened or actively looking for a home within the communities that we serve. These organizations are led by people that believe as we do as I'm sure many of you do in the restorative and healing power of the arts. We live in a society and a system that has centered the arts on the privileged few that have the means to share their stories, their history and their music through the arts. I was born in new york city, and I can attest firsthand to the impact that access to housing and arts and creative spaces can have on a region. From my neighborhood in Brooklyn it was an hour and a half each way via public transportation to see a show in Manhattan that really told stories that reflected me and my community. From my neighborhood in Brooklyn there were housing projects that stretched for blocks in many directions that were so focused in providing the minimum requirement for housing that they overlooked and failed to save or create spaces to build the community soul through the arts. As we wrestle with the growth and upheaval in our region I would like to add my voice to the chorus of those that are advocating for comprehensive solutions to the issues we seek to address some of the fundamental facets that make our city livable. No matter what one's income bracket may be. Artists like the resistance crew, Ashley Williams, Esperanza Spalding grew up in an arts rich environment that we're at risk of losing. The nikes, the e-bays, the we out here magazines are strengthened by having a diverse pool of home grown creatives to draw from. So I fully support the resolution before city council today. My many thanks to mayor wheeler, commissioner Eudaly, commissioner Fish, and their staffs for the leadership on this important issue regarding maintaining livability in our city, thank you.

February 28 – March 1, 2018

Fish: Thank you very much Andre, now up Charlene Zidell of the Zidell corporation. Charlene has not been shy about expressing a vision for bringing arts to the south waterfront neighborhood and we're delighted to have you join us, welcome.

Charlene Zidell: Thank you. Good afternoon, mr. Mayor and distinguished council members. My name is Charlene Zidell and I'm here on behalf of the Zidell family to testify in favor of the city's plan for preserving and expanding affordable art space in Portland. We're in complete agreement that the value of art in our city is undeniable. It's core to the fabric of our identity and further that we are facing a crisis as artists and art organizations are being priced out of the market. We applaud the council for taking steps to encourage continued conversations and ideas for new, innovative ways to maintain and grow the vibrant, diverse, creative economy that is so important to our city. As you know, we have completed the master planning process for the redevelopment of our 33 acres in south waterfront that has been home to our industrial businesses for the last 90 years. Zidell yards will be a 5 million square foot mixed use development consisting of residential, commercial, and retail spaces as well as ten acres of public space. One of the tenets of our family vision for redevelopment of the site is the incorporation of arts and culture into the community. Unlike an arts district which might include shops, galleries, restaurants and bars, our vision includes the creation of an art eco-system. Which includes every component of the arts cycle from funding to housing to work space to performance space to visual and literary arts. Because of the size of this project, and the mixed use nature of the development, we will have housing, we will have office space, we will have retail space, and we will have outdoor space to accommodate these various needs. Our goal is to have arts baked into the entire development, a part of the fabric that is so ingrained that one can't sense where it starts and where it stops. For example, an office building may house an anchor art organization as well as an art collective, a space specifically designed to house multiple nonprofits that have chosen to work together within a single space. The ground floor retail space of an apartment building where artists may choose to live and work may be studio spaces, operated by an art institution providing classes for its students and the community but also being available for artists to rent. Conceivably, a portion of the repurposed barge building located closest to the river might house a flexible performance venue program 10 to 12 hours a day with classes, exhibits, poetry reading, dance and theater performances, events, et cetera. We also see the opportunity to work with ohsu and omsi in the creation of a world class 77 acre outdoor walkable sculpture garden connected by the tillicum crossing. What an amazing feature this would be for to our city. We're deeply engaged in conversations with the arts community exploring the needs and innovative solutions to meeting these needs. We know we need to find a new business model for the arts. We are engaged in conversations with the business community. Soliciting their input on how to approach these challenges. We are looking for ways to do things differently. We are extremely inspired and encouraged with the collaborative approach and enthusiasm we are finding amongst the people we are talking to. We believe the answers will come through partnerships, collaborations, and a new way of doing business. Our family looks forward to a positive and productive partnership with the city as we move forward on our vision for Zidell yards.

Fish: Thank you very much. Thanks to all three of you. Last but not least, Demaris Webb cofounder of the Vanport Mosaic festival and Carlos Chavez, executive director of the Morpheus youth project. We're delighted both of you could join us today.

Demaris Webb: Hello. Good afternoon, mayor, commissioners. My name is Demaris Webb and I am here to testify to city council in my capacity as co-director of the vanport mosaic, we are a community-driven artist led nonprofit dedicated to sharing and preserving the underrepresented stories of the pacific northwest. Our work is that of telling stories with and not about communities. As such, I'm required to be a convener. I work with individual

February 28 – March 1, 2018

artists, city agencies, arts and humanities organizations and local businesses across multiple communities to bring together sustainable projects that engage the public in learning about local history and policies with an equity lens. This way of community building brings me to the intersections between access and equity and arts and activism time and time again and I believe this is where cultural life grows to be civic life. We have heard today about the importance of Portland's creative economy and how it enriches every aspect of the fabric of our civic lives, attracting newcomers to our city and engaging long term residents. I would like to take this opportunity to also reflect on how a community's identity and experience is tied to specific physical spaces and is impacted by city planning and legislation. Where we choose to invest our resources is equally important as how we allocate them. Historically underrepresented neighborhoods in the north and northeast, the jade district in east Portland have rich and multi-lens perspectives to contribute to the dialogue and diversity of our city of roses. Yet our historically underfunded and lack quality art space where voices can be heard. The city's commitment to equity and inclusion also means access to resources and opportunities. That is why I applaud council's intention to directly address these inequities. Just as important as creation of new affordable spaces for artists to live and create work is the importance of preservation of currently existing city arts landmarks. The city owns or manages several historic arts and community venues such as the interstate firehouse cultural center, whose history as an arts hub giving shelter and platform to several generations of our city's professional artists of color is indisputable. The value and impact of the city's recent commitment to reopen the doors of this venue to a hoped for sustainable future cannot be overstated. The stories the vanport mosaic has engaged in, in the past three years have been stories of communities that once thrived in the neighborhoods of north and northeast Portland. This year we are excited to offer dozens of free or sliding scale events to the public that shine a light on the impact of the lost city of vanport, the building of the coliseum, expansion of the freeway and the failed Emanuel hospital expansion had on communities in inner north and northeast Portland. Now imagine the irony of not being able to present a screening of priced out, a new documentary on the recent gentrification of Albina, because as presenters we have been literally priced out of the neighborhood or prior affordable venues have been closed. Well meaning individuals may suggest we share these stories in already established venues downtown Portland missing entirely the irony again of not being able to have your stories heard in your community. Disregarding the possible benefits of having a multidisciplinary, multi-cultural festival bring economic activity to your neighborhoods. Let us therefore applaud city council for moving forward to find ways to expand equity and inclusion to all communities via the arts. Thank you.

Fish: Thank you so much.

Fritz: That was beautiful. Thank you.

Fish: Welcome, Mr. Chavez.

Carlos Chavez: Thank you. I appreciate the time for you all to let me speak. My name is Carlos Chavez I run an organization I'm the executive director of Morpheus youth project, an arts and culturally responsive type of programming organization that primarily focuses our work in three strategic areas. One of them in the outer east Portland area, and within juvenile justice, entry level juvenile justice at Multnomah county juvenile detention as well as at the state level Oregon youth authority working with youth that are locked up primarily in clendon youth corrections, the largest youth facility. I'm speaking on behalf of youth and on many of the marginalized communities who end up in areas, those three strategic areas that I'm speaking of. I can attest to the very real struggle that these young people have to have access to arts opportunities and in particular space to host events, to be involved and to have place to call their own. I'm often asked, you know, I do lots of presentations in different schools and community events and what have you. In particular I

February 28 – March 1, 2018

work with a lot of youth that are gang affected or gang impacted and folks are always asking me, what is it that we can do to help these young people? Why is it that they are getting involved? The way I respond to that is that these young people are attracted to these things because of certain elements. There's a certain element of family, a right of passage, ownership, respect, there's all these elements built into the structures that youth are attracted to. In order for us to redirect them and get them involved in something that's more positive or more healthy for them is that we need to create something that's equally attractive or more so that they can be involved in something that's meaningful. So the arts is where it's at. The arts encompasses all of the different areas that these young people are wanting and needing. And to have an art space is a way to provide them with some real opportunity to grow and to become something much more positive in their communities and to give them opportunities to work, to learn, to explore, and to express themselves. So I want to -- the other thing that I wanted to mention that is I would like very much to see diversity represented in this and I was very pleased to see that, you know, these elements that I'm talking about are things that have been mentioned in this resolution. So I applaud you for that and I thank you for putting this together and I look forward to the opportunity for these young people to really have access to these arts based programs and opportunities in their community. So thank you.

Fish: Thank you both for joining us. Now we're going to move to public testimony. If someone has already said something that generally mirrors your view we encourage you --

Wheeler: Commissioner Fritz?

Fritz: I have an amendment. Thank you for the presentation. Thank you, commissioner Fish, for your leadership of this project. When we had the work session I raised some concerns about the proposals, the language in the recommendations about Portland parks and recreation. I want to clarify that this was the following amendment and it would be added as a second be it further resolved right before the one about the bureau development services concierge service. The proposed amendment would say, be it further resolved Portland parks and recreation will consider ways to integrate recommendations in this report in its long range planning efforts currently under way to shape future services across the park system.

Fish: Second the amendment.

Wheeler: Commissioner Fritz moves, commissioner Fish seconds.

Fish: Consider it a friendly amendment.

Fritz: Thank you and so happily we at Portland parks and recreation currently have a parks 2020 vision plan, which is obviously 2020 is sneaking up on us. It's really important look at these things in the context of all 214 properties that Portland parks and recreation manages and holds in stewardship for everybody. Thanks to Sue pac, who is here today and who has been working at Demaris Webb mentioned the firehouse. We are very concerned to make sure that these opportunities are shared equitably across the city, that we have appropriate involvement of cultural communities in making decisions not only about where to have these spaces but who gets to use them, so that's the meaning for that. Commissioner I don't have a second amendment, but I want to put it on the table there that I think as we go to implementing these pieces we are going to need to think about how do we encourage individuals and groups to move out of spaces when they become successful. I know we found this with affordable housing that we don't necessarily have appropriate checks and balances so that once an organization is established and thriving there needs to be incentive to them to move somewhere so that the next generation of new makers and artists can move into that property. So I think throughout the recommendations that will happen through the implementation phase. Just wanted to put that on the record.

Fish: Thank you. We consider this a friendly amendment but let's take a vote.

February 28 – March 1, 2018

Fritz: We can take the testimony first if you'd like.

Fish: its your call either way.

Fritz: I like to hear testimony first.

Fish: We have a bunch of people signed up. We have a four-hour hearing to follow so I would ask you to be as brief as possible. State your support, I don't want to take the drama out of the room, but we have the votes to adopt the resolution, so give us a perspective maybe you haven't heard. Karla let's start with the first three.

Moore-Love: Are we going with three minutes or two?

Wheeler: Two. Welcome.

Mia O'Conner-Smith: I'm Mia O'Connor smith.

Victoria Janessa Narciso: Victoria Janessa Narciso.

O'Conner: We are here today representing an entire community of black and brown artists through our collective deep underground. It is critical for us to be here today because any plan for accessible and affordable art space in Portland should include us. When I say us I mean the black and brown artists of Portland.

Narciso: Our genesis of work that includes speaking to formal art and educational institutions such as reed college, Lewis and Clark, Disiecta, the Portland art museum and pica began in a place we call the lost house.

O'Conner-Smith: The lost house is a house in northeast Portland that we started in truth it's run down, unloved by the landlord but we managed to give it life.

Narciso: Our ideas as a collective were cultivated by a space that we were able to define for ourselves. Creative leadership in having autonomy and agency is crucial to making art. Lost house became all of the things we didn't or couldn't have access to like traditional art gallery, art museum or music venue. The impact of our art lived to its full potential because we had full creative control.

O'Conner-Smith: Murals were up in the house everywhere. We would use the living room as an art gallery.

Narciso: We used the living room to screen films.

O'Conner-Smith: If you walked into the basement any day there could be an open mike, film screenings, dance parties, jam sessions.

Narciso: However, there's irony in the fact that we are losing this house. Lost house is being torn down and replaced with an unaffordable housing development, a space that is not welcoming to our community, a space that would never be available or welcoming to the people that live there now.

O'Conner-Smith: But the lost house is just a place. Places can be torn down as they are. Dug is the people and the people are resilient and Dug is evidence of that resilience.

Narciso: We share this story with you because the lost house is symbolic of the need that is not being met for affordable art spaces. It's especially not being met for artists of color.

O'Conner-Smith: It's symbolic of artists displaced from a part of the city that is historically black and rapidly being gentrified.

Narciso: It is symbolic of a place that was valuable for artists because it belonged to them.

O'Conner-Smith: If this is a plan that makes spaces affordable and accessible to artists then we need access to those spaces. Not only that we need to be a part of the design and plans of that space.

Narciso: How are your offices getting this information into the hands of the artists? We would never have found out about this opportunity today if it weren't for pica. So much of our community can't be here today because the meeting is at 2:00 p.m. in the afternoon on a workday.

O'Conner-Smith: If your goal is to make Portland accessible and affordable what about the people who never left, what about those of us that can't afford to leave?

February 28 – March 1, 2018

Narciso: The Portland art world and creative economy is inaccessible, it is not representative of the art or the creatives in the city.

O’Conner-Smith: We want to know how will you ensure artists of color are prioritized? How are you taking into consideration that many of the areas that have been economically developed are historically black neighborhoods? The idea of a creative economy, who does it actually benefit? What do you mean by affordable?

Narciso: This is clearly a first step for city council in what will be a long process that will not be complete or successful unless it's inclusive of artists themselves.

O’Conner-Smith: Black and brown artists.

Narciso: Poor artists.

O’Conner-Smith: Especially artists that don't fit the mold of your mainstream Portland art world. **Narciso/O’Conner-Smith:** Reparations.

Fish: Thank you both very much. Very powerful. Welcome.

*****: Good afternoon.

Wheeler: I'm sorry, I can't let that go. Thank you for the creative presentation and Karla, thank you for being quick to adapt to that. You came in here and you laid it down and I appreciate that and you raised a very valid point and its one we actually have had a chance to talk about fairly recently. You asked how do we ensure access? I think, this is just my ted talking here, I believe it's through the leverage that we exert in our partnership with the arts and culture communities here. We're not just supportive through words. We actually are supportive through financial support of the arts in the community predominantly through the regional arts and culture council to which we contribute millions every year but we also have institutions of arts and culture come before this council and ask for things from time to time. You are right, both about your comments about historical exclusion from those conversations, and you are right that this group here, we're not solely accountable for the arts and the culture community but we definitely have some power and influence in that community. You are right to raise the question overtly. I just want to say great. Thank you for being here. I appreciate it. I'm not sure you mentioned your name.

Narciso: Victoria Janessa Narciso.

Wheeler: Thank you. Commissioner Fritz?

Fritz: I would just suggest that Jamie Dunphy who's standing over here, if you could make sure he has your contact information. Not only are you here, you heard through pica, you know people. You know who else needs to be involved and as you said it's all about implementation and you being involved. Perhaps you two specifically but also the people you are currently representing here today.

Narciso: Thank you.

Fish: Karla, in addition to holding our testifiers to two minutes I'm going to hold the mayor to ten seconds in his responses. Welcome sir.

Josh Hecht: Good afternoon my name is josh Hecht, I'm the artistic director of profile theater. Now in our 21st season Profile Theater is one of the oldest continuously running theaters in the state. We have a unique mission, we center an entire season around a single playwright whose vision broadens our perspective and deepens our collective compassion. Among our awards are the American theater wings new national theater company award designed to bring national attention to "the most inspiring and innovative theater companies on our national landscape" and two awards from gender equity in the arts for leadership in equity and diversity. In 2016 we launched our diversity and inclusion initiative a three year commitment to producing only the works of women and people of color. In addition to mounting four productions each season of work by some of our most important national playwrights we also bring them to Portland for one of a kind public events. We have a deep commitment to community building through our community profile program which last year engaged local military veterans and their families and this year

February 28 – March 1, 2018

engages people living with chronic illness and their families, mentoring them in a writing practice to reflect upon and share their experience. The program is 100% free and has been called a life changer by one participant. We do all of this on an annual operating budget of less than \$600,000. For a theater company of this size that means we are always on the edge every dollar has a dozen uses and we count every penny. For the last five years we have made our home as a company in residence and artists repertory theater where we get performance space, rehearsal space, year round office space and community space at a deep subsidy. As you know doubt know artists rep is selling half of the building and while their leadership and I are hopeful we continue a long-term partnership the demolition and renovation means for a minimum of two years we will need to find another home for all of our space. Two years is a lifetime for a nonprofit theater company and is nothing less than an existential threat for us. Portland's arts community draws talent from across the country and in turn the art we create gives the city a cultural depth that rivals cities two or three times our size. It's what makes the city one of the fastest growing in the country. We cannot take it for granted. Arts have never survived on the open market and we ask that you please adopt these recommendations in the report written by commissioners Fish and Eudaly.

Wheeler: Thank you. Next three, please. Just name for the record. We don't need your address. Yellow light goes on with 30 seconds. When the red light comes on please stop talking. Thank you. I don't like being miked. Good afternoon.

Roya Annirsouyeni: Good afternoon. Thank you for holding this session. I'm Roya Annirsouyeni.

Van Pham: My name is van Pham.

Sophie May Hoole: And I am Sophie May Hoole. We are from pica.

Pham: It's no mystery that most of our artists and organizations are struggling as the cost of living and operating in Portland increases. A struggle even more pronounced for black, brown, indigenous, poc artist, queer and trans, disabled, poor, unhoused and immigrants artists. We appreciate that they city council recognizes the urgency of the situation and is initiating a conversation at the municipal level about how to address lack of affordable, accessible space for artists and organizations because our institutions and artists cannot solve this problem alone. We need direct financial investment, subsidy and advocacy from the city as well as a voice at the table.

Annirsouyeni: Founded in 1995 pica for many years operated on a pop-up basis throughout the central city but in recent years that model has become unsustainable in a developing Portland. In the last five years we housed our offices in a flex space downtown that would have become impossible for us to afford after the end of our lease and we would have been desperately looking for new home like so many other local artist nonprofits and artist run spaces. As some of you know if not for a 16,000 square foot warehouse at northeast Hancock and Williams that we were generously leased rent free for the next 20 years by a visionary local philanthropist we might too be homeless literally. This building is a gift to pica and in a few short months we activated it with countless programs and people in an historically black neighborhood deeply impacted by gentrification and in a city that lacks enough affordable, accessible and welcoming art spaces. A building like this is also a responsibility to community and essential the breath of artists and cultural organizers in critical need of free or low cost spaces to site their programs.

May Hoole: Since we officially moved into the building on Hancock and flung our doors open on November 4, 2017, we have said yes in big capital letters to dozens of requests and programs in our space. A mix pica programming, community organized events, workshops and collaborations with other local and national arts and cultural groups. As Roya mentioned the space that we have on Hancock is a gift and we are willing and able

February 28 – March 1, 2018

to share this resource with the wider community in order to provide space for all to be safe, create, express, gather, share and heal. We are fulfilling these needs by supporting and mentoring in other capacities outside the use of our space including help with permit applications to the city and cutting through red tape which consistently changes and is increasingly restrictive and cost prohibitive to a lot of communities we work with and prevents work by these communities. We have noticed a severe impact on smaller organizations and smaller venues in town. We provide financial assistance where and when we can by covering costs associated with putting on events. Our facilities, staff, equipment and resources are available to all who use our space, often at no or low cost as well as to outside groups and organizations. We make connections between individuals, collectives, funders, presenters and the like in order to support the growth and expansion of the arts in Oregon. In conclusion, our building comes with responsibility, expense and an attention to ethics for pica that mirrors the same responsibilities, expenses and ethics for city council as you pronounce a commitment to sustainable living for artists. In short Pica's building and others like it have the potential to serve local artists and communities in game changing ways but they require public subsidy and support to do so. We at pica are fully committed to our work and we will continue to be a resource for all especially marginalized communities but the responsibility is on all of us to create change from policy and institutions to community based solutions. We ask the city to commit to investing in and subsidizing existing art spaces and organizations who already hold trusted relationships in the community so those organizations can fully function as part of solution to the problems and opportunities we are all here to discuss today. Thank you.

Fish: Natalie why don't you kick us off.

Natalie Sept: Thank you so much for this opportunity to speak with you today. My name is Natalie Sept and I'm a registered lobbyist with the city of Portland working for open signal but today I'm here in my capacity as an artist. I wanted to thank you again, commissioner Fish, for your leadership on the arts and commissioner Eudaly for your vision and specific experience in the arts community. It's been a privilege and an honor to work with you in my capacity at open signal. I have had the privilege of working in city hall and some of the best studio spaces in the city, the falcon art building, Thurman street studios and more recently northwest marine iron works building. Each of which is brimming with talent so gracious for space to express themselves. Thank you for consulting with Ken Unkeles on this process. As a multi-generation Portlander I have seen the city change and identity shift. This plan is a great opportunity to grow as a haven for artists and culture and artist. I encourage you to think about the lives and livelihoods of artists beyond programs that maintain art spaces and infrastructure, affordable housing and family wage jobs, all of these things which allow artists and people of all backgrounds to live and thrive in the city. As Richard Florida has now said, diversity of all kinds is key. Thank you for recognizing there are some barriers that naturally exist within the government structure. Items 17 and 19 which emboldened prosper Portland to work with artist on ambitious, imaginative projects and unused space and cut red tape is a wonderful start to the vision that I hope goes to all the different departments and you consider in the future. As someone who has been both in city hall and a studio I recognize how challenging this is to be both sides creative and legislative, but I would love to be a resource as you refine the roles specifically of arts concierge. This has been an engaged and collaborative process and I know that Open signal would love to continue to be involved in the more difficult next phase of implementation. We're open to cooperative and share resources as you look for venues and spaces for artist and opportunities to reach goals of this ambitious plane. Thank you so much for your consideration for keeping artists in Portland and our city focused on vision, depth and imagination.

Fish: Thank you. Welcome.

February 28 – March 1, 2018

Donovan Smith: Good afternoon. The statement gentrification is where I begin as my artistic take on how Portland's imagine as a pro art, free spirited place for all too often left black communities behind in 2015. Not an organization or collective, gentrification has become a rallying point for community members to explore the past and future development of our city and state. It's a point of galvanization and reflection for those who call this place home. As growing from a static statement to take to exhibits to explore black resistance and vitality in the state, the visual art, performances and conversations across generations and we being the young and seasoned through the loss of vanport back to St. John's for and annual bike ride with organizer Laquida Landford and the cycling center and later the vanport mosaic festival who's first instalment included the first interview in community q and a with our mayor ted wheeler after his election about his commitments around housing and making this a more accessible city for all. These moments and more organize under the gentrification as we are banner has come as a result of community recognizing the statement's poignancy and knowing we can do more. Through my experience collaboratively rallying folks behind the statement and being a lifetime multi-generational Portlander it's becoming clear that the need for affordable art spaces in our city is at all time highs. Between historical spaces increasingly becoming priced out, falling victim to the bulldozer and red tape that locks too many folks out it's imperative that the city that prides itself on working for everyone moves forward with fair, inclusive policies for folks that breathe soul into it. Gentrification is where, but it doesn't have to remain a fact, this plan is a good step in the right direction. Let's make sure we continue to work forward with stakeholders to implement this plan in a truly equitable way and I do not like that buzzer.

Wheeler: It's really annoying, isn't it? I have worn the heck out of the t-shirt but I still have the bumper sticker in my office.

Smith: Oh, that's tight.

Fritz: Could you give us your name?

Smith: Donovan smith.

Wheeler: Thanks again. Good afternoon.

Jerry Tischleder: Good afternoon my name is Jerry Tischleder I'm the art sub director at Artists Repertory Theatre and the producing artistic director at Risk Reward. Through those capacities I have worked with hundreds of artists every year who are looking for rehearsal space, performance space, office space. Helen from racc twisted my arm to talk to you because we ran into each other last week and I mentioned I think there are a lot of spaces out there in the community that are open to hosting artists much like we have done in artist rep, but administrative capacity to open their doors is often the biggest obstacle to letting people actually activate their spaces. In the last year because of the success of our program I have been approached by masonic temples, synagogues, community centers, other flagship arts organizations who want to know how they can activate their spaces. I think the fact that it's actually really, really difficult and a lot of work to open your doors to schedule people to make a secure space that a lot of people can have access to I don't see a lot of recommendations in here about how to increase administrative capacity to actually activate some of these spaces. That's mostly what she wanted me to testify to and personally I might actually put Portland 5 and the firehouses on the list of underutilized spaces in the city if you look at the number of groups using those spaces and the number of nights per year they are being utilized we could look at some of the spaces the city actually has control over to get more use out of them.

Fritz: We're working on it.

Wheeler: Thank you.

Wheeler: Good afternoon.

February 28 – March 1, 2018

Jeff Jahn: Hello. I'm Jeff Jahn I'm a Portland-based critic and curator. I run Portlandart.net, a web-based arts criticism site reaches other 1.5 million unique readers per year. As an independent curators I was responsible for instituting a series of programs in warehouse spaces and other alternative spaces that sort of activated Portland early on about 18 years ago. What I want to bring to the fore here is almost a question of tone. It's great that the council is doing all of this, but on the cover of this report there is a child with fingerprints on their glasses. That's great and it's a nonthreatening image but really the arts are a serious thing, and in terms of messaging and tone what we want to do is we want to maintain Portland's edge as a creative hub. Cities like Houston always come back to messaging how they are going to be an important international artistic hub. If we don't get that messaging right, if we don't get our application of funds that we're putting out there and saying, we're being serious about our arts, it's all for naught. I would like to see a message that conveys that seriousness at all points along the way. A lot of people just don't know what great things we have like the mark rothco thing and other things and that's coming along now but we need more of it and we need to message it from the top to the bottom.

Fish: Thank you, welcome.

Erica Thomas: Erica Thomas, I'm here as an independent artist and co-director of matter, which is a new independent self funded and a women run art space in central east side Portland. We started in spring of 2017 and we're focused on contextual and socially engaged art about labor, politics, social justice, police and economics. I came here and I live here because I wanted to get an mfa in art and social practice from Portland state and I want to stay here so I'm invested in maintaining and improving the health of our creative and artistic place. There are many Portland art spaces that are precariously existing on the good will of their landlords. For example Flight 64, a 16-year-old community print making collective on Alberta, they are able to exist almost exclusively because the landlord has not voluntarily raised the rent, which is often referred to as market rate. So in many cases spaces like these are barely hanging on or they are not. For example new space center for photography which closed last July after 15 years due to financial strain, a place where I formerly volunteered youth workshops. Most of these small independent art spaces would not be possible to start now under current development and economic conditions in present Portland. I would like to encourage the city to provide support for artists and art spaces their important ideas, culture, happenings and things they produce independent from their value as financial commodities. These spaces provide our city with a way of life and they are what make Portland a great place to live if you can afford it and I would like to see us have a conversation that doesn't revolve around what we're here only to provide for businesses.

Wheeler: Thank you.

Don Lucoff: I'm don lucoff, the executive artistic director of pdx jazz, we just concluded our annual jazz festival, I want to thank nick Fish, who's been a tireless supporter of our mission. This morning we convened two sessions at the Schnitz for title 1 schools and it was filled to capacity and that's our next generation of jazz audience and to give those people the opportunity to hear jazz in the future we need the proper venues. We do shows creatively from the southwest, from Lewis and Clark up to the university of Portland in the northeast. We have an abundance of jazz artists that live here for a city its size it's unrivaled across this country. We are a nomadic organization. We recently left the Alberta abbey thinking that would be a home for us. The last show we did was a year ago. People had to wear down coats because there was no heat in the building. It's a serious situation losing jimmy Mack, a cherished person in our community, then his building shortly thereafter to gentrification has compounded the issue. We're out there fighting for this

February 28 – March 1, 2018

music. It's America's only indigenous art form yet our festival had over 100 events, 35 headline artists from 12 different countries, thank you.

Fish: Don't the Oregon experience last weekend featured jazz on Williams avenue and all the venues that we lost. It was very sobering, but what I really want to say is thank you for bringing Esperanza Spalding back to Portland.

Lucoff: You're welcome. She will be back again.

Wheeler: Good afternoon.

Kate Mura: Hello. My name is Kate Mura I am a founding member and artistic ambassador of fuse theater ensemble, one of the small arts organizations in Portland that produces the outright theater festival, one of the largest celebrations of glbtqi theater on the west coast. I also happen to be the vice president of iatse, local 28, the state trans union in Portland, but today I'm simply here with my hat on as an independent artist. I have been listening to the testimony of so many before me, so in the interests of time, I won't repeat anything. However, I do want to echo an importance of utilizing underutilized spaces that Jerry with risk and reward so aptly spoke of and having been one of the administrators of theater theater when it was still around, I can add to that story of how challenging it is to keep creative spaces open as well as what it feels like to become homeless when profile, who you heard from earlier, was also affected by the loss of theater theater, which I certainly hope part 4 of the affordable arts space, the incentivizing, creative landlords will go to help make sure that we don't lose more of the arts spaces. And so to finalize I just want to say thank you and thank you to everybody who is here and lending their voices so strongly in support of keeping the creative heart of Portland that has brought so many here and unfortunately we mourn for those who have had to move away because of rising costs.

Wheeler: Thank you. Good afternoon.

Leroy Bynum Jr: Good afternoon. My name is Leroy Bynum, jr and I am the brand new dean of the college of the arts at Portland state university. My comments will be very brief. I moved here to Portland last summer from upstate new york. Like so many newcomers to the city I was drawn here because of the incredibly vibrant arts community and I take very kindly to the obligation and to the privilege of doing all that I can to ensure that Portland is a place where artists of all backgrounds can thrive. So the recommendation in these artists' report will help us to ensure that students who graduate from Portland state, for instance, with degrees in fine and performing arts will be able to stay in Portland and put their many talents to work. The arts are not merely the spice that you sprinkle on top of a healthy community. They are one of the main ingredients. Artists are uniquely equipped to help address the critical challenges facing the city today. I urge you to adopt these recommendations in the arts report and to partner with the college of the arts and arts organizations in all disciplines in order to strengthen our community and ensure that Portland is the place where artists of all backgrounds can thrive.

Fish: New York's loss is our gain. Welcome. Great to have you.

Fritz: I was going to say thank you for being here at the hearing and thank you for coming. I moved here from upstate new york 32 years ago. I hope you're as happy with your choice as I am.

Bynum: Well, not so much today but [laughter]

Fritz: You don't have to be shovel rain just remember that.

Wheeler: You may have noticed commissioner Fritz still has a little of that new york accent. [laughter] congratulations in your new role. We wish you the very best.

Bynum: Thank you.

Wheeler: Thanks for being here.

Suzanne Gray: Thank you for having me. My name is Suzanne gray and I work as the marketing and communications manager at college of the arts at psu, but I'm here

February 28 – March 1, 2018

representing myself just as an arts supporter. In 2008 I was living in New York City and when I visited Portland for the first time I talked to a gallery on Northwest 21st Street who explained to me that Portland was a place where artists could work part-time in a shop or restaurant and have plenty of time and energy to dedicate to their art and still pay rent on a home in the inner southeast neighborhoods and that that was what made Portland such a vibrant and creative city. Ten years later that gallery is long gone and so many of my artist friends are hanging on by their fingernails. Portland's economic growth cannot come at the expense of our artists, performers and makers. If it does we will lose the very thing that made people like me fall in love with Portland in the first place so I urge you to pursue these recommendations in the arts report so that Portland's artists can continue to thrive.

Fish: Mayor, that concludes our presentation.

Wheeler: Very good, excellent presentation, thank you, everybody, for your testimony. We're going to call the roll first on the amendment. Are there any questions on the amendment? Please call the roll on the amendment.

Fritz: Thank you. Aye.

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

Wheeler: Good amendment. Thanks. Aye. The amendment is adopted, to the main motion. Third run bobsled. Anything can happen. To the main motion.

Fritz: Thank you, everybody, for being here. Thank you for those on the council who worked on this. I'm particularly appreciative of those who came to testify. I was kind of expecting a rah-rah yes this is great and instead we got a lot of provocative and insightful pressure to do better and to do more. So I'm surprised and delighted that that was the case. Thank you for making the effort to come and I know we all have taken note of what you are asking and include you as we move forward. Aye.

Fish: As I listened to the wonderful testimony here today I think about what would happen if we lived in a city that did not honor arts and culture. What if we couldn't go hear Esperanza Spalding when she is in the jazz festival or see a Japanese film that is provocative at the film festival or see modern dance throughout the city or celebrate our public art collection, go to galleries and independent bookstores, catch a show at any number of theaters around the city. What if that wasn't part of what we just expected as what Portland was all about? As I have said many times there's nothing inevitable about Portland being an arts and culture capital and it's up to us to seize this moment to make sure we don't lose it. So I'm immensely proud today of council's action and I'm thankful for my council colleagues for their support and their thoughtful engagement on this issue. We have heard loud and clear from our community that the arts are core to who we are as a city and that it will take thoughtful, proactive action by government, philanthropy, nonprofits, the private sector and artists to preserve our sense of identity. I want to thank Jamie Dunphy and Jamie mayor, doesn't take easily to praise but he has done yeoman's work pulling this together. I thank Jamie on my staff for starting this work, for working so collaboratively with my colleagues and everyone here and frankly for wearing a suit again today. [laughter] I want to thank all the community members who helped craft these recommendations. To everyone who testified today and to the advocates who recognized urgency of this problem and who continue to challenge us to do more. The city has a long history of good intentions and detailed plans, but we often fall short on the follow-through, especially when there are changes in who is sitting in one of these chairs. I call on our community to hold up accountable for these recommendations and commitments over the long term. After today's vote we'll implement a number of recommendations and we will be going deeper. Today is not a day to congratulate ourselves for a job well done. Today is when we really start to do the hard work and I'm proud to live in a city where we recognize that this is important work. Aye.

February 28 – March 1, 2018

Eudaly: So we're obviously a little pressed for time and I have done my best to condense my remarks and thank yous, so everyone bear with me. This is a personal issue, very near and dear to my heart because it reflects my lived experience as an independent bookseller, publisher, writer, events organizer, artist and patron and fan of the arts. I have been involved in Portland's arts and culture community for over 25 years and started sounding the alarm about the loss of affordability a decade ago when I started seeing businesses and arts organizations and individual artists start to lose their long time spaces to produce and exhibit their work and I'm sorry that we're just now getting to this conversation but I'm really thankful that it's beginning and I'm thankful to be in a position to actually do something about it. So as we know Portland is becoming increasingly unaffordable for probably what's now the majority of our residents, and artists certainly are not immune to that. I want to acknowledge that Portland has really built its brand on the backs of our arts and culture community without doing enough to support them and in particular preserve affordability. We have lost so many vital creative businesses, venues, arts organizations, studio spaces, over the last decade, and while I'm pleased to be bringing back the small business liaison aka arts converge to bds, and I'm hopeful about the innovations offered in this report I'm personally less interested in how we can incentivize developers and businesses to create new spaces than I am in preserving existing naturally affordable spaces and supporting our culturally significant businesses and organizations and artists to make their own way and in particular to own their own spaces. My favorite proposals really quickly, create the inventory an map of creative spaces in Portland, I don't know how we defend them if we don't know the territory. That's number one and I think as Jeff said it's low-hanging fruit and it sounds like a really fun project, so sign me up. Explore the creation of an arts specific real estate investment model. I know it doesn't sound terribly sexy, but again I think artists and arts organizations really have to have ownership stake in their spaces if we are truly committed to preserving long term affordability. I think the short term use of spaces for future development is exciting. So let's look at that and also working with neighborhood associations and business districts to establish creative districts, obviously based on what is already naturally occurring in their neighborhoods. I look forward to working with all of you. It's not every day that I get to see so many friends and colleagues in this room, and my past life intersects with my current life so very exciting and I just want to say that art is vital, it's essential and it's nonoptional. I just want to put that on the record personally and finally I want to thank a few people. First of all thank you to commissioner Fish. It's been a pleasure to work with you on this issue and have what some think is an unlikely ally that is very much a friend and supporter. I lost track of my thank yous since I rewrote the entire intro, here we go, I really did lose my thank yous, I'm sorry everybody. Thanks to Jamie Dunphy, to all the staff who worked on this, all the community stakeholders, all of you who are going to help us further this mission and hold us accountable, that's a really important part, don't let this fall through the cracks. My final thank you and I'm sure I'm forgetting someone and I apologize is to Pollyanne Birge from my office who I've actually been working with or co-collaborating with for most of the last couple decades. So thank you. Aye.

Wheeler: So thorough was the report. So thorough was the testimony that I need not make any comments except to say I support what people have said today about the importance of arts and culture in our community. First of all, thank you to commissioner Fish and commissioner Eudaly for your leadership and partnership on this I'm happy to be a co-sponsor. I'd like to thank your respective staffs. I don't think we've quite embarrassed Jamie enough and the reason being he's hiding behind our large novelty city hall clock. Please give him a high five on your way up, Pollyanne Birge thank you, thanks for Lisa Taylor and Jennifer Arguinzoni in my office for your hard work on this and thanks to all of

February 28 – March 1, 2018

our incredible presenters today. Suba, Brian, Jeff, Ross, Andre, Charlene, Demaris and Carlos, you did a great job, we have lots to work with. I vote aye. The resolution is adopted as amended. We will take a five-minute break and then we'll come back.

At 3:32 p.m. council recessed.

At 3:41 p.m. council reconvened

Wheeler: We are back in session, welcome back, everybody. The rules remain the same, no disruptions please, please be respectful of people at the mic. Understand you will hear opinions that differ from your own. Council rules are that we don't boo people, we don't shout at people. Thumbs up if you like it, thumbs down if you don't. None of us like people to be removed from the chamber, but if you are disruptive and don't abide by the warnings that are given, if you are being disruptive, you will be asked to leave and we don't want that to happen. So let's all just listen respectfully. It will be a long afternoon. For those of you here to testify publicly, thank you. Plan on two minutes for public testimony. The way it works is you'll come to the microphone, the microphones move around. Keep the microphone about this far from you, they are really sensitive microphones, so 6 or 7 inches is usually about right. Name for the record, we do not need your address, if you are a lobbyist, we do need to know and if you are here representing an organization, that is helpful too. You'll have two minutes, when 1:30 is gone, a yellow light in front of me goes off. When your time is up, you will hear beeping and you will see a red light. That means you need to finish to be respectful for the people who follow. So please read the next item.

Item 204.

Wheeler: Today the city council will take up a set of policies that are designed to protect tenants in an increasingly unaffordable rental market. This ordinance, in my opinion, if adopted cements three significant policy wins. First, this makes permanent an existing policy requiring landlords to provide relocation assistance to tenants they evict without cause or who cannot afford a double digit rent increase. Next, we cover more renters under the policy by removing the exemption for landlords who only operate a single rental unit. Finally, we lay a groundwork for a rental registration system so we can collect quality data on the rental market in Portland. This is something that both housing advocates and landlord advocates have asked for. These three items move the ball forward significantly as we work to ensure that housing in Portland remains both accessible and affordable and more so, I see this as a pragmatic approach that addresses the primary issues that have been expressed throughout this process. I know there are those in this room and elsewhere who think this measure goes too far. That landlords will be unduly burdened by some of the provisions in the ordinance. I also know that there are many in this room who think the measure doesn't go far enough and that we should consider changes both big and small to address this particular criticism. As we worked on the policy that's in front of us today, I had to take time to consider recommendations from our technical advisory committee. I relied on the ideas and the advice of my fellow city commissioners. I sought to understand alternative points of view and there wasn't always just one view or another, sometimes there were three or four or five or six views on a given issue. I worked hard to engage all of those who historically have had limited access to city hall and finally, I took feedback from those who would be the most directly impacted by these policies.

Ultimately, it's my obligation to craft the best policy possible. I know there will be criticisms. For example, the question has been raised could this policy effect the rental landscape for landlords who have only one unit of rental housing? Could it cause some landlords to remove their units from the rental market? I believe it is possible some landlords will remove their units from the market. However, the broader stability provided to the overall rental market in my opinion outweighs the concerns of the loss of some units in the near term. Our goal has never changed. We have continued to ensure that we protect tenants in this market by being reasonable about the policies that we put forward. In removing the

February 28 – March 1, 2018

single-unit exemption, we've placed other exemptions in place that support our values. First, we're exempting duplexes where owners are in residents of one of the units, this supports the council's current policy around maintaining existing density in our neighborhoods. Second of all, we're exempting all auxiliary dwelling units known as adu's on a property where the owner is in residence. The city has long had a policy of increasing adus as a way to alleviate the housing crisis and increase our housing stock. Third, if an owner rents temporarily for up to three years and then returns to their residence, this is also exempt. We want owners to be able to temporarily increase our housing stock rather than leaving units vacant and unused. Fourth, if a member of the military is deployed and returns, this too will be exempt. This is simply the right thing to do and I'm happy to include it in the ordinance. Fifth, we live in an ever-changing world. Parents are aging, people have older relatives, adult children are struggling in the midst of this housing crisis, people need to support their families. If a family member is moved into a unit, this will also be exempt. That said, I've heard examples from people who have noted that in other cities that have similar exemptions, those exemptions can be gained. So I've directed the housing bureau to carefully construct rules around this to prevent abuse. Defining what a family member is could in and of itself become a very complicated process. In some communities here, we have grandparents raising grandchildren. They are doing the right thing, so I don't want to be punitive, if a family is in crisis, we want to help support them. I also want a time threshold so the unit will be occupied to prevent abuse. Personally, I believe that should be at least one year or longer. Sixth, if an affordable housing unit is already regulated by the federal, state or local government, that should be exempt. Seventh, if a dwelling unit is rendered uninhabitable through no fault of the landlord, this too is exempt. It's not just natural disasters we're talking about, think about gas explosion we had in northwest Portland a little over a year ago. That was no fault of the landlord and frankly in good conscience I could not subject a landlord in that particular circumstance to additional burdens. There is significant legal precedent on this issue and its also generally included in the vast majority of rental contracts. These are all reasonable, they include Portland housing bureau monitoring and reporting requirements and will also be carefully constructed through administrative rules in many cases. During this process, I was reminded of one thing overwhelmingly. We are in a housing emergency and people are suffering. I was reminded of the choices that renters are frequently asked to make of moving farther away from places of employment and farther away from where kids get their education in search of afford ability. I was reminded of people deciding which utilities they could afford to forego. I was reminded of people who delayed the reporting of needed housing repairs out of fear of eviction. I was reminded of how rent increases and evictions have families in constant fear of displacement and sometimes that means displacement right on to the streets of our own community. As mayor, I must lead in addressing these concerns and this policy puts Portland in a leadership position with regard to tenant rights. I'm also reminded of the limited sets of tools that the city currently has at its disposal. I want to remind everybody that for several years, I have been a supporter of and last year I asked the legislature to support a just cause eviction standard. The legislature was not able to do that to get it done last year. So while we're going to continue down that path because I think it makes sense to have a broad framework rather than a narrow one, we have to do the best we can to address the crisis that exists today in our community with the tools and the resources that we have available. Thank you to the advisory committee, I advocated for the creation of this committee so I could be informed by industry professionals. I value the work you did, you provided me no fewer than 46 different specific policy recommendations. Not all of them made it into this particular ordinance, but the vast majority did and, again, I want to thank you for your hard work. I want to thank my colleagues on the city council you've helped my team and I think through some very

February 28 – March 1, 2018

complex policy issues and you'll find that each aspect of this ordinance has very significant tradeoffs and my job is to weigh those tradeoffs and I did my level best in helping to draft this ordinance. I look forward to having the rental services commission and monitoring the continued future of our relocation policy and I'm going to continue to work for advocates both on the renter and owner sides of this equation along with property management companies and professionals, on the tools that can aid us nationally for the state level and at the local level to help us to continue to address this housing crisis. My belief is that housing is a human right and I'm pledging wherever you are in this equation that I will work with you to continue to positively address this issue for the betterment of all of us in this community. Thank you and at this point I will turn it over to my colleague starting with commissioner Eudaly.

Eudaly: Thank you, mayor. Last January our city was facing the heart wrenching realities of a rental market that provided no protection for tenants from unexpected displacement from their homes. Including multiple instances of entire multi-family developments with primarily low-income residents being issued no cause evictions or huge rent increases as high as 100%. We had families with jobs and small children being turned out into the street because they didn't have the means to pay thousands of dollars to secure new housing that they could barely, if at all, afford. We had school principals and teachers pleading with us to protect their students from being torn from school communities. We had communities begging us to help keep them together and keep them in homes they have lived in for years, sometimes decades. As a renter myself, I can directly relate to what they were going through. I had born the cost of no cause and economic evictions twice, I had struggled with housing costs that ate up 50% or more of my income for years. Through our inaction as a state and as a city we allowed for conditions to progress to a point where few renters could feel safe or stable in their homes anymore. We allowed an unregulated market to dictate what happened to children and to seniors and people with disabilities on fixed incomes. We weren't protecting some of the most vulnerable members of our community which is our primary job as far as I'm concerned. When we introduced relocation assistance last February as a step toward increasing stability and the chances that families could afford to find a new home, we knew it wasn't going to solve our housing crisis. We only hoped it would stem the tide of cost burdening displacement and homelessness especially for the 25% of our residents currently struggling to afford the roofs over their heads because of state interference with our local power to regulate and manage our rental housing market, relocation assistance was the only tool left at our disposal and I'm so grateful to my colleagues for recognizing its value and supporting this effort. I want to acknowledge this policy would look very different if it was left up to any single commissioner, but this is a group effort requiring compromise from all of us and while I have some concerns, I'm going to call them yellow flags that I've raised, in which I'll be watching closely. I want to acknowledge that we are taking a huge step forward today in the right direction and that is something to celebrate even if it's not perfect. Thank you for the twinkle fingers, I welcome them. Today, we had Michael buonocore, the e-d of home forward giving testimony on another item and he mentioned the feeling that it's never enough. We can never do enough and I have that feeling everyday, I have that feeling today, let's take a moment and celebrate this today. So I can say with confidence this policy has had an overwhelmingly positive impact for the tenants who were covered by it. There's not been a single day this is not an exaggeration that has gone by since this policy was recently passed that our office hasn't received a phone call or an email about relocation assistance. As expected, some but not all landlords are happy with it. Also as expected, many tenants thank us for providing a modicum of stability and security amidst this unprecedented 8 year and counting housing crisis. The communications that have been the most challenging are the ones that we have gotten from those tenants often very

February 28 – March 1, 2018

low income who were not covered by relocation due to the one-unit exemption. What we have learned over the last year is there are as many as 20,000 single-owned units on the rental market which provide housing for over 40,000 residents. These homes are concentrated in some of our most racially diverse and low-income neighborhoods which means our policy wasn't benefiting tens of thousands of the residents that it was designed to protect. I am pleased -- so pleased we are here to consider eliminating the one-unit exemption and making this policy permanent today. I want to be clear about my stance, this is absolutely the right thing to do. However, I also want to acknowledge that the elimination of this could create a true financial hardship for a small number of landlords and that's why I strongly urge the mayor's office and the Portland housing bureau to proceed with creating a hardship waiver process for those landlords. It's a crisis driven by many circumstances beyond our control. The city alone cannot solve this crisis, it's a crisis that's driven by many circumstances beyond our control, from the federal government abandoning obligation to fund affordable housing, to growing income and equality, to huge wall street investment firms and foreign investors buying up our real estate and rental properties. We are also facing as a city, the ultimate outcome of social engineering through discriminatory public policy that began decades ago. We are not responsible for creating that policy, but we are responsible for the remedy and this is part of it. So I'm going to save my thanks for the end which might be next week and with all that being said, I look forward to hearing from the public and for our deliberations we're about to have. Thank you.

Wheeler: Very good. We have housing director Shannon Callahan and matt Tschabold to provide an overview of the policy framework. Why don't you kick us off today.

Shannon Callahan, Director, Portland Housing Bureau: Thank you mayor and commissioners. Shannon Callahan from the Portland housing bureau. So as you've already told today, council first adopted a temporary relocation assistance policy in 2017. You convened a technical assistance group who met and discussed over 43 distinct policy issues working for nearly a year in more than 45 hours of very-involved meetings. After all of these issues were discussed, we consulted and worked with the mayor's office on the development of a policy that you see before you today. You'll see a time line of all of the work that has gone on to the various stages of this policy. Matthew will now give you an overview of some of the policy choices and then I will close with a little bit regarding next steps for the housing bureau in terms of administrative role development.

Matthew Tschabold, Portland Housing Bureau: So the mayor already mentioned many of the changes, but I just want to hit the key highlights and then we can field questions. So there was request from the technical group to add clarity in the code language around payment and notification time lines. So through the process since last year, we've made those adjustments. We've added a requirement for landlords to provide tenant's information on relocation assistance and their rights and responsibilities given it can be a complicated process in terms of what their options are that they'll get that information when they receive different notices that are in city code and we added some clear differentiation between what we call the triggering events which are the no-cause eviction, a rent increase of 10% or more as well as nonrenewal and lease or not renewing the lease on similar terms. Those are some of the larger modifications that don't relate to the exemptions. Again, looking at some of the exemptions just to go through really quick. The single unit exemption was eliminated and there are 11 exemptions in here. The owner occupied duplex, the owner occupied site where there adu's, adu's when the owner is on the site, landlord renting a primary residence during a absence of not more than three years and military service, moving in a immediate family member, regulated affordable housing, housing paying federal relocation assistance, units uninhabitable through no action or inaction of the landlord or the tenant and units that are permitted for demolition before being rented and the renter is informed that the unit will be demolished and it is a

February 28 – March 1, 2018

short term rental, it's a long term rental, but for a shorter period of time. So those are the exemptions in the ordinance.

Saltzman: Could you go back one bullet? I don't understand this 60 plus years of regulated affordable housing.

Tschabold: So if it's affordable housing and its regulated by the federal government, state government or local government for at least 60 years, it will be exempt from relocation assistance payments.

Saltzman: If it is less than 60 years?

Tschabold: Then it is not exempt in the ordinance and most regulated affordable housing is exempt anyway given the provisions in the lease about having to make only a certain amount of money and most events that an agency that owns and operates regulated housing would come with federal relocation requirements and so most regulated affordable housing would be already exempt, but there is request for clarification in the code just cause there was confusion in the earlier versions. So we wanted to add that in, it was request of some of our members of our technical committee.

Saltzman: Okay. Thank you.

Tschabold: Yep.

Callahan: Also added to this ordinance is the requirement that all landlords must report to the housing bureau after paying relocation, we're trying to make sure we collect good data and tracking our policies going forward. All landlords must also submit applications to the housing bureau to be eligible for any of the exemptions that you see on this list and finally, we will at the housing bureau develop administrative rules both on a interim basis and on a permanent basis if you move forward with this ordinance. We also have been requested to provide staffing for an information line to be able to answer tenant questions as well as landlord questions. We have some triage in place with the current staffing, but I will note that we'll be talking with you through the budget process as well. So thank you.

Wheeler: Very good. We have two panels of invited testimony before we get to public testimony. I know we have one amendment on the table, commissioner I'll let you provide that at your leisure can either do it now or later.

Fritz: I'd like to just put it on the table if that's alright with you before we start testimony.

Wheeler: Let's go ahead and do it.

Fritz: So this is to add a number 12 to the list of exemptions and under code chapter 30.01.085 g. This would add number 12. A dwelling unit where the landlord has provided a fixed term tenancy and notified the tenant prior to occupancy of the landlord's intent to sell or permanently convert the dwelling unit to a use other than a dwelling unit subject to the act.

Wheeler: I will second that for discussion purposes. Any further discussion on that before we go to the panel and take public testimony?

Fritz: This is to address one of the challenges that we've received in testimony. Which is about a fixed term contract where at the beginning it was clear to the tenant that there was going to be for a certain length of time and I believe this is true to that.

Wheeler: All right. Our first panel. Laura Galino delovato. Northwest pilot project and she was on our technical advisory committee and is also serving on the rental services commission. Thank you very much for your service. Mike Neuss, real estate investment, he also served on the technical advisory committee and the rental services commission. Again, thank you. Appreciate you being here today.

Mike Neuss: Thank you.

Laura Galino DeLovato: Thanks so much. Shall I start?

Neuss: Please do.

Galino DeLovato: Good afternoon, commissioners and thanks for the opportunity to speak about this issue. My name is Laura Galino Delovato, I'm the executive director of

February 28 – March 1, 2018

northwest pilot project and as the mayor said, I served on the technical advisory committee for the relocation ordinance and am a member of the renter services commission. For those of you not familiar with the northwest pilot project, we are a small, but effective non-profit organization that provides housing assistance to individuals 55 and older in Multnomah county. The majority of our clients about 80% of them are extremely low income meaning they have an income of \$15,700 or less annually that's their entire annual income. We don't own or manage any properties, our services are critical to housing stability for this very specific population. Last fiscal year, we stabilized about 250 low-income seniors in-housing preventing their potential homelessness and we also placed into housing another 250 low income seniors from homelessness and that was in a really tough housing year in a housing crisis. So I'm here on behalf of the clients that we serve our clients are on fixed incomes from social security, social security disability insurance or ssi supplemental security income. None of these sources of income have large annual increases and are pretty minimal to begin with. Most of our clients have one disability and are unlikely to be able to supplement their income by getting employment. So being able to go out and raise their income to address higher rent is not something that they are likely going to be able to do. They rely on northwest pilot project to provide assistance for rental housing search, getting on waiting list for subsidized housing, paying a deposit or getting short-term rent assistance. I'm also here to request the city council vote in favor of making this ordinance permanent. While the ordinance isn't perfect, it is an important part of the support network and protection that is especially important for low-income renters because of their low income, many of the nwpp's clients stand to benefit from this ordinance if the rent were raised 10% or more or if their existing lease was terminated for no cause. In our experience in the past years since the ordinance first passed some of our clients landlords or property owners were deterred from raising rents more than 10% because we believe of the ordinance and the desire to avoid paying the relocation that actually did what it was supposed to do, it helped tenants stabilize in their housing. We also had a few cases of landlords choosing not to end a lease because of the potential of triggering relocation. I can't emphasize enough how important it's been for our clients for whom a significant rent increase or a move not of their choice puts them at risk of being homeless and that's one of the things that we see as an important role of what we do. While we support the ordinance being made permanent there were a few issues that were included in the ordinance after the technical assistance committee's last meeting on February 9th that weren't shared with those of us on the committee until last Friday in the final copy of the ordinance. I'm happy to hear that you mayor Wheeler and the housing bureau are going to address some of the issues through rule making and administration. We're particularly concerned about item G7 that exempts a landlord from paying relocation to a tenant whose lease is terminated in order for an immediate family member to occupy the dwelling unit in part because of the possibility of abuse, lack of definitions about what a family member is, lack of definitions around timing and because the technical advisory committee did not have an opportunity to discuss the pros and cons of that and how it would effect tenants, how it effect landlords and homeowners. So, from a process standpoint it was disappointing to have that show up after we met, but we understand again it's going to be addressed and I think those of us serving on the rental services commission are going to be pleased to be able to continue to address this. I have to say personally from a personal perspective as well as from the perspective of representing low income renters, I found the experience of being on the technical relocation – the relocation technical assistance committee to be very informative, educational, it was emotional and frustrating. I appreciate every single one of the other members in that committee. I learned so much and I think we all benefited from being able to listen to the different perspectives. So thank you, all, for doing that service and I would add one other small thing which is as a member

February 28 – March 1, 2018

of that committee and member of the rental services commission, I found that people who are giving their time whether they are in a professional volunteer capacity to these committees or commissions are doing so out of a real desire to be helpful. So leverage your expertise, use that expertise. You asked us for it, we're at the table. Ask us, let us participate. Let us help.

Wheeler: Well said. Thank you. Appreciate it. Thanks for your service and continued service. Good afternoon.

Mike Neuss: Hello. Thank you very much I want to thank the city council for inviting me to testify today or provide testimony today. Thank you for the invite to the rental services commission I'm very proud and privileged to be on that and thank you for the invite to be part of the technical advisory committee. No one can argue that Portland has seen a major economic shift over the past few years, its no longer the little big city I visited as a child, its no longer the big little city I moved to in my late teens. That's led to record level of tourism, record level of commercial real estate investment, record level of multi family real estate investment and at the end has resulted in a housing crisis I don't think that, that can be ignored. When we're facing an economic shift like we've seen, it's on leaders of our city to provide new tools to combat what's going on. I do believe the relocation policy is the best tool that we have to treat what I believe is the largest symptom of a housing crisis which is displacement. By no means do I believe this is a comprehensive tool, but it's the only tool we have that directly effects the biggest problem I see our community faces. I think we need to create more tools and I think mayor Wheeler, your recent public announcement in the investment framework building in the affordable housing project by the convention center, your state legislation to combine different forms of government financing as another tool to provide more supply to the market and I like the fact that you are looking at that from a comprehensive stand point. I was asked today to talk about two things, one on the policy and my thoughts in general and also on the process. I've chosen to address three points of the ordinance today that I feel were well heard and the outcome of those. First, the mismatching of the time lines in a federally backed owner occupied loan requiring the occupancy of a buyer 60 days after purchase and how that contradicts the policy for the 90 days time line in the relocation policy. I think that will go a long ways in helping keep from disrupting the retail market. The house selling market by recognizing that mismatch and creating policy around it. With a permanent relocation housing policy, I think it's extremely important and a lot of agreement on the technical advisory committee to recalculate relo costs on a consistent basis. Whether that's one year or two years, I think this is the best way we can make this a market-driven policy and we have to look at market conditions on a consistent basis. That may mean markets going down, that may mean markets going up, but it gives a tool in place to allow the policies to change to give market conditions and I believe this is a policy that does need to be tied to the market. The most discussed topic outside of the timeline of relocation assistance and when that gets paid and notice is given was the one unit exemption, there's a lot of debate about that. I believe that you will put forth a good fourth effort to create a waiver policy and I think that's essential. One, I think this policy takes a symptom of the market place and puts the funding solely on one part of the population. I think by exempting all one-unit landlords, it's segmenting that onus on a smaller part of the population and I think its important to lift that exemption, but it can create a hardship waiver for landlords that truly do need that financial assistance. This policy isn't perfect and I'm sure you're going to hear plenty of testimony today as to that fact unintended consequences on the tenant side, unintended consequences on the landlord side and I agree with you mayor Wheeler when you say there's plenty of complaining on both sides of the table which probably says this is a good point to start. I also believe through the renter services commission will have the ability to add more feedback and tweak that ordinance to make it better moving forward. Regarding

February 28 – March 1, 2018

the process, I felt compelled to get engaged in the process this time last year coming to my first city council meeting and seeing what's created behind that process. I engaged for two reasons. One I wanted to have a positive impact on my community and two, I wanted to be heard and I wanted to add more perspective to the commission. I think for the most part, all of the stakeholders at the technical advisory committee and the commissioners on the rental services commission have that same desire, to provide impact and to be heard. In order for us to produce positive solutions both sides have to feel like they are being heard. I was also a member of the stakeholder committee for the security deposit. No one wants to be in a position when you are taking timeout of your day to be part of this and feel like you are marking a box in a procedure. Unfortunately in the security deposit stakeholders committee, I feel like I marked a box, I didn't feel heard. I want to contrast that with my experience with the technical advisory committee. The leadership from Matt and his team, Victoria, Andres, Cupid, Andrea earlier on leadership was on point, it guided us from that process, getting a personal phone call from Mayor Wheeler after a disappointing meeting made me feel heard. I think there was a lot of trust gained at the table over the ten months or so while that committee was in place and that was important to come to agreement on the timelines of the relocation policy. It was important to allow ourselves to be vulnerable at the table and speak what we felt in order to provide more perspective. Ultimately, more perspective and more experience is what leads to better policy and I think the advisory committee you put together had an array of experience at the table. Some really good community leaders that were passionate, knowledgeable and experience providing their input. Earlier this year the first meeting of the rental services commission, we were given a great history lesson on the fair housing laws or lack of fair housing laws in Portland's checkered past, the deed restrictions forcing -- creating some of the demographic device we had in the city. The massive use of eminent domain for Emmanuel hospital and for the memorial coliseum and how that impacted our community. Red lining and the lack of financing available to minorities and how that effects the committee and created that direction. It's a very important part of that process for everyone to be educated on our past. Unfortunately, I do feel like there's some education that's been missing. I don't feel like there's been more perspective and education given to the factors that drive property ownership the basic economics of owning and managing a rental property, the decisions it takes to buy property, the risk that creates to buy property, the difficulty it is to acquire a loan. The ability to set expenses and reserves, the difficulty in navigating for housing laws and state laws when placing tenants and I believe that if we can set more time aside to educate commission on how these elements play out in Portland, we have a greater chance of coming up with stronger and sustainable solutions that can be embraced by landlords and tenants alike. So that's where I'm at. I do feel support for this policy. I think it's a bold step. I said that a year ago and I still believe that today. I feel like there's a lot of work to be done and I think the rental services commission can be part of that. I hope that we continue to bring more perspective in as we continue to make the policy decisions, thank you.

Wheeler: Very good. Thank you, both, for your testimony and I like your suggestion with regard to the information sharing that needs to happen right up front. I'd actually love to work with you to help build a panel on those topics you mentioned. The risk, ownership, establishing reserves, difficulty in navigating the regulatory environment, I think that's useful perspective. I'd love to work with you on that. Thank you, both, for your continued service. We really appreciate it. Our second and final panel is Christian Bryant from the Portland area rental owner's association. Christian was on our technical advisory committee and will also continue on the rental service's commission. Katrina Holland is here and she from the community alliance of tenants, she was also on the technical advisory committee and is on the rental services commission. Welcome and Christina

February 28 – March 1, 2018

Dirks legal aid services of Oregon, she was also on the technical advisory committee and on the rental services commission. Good afternoon. Would you like to start us off?

Christian Bryant: Sure. I'm Christian Bryant I'm resident of the Portland area rental owner's association, as well as a real estate investor association also own my own property management firm. I chair happen stance quincens of timing, I also happen to be a tenant through all of this too, but first I did want to say thank you for inviting us here for testimony. I commend the city on creating both the oversight committee for the mandatory relocation ordinance as well as the rental services commission and I think whether you end up liking the end result or not, at the very least being asked to voice your opinion without being in one of the elected seats that cast the vote, that's the most that you can ask for. So I do appreciate that and we can't deny the fact that we have had housing issues and all of us that represent a group of citizens in this city, of course, get our own self selected data set because we hear from our group specifically. I don't get calls directly from tenants that are being displaced but I do hear from those landlords that only have one unit or two units and I'm sure those sitting here would say the same just the opposite. So recognizing that I can only speak to what I know. I'll try to keep it brief because I know city council has already heard majority of my statements through the committee's that I serve on. First, I do think definitely not all, there's always room within legislation to help make things better for pockets of the community that are not being served properly or being protected properly. I do think a lot of the issues that have risen to the top of our debates lately started off with a major divide or discrepancy between supply and demand. I know that's not the cause of everything but if us landlords were very competitive under a normal market condition, you'll see a 10% swing in rent amounts just from September to January. Just going from summer to winter because we're very competitive with each other and we want to get tenants into our units and give them a place to live to be able to collect rent. Also when there is more competition among landlords, we don't -- and you don't see rents going up because we're competing with each other, you don't see us asking tenants to move out to do major renovations because we haven't seen increases in rents to justify it. One thing I do have to put out there which I have said from the beginning, I do agree with mike in that this is for all extensive purposes does seem like our only specific tool that we have at our disposal right now to address those issues, but I do feel it should remain a temporary fix because I do believe in the long-term with landlords and tenants working together along with the city that a lot of the issues will at least be alleviated. I don't think you'll solve all of the problems, though. There's two other main points I want to bring up. One being on the one unit exemption. I do completely understand if there's a landlord that has many different units and they've got plenty of reserves built up and everything I can see the reasoning, but if our association the vast majority easily 85% plus have less than three units and majority of the landlords manage things themselves, but they are of course the section of landlords that go out of their way to be part of associations like ours to make sure they know the laws that are managing them properly and responsibly. There are significant amount if they have even one, two, three units to where a \$4500 expense which currently would be the maximum that it could be, that could be the difference between them being able to afford their next two mortgage payments on that property or not. So I would hope we would maintain that exemption, but if we do have to see that go away, would strongly urge the city to really look at how they can support those landlords that do find themselves in that position cause the reality is if you do have a landlord in that position, its either going to be something where the property gets foreclosed on or forced to sell it. If the property is four units or less, you have a significant amount of first time investors out there wanting to get in to being the landlord as part of their retirement plan or whatever may be and typically, that first unit multi unit they buy is going to be something where they live in one of the units or if a single-family home, there's still pretty low supply on the sale side of the

February 28 – March 1, 2018

market as well and so you have a high chance of someone buying it that's just going to live in it. Each one of those losing 50 units here or there doesn't have a huge impact, but when you combine that with people thinking about getting into the industry, second guessing investing in the city of Salem, I feel like long-term that could have a significant impact on our supply. So I would urge that we don't remove the exemption for one unit, but if definitely have to we need a plan in place to not lose those units just because a landlord cant afford it. Last thing, I noticed it when housing was talking about the exemption in their presentation. One of the exemptions that's proposed states that unit would be exempt if it became unlivable by no action or interaction by landlord or tenant. I'm sure this will probably get out assessed out through the rules or through.

Fritz: We fixed that. We took all tenants out.

Bryant: Oh, okay. On the presentation it was still in there that was perfect. Thank you, commissioner Fritz.

Fritz: That is a problem.

Wheeler: We'll hear from housing on that at the end.

Bryant: The way it was written, technically a tenant could damage the unit where it's unlivable and still qualify for relocation. If you remove the word tenant out of that sentence then I think it creates the intent. Something to be discussed.

Bryant: I brought that to the mayors staff's attention earlier and was under the impression that had been fixed, so I think it's a scriveners error.

Wheeler: We'll have the housing folks look at that. Thank you.

Bryant: Thank you very much.

Wheeler: Thank you for your service. Good afternoon.

Katrina Holland: Good afternoon. Thank you for the opportunity to give testimony today about the permanent relocation ordinance. My name is Katrina Holland executive director of community alliance of tenants. Member of the relocation technical advisory committee and member of the rental services commission. Community alliance of tenants is a tenants rights organization that served this community for the last almost 22 years. As advocates for tenants especially those most impacted by the housing crisis. For many of us this crisis is nothing new, it has stretched decades for people of color and those with barriers to housing and we believe that the permanent relocation ordinance before us today is an important step forward toward the symbiotic housing relationship we wish to see between landlords and tenants. We're hopeful that this policy sets a precedent and we believe it prioritizes the healthy balance in a severely unbalanced relationship right now in the state of Oregon despite the long term tools that we need. While we have a ways to go in terms of long-term changes in landlord tenant law at the state level to help support a healthier populous, more stable economic conditions across different income spectrums and more stable neighborhoods and children relocation is a step in the right direction. Thank you for your leadership. Thank you for the process. I can't lie, it was long and arduous, but it was very necessary and I think we talked through some of the issues that we needed to talk through. We are supportive of permanent relocation policy for the following reasons of course the reasons mayor wheeler mentioned today. In addition, involuntary displacement affects us all as a community especially when it leads to homelessness. We believe and have all experienced the externalities created by a business decision between one person and another and we don't believe it has to continue to fall on the rest of the population to make up that burden. Relocation assistance also helps to increase the likelihood of successful relocation for tenants in unexpected crisis. Involuntary displacement due to a rent increase or no cause termination can not only be anxiety provoking and create homelessness or transients, but it creates a situation where sometimes they are not able to relocate and they end up on our streets, so relocation helps to buffer that. We also believe this arrangement brings more balance, as I said earlier, to the relationship that

February 28 – March 1, 2018

should be symbiotic. Involuntary displacement is a severe burden on a tenant in any circumstance whether exempted or unexempted and this burden triggered by a landlord's conscious actions should not rest solely on the shoulders of a tenant. Relocation helps to share that burden created by one party in that relationship. Relocation also helps in a time when we don't have the tools we need to address involuntary displacement in the first place. Absent the necessary commonsense rent stabilization policies and just cause eviction standards relocation helps to soften the blow of involuntary displacement which at present is legally permitted in Oregon and the outcomes we see everyday are unreasonable rent increases and discriminatory or retaliatory no-cause evictions. Finally, though it doesn't eradicate the fear, we do believe it helps to lessen the fear of retaliation. We have seen on our hotline that some people are a little more, they're not as apprehensive to ask for necessary repair in fear of retaliation because relocation helps to add a layer of protection. While we express strong support for this relocation ordinance, please also understand our grave concerns which cat has sent via email to the mayors office and a few others on February 26th, 2018. We are hoping for further amendments hopefully effective today because they are simple. That we feel help to demonstrate commitment to some very important values that we have disclosed as a city and the city of Portland has identified its commitment to equity. First, our city and community have expressed a commitment to supporting those most impacted by the housing crisis and the city has boldly claimed equity goals. However the current long-term policy includes a flat exemption for federal, state and local regulated affordable housing for 60 plus years in subsection g-8. If anyone needs relocation the most even in nuance circumstances it is this population. Due to severe shortage of affordable housing that is both regulated and market rate when families are displaced from affordable housing, they most often have to relocate to market rate housing or they end up on the streets or end up on the couches. Often sometimes ending up on waiting lists that can be months to years long. Relocation payments are critical in these scenarios, they are the least likely population to be able to save for an unexpected displacement event and are already scraping by. As advocates for this population for almost 22 years, we know that exempting them from support during voluntary displacement could be one of the biggest mistakes we make as a city. The relocation technical advisory committee never talked about a straight exemption and we talked through different nuances or different circumstances in which there should be or could be with additional support. So community alliance of tenants is requesting this language be stricken from the code and we specifically request that council mandate the rental services commission to take up the issue with local affordable housing providers to talk through this more nuance language that addresses the issues highlighted in the relocation technical advisory committee during deliberation in the past year around federal changes, rent changes, income changes and more. A straight exemption would not holdup our values to supporting those most impacted. Nor does it demonstrate a commitment to equity as data shows that based on median incomes, people of color, low wage workers and folks with disabilities and seniors are most likely to live in these regulated affordable properties.

Saltzman: Katrina if I can just interrupt. I also thought that was a curious exemption as you know my question a few minutes ago. So, I mean, stripping away all the code of 60 plus years and all that, are we talking about home forward basically?

Holland: I think we're talking about a number of groups. In transparency, I emailed some of these affordable housing providers to let them know that we would be taking this position and one indicated interest in engaging in this process of talking with the rental services commission to develop this nuance language and a couple others said thanks for the heads up, but no, it is not just home forward.

Saltzman: I'm going to ask questions of staff more about this later.

February 28 – March 1, 2018

Holland: Okay. Thank you. Secondly, the city of Portland has prioritized equitable access. We talked in the relocation technical advisory committee about prescribing what kinds of information needs to be included in notice to tenants eligible for relocation assistance and while we all agreed that a form isn't necessary and cat withdrew its request for a form, we did agree that prescribing language should be included in this ordinance. This is to prevent a scenario where a landlord would place in a notice see Portland city code section 30.01.085 and I think that we can all agree that city code is fairly cumbersome even for folks who are used to legalese and jargon. This subsection does not help inform tenants of their rights and responsibilities as currently written it could be abused, so we are requesting an amendment to include in the ordinance at least what type of information needs to be present and include that in city code. We believe this language should at least mandate a notice to a tenant must include amount of relocation to which the tenant is entitled, the time frame in which the tenant has to respond if applicable and the timing of payment. A bunch of other things.

Wheeler: Katrina before you get off that. Sorry to interrupt you. Want to make sure we honor what you are saying. I will have the housing bureau come up at the end of all of this. So I'm making a running list of issues that we want to talk about. I've had this conversation with the housing bureau and there are multiple opportunities for tenant notification and so I personally didn't think that was necessary and I'll make sure we have that conversation at the end.

Holland: Thank you.

Fritz: Could I just ask, I've been out of the country for the last two weeks. Did you send that email about your concerns to me as well?

Holland: I did not. I sent it to mayor wheeler's office, but I can send it.

Fritz: Thank you.

Holland: So, again, while this is a positive direction and the process that we undertook as a city to negotiate relocation policies, we believe it's pertinent to make sure this policy does not leave most impacted populations out in the dark and making that exemption does leave folks out in the dark. We believe these two amendments will help prevent that from happening. We're grateful to see the city of Portland take leadership on this issue and look forward to moving with you in a positive direction.

Wheeler: Thank you. Commissioner Eudaly.

Eudaly: I don't want to dive in too deep, but for the first concern you raised, the flat exemption. Just want to make sure I understand. You've acknowledged it's a nuanced situation, but is it very common for a household to receive a no cause eviction or a double-digit rent increase if they are in income restricted housing unless their income exceeds the threshold?

Holland: So I will be entirely honest and say I'm probably not the best person to ask. What I can share with you is we have had several members within community alliance of tenants who have received rent increases and regulated affordable housing that has caused a displacing event that forced them to relocate into private market housing. We have seen it on the ground and it is very distressing, some folks I believe one person I can think of off the top of my head did end up homeless.

Fritz: Yeah and one of the scenarios we're trying to avoid is in a circumstance where there is an actual income restriction and that's not always the case. When the household income exceeds that restricted level, they either have to move out or the non-profit affordable housing property manager loses the tax exemption on the property. So that's a scenario where I think an exemption makes sense because it would be a burden to that housing provider on either side.

Holland: There are definitely some nuance situations in which I think exemptions are appropriate, but there are others that a flat exempt goes does not include in which

February 28 – March 1, 2018

relocation would be extremely necessary. That's why we're recommending that the rental services commission take this up with affordable housing providers to talk through those and include it in the language.

Eudaly: Great. Thank you.

Holland: To be clear, to take the language out for now so they are covered. Folks in those properties are covered.

Wheeler: Thank you. Good afternoon.

Christina Dirks: Good afternoon, mayor and commissioners. My name is Christina Dirks I am a staff attorney with legal aid services of Oregon, thank you for inviting me to come speak with you today. I was a member of the relocation technical advisory committee, I'm currently a member of the rental services commission.

Wheeler: Thank you.

Dirks: You are welcome. As an attorney at legal aid I solely represent low-income tenants as my practice area. I've seen from working with clients directly the devastating the impact the housing crisis has had on the most vulnerable members of our community. Experts tell us there is significant proven financial, emotional, social and educational harm suffered by tenants as a result of involuntary displacement. We saw on the ground that the past years attempt at relocation ordinance provided tenants with a critical reprieve by stabilizing the rental market. As a result of the ordinance we know that tenants saw fewer exorbitant rent increases, less wholesale displacement of buildings for renovation and subsequent changes in the demographics like we saw at the Normandy and I can briefly give a shout out of the tenants of the Normandy who are amazing and they are here today in the balcony. We saw fewer no-cause notices and I know from my casework and those of my colleagues at legal aid that no cause notices are usually a mask for retaliation or discrimination. The passage of a permanent relocation ordinance is an important step towards recalibrating the power and balances between tenant and landlords right now in our market. I commend the mayor and commissioners for lifting the single unit exemption. We know that the single unit exemption disproportionately impacts the most vulnerable renters including larger families as well as individuals with screening barriers that make it hard to get into housing, this is an important equity issue. I support the reporting requirements of landlords to submit a form to phb if they are going to claim exemptions status. Not only does this give us the ability to gather important data but hopefully will put some check on potential abuses from landlords misusing the exemptions. Finally I want to support the requirement of landlords notifying tenants of their rights to relocation when issuing a triggering notice. Many tenants do not understand their rights under the relocation ordinance and this notification is an important step to helping educate those of these critical tenant protections. However, there are some gaps in coverage in the current ordinance and I think the ordinance could be improved. I believe the following suggestions will make the ordinance better for tenants and also further the policy intentions behind the ordinance. The first is in the notification requirements I just mentioned in subsection d. The proposed language fails to require landlords to notify tenants of their right to relocation prior to the renewal of a rental agreement and as you all know one of the triggering events is if a landlord fails to renew a rental agreement on the same terms, given the failure to renew -- given that is a triggering event, there seems to be no apparent reason why we want to leave that out of notification requirements. Tenants who are faced with a rent agreement, renewal are often the least likely to be aware that they may be entitled to relocation. As you may have seen, most of the press and educational materials around the ordinance focus on no-cause notices and the 10% rent increases, so a lot of tenants don't know this covers them as well. In addition, we have seen creative ways that landlords have started lease renewal options since the passage of the ordinance. What we have seen is that landlords will often creatively present lease renewal options as a tenant choice leading

February 28 – March 1, 2018

a tenant to believe that they are electing one of these choices and is not a landlord issuing a notice that would trigger relocation and we have talked to many, many tenants who were unaware that they weren't held to relocation based on these options that they were given and so for this reason because of this misleading communication I think it's especially important that we include those tenants in being advised of their rights to relocation. My second suggestion is in subsection c where it exempts associated housing cost from the analysis of whether a new rental agreement is substantially the same as the old one and would trigger relocation. We have seen at the exclusion of associated housing cost is not only harmful to tenants but has created a loophole for landlords that they are actively using. Since the passage of the ordinance, I have seen landlords issue excessive increases to associated housing costs such as parking or pet rent in order to avoid having to pay a 10% rent increase. The end result is that landlords are getting more than a 10% rent increase just in a different form and more importantly, the tenants are paying more than a 10% rent increase in a different form, but the economic burden to tenants is exactly the same and unfortunately, these tenants are not entitled to relocation under the current version of the proposed ordinance. And I'd like to point out that at the relocation technical advisory committee, we specifically discuss and agreed on this issue. We all felt strongly and the tenant advocates felt strongly, the landlords agreed that they may have not felt strongly that it did not seem appropriate to allow a landlord to get around relocation by raising cost that are under their control that are associated housing cost and a way to avoid having to pay relocation in issued rent increase notice.

Fritz: I thought that was the purpose of this amendment, it doesn't do this in your opinion?

Dirks: My understanding of the purpose of the amendment and I'm sorry if I divert too much, but there was confusion under the prior language in that it didn't address situations where a lease renews automatically on its own terms versus a landlord saying I'll renew your rental agreement, but there's different terms. So in the first situation, the landlord automatically has to pay relocation and the tenant doesn't have to elect for it. In that second situation the tenant would have to elect to say no I'm not renewing I want relocation. So I believe the intent of the ordinance now is to separate them to make those two situations clear when each one would occur in the timelines and what a tenant needs to do to elect for relocation.

Fritz: So basically we haven't got the language quite right yet.

Dirks: It would be my suggestion that we strike the language or associated housing cost from subsection c and that would address this loophole that's been created.

Fritz: But then it wouldn't because then landlords would as you say adding on utilities or pet costs.

Dirks: So, I think if we strike the associated housing cost language it would just be any rental agreement that's offered on substantially different terms would give the tenant the right to say I don't want to renew and I want my relocation benefits.

Wheeler: so, colleagues I'll tell you why this is in and this won't be popular but I'm going to give you my best shot at it. I tried to focus as my team and I in the housing bureau were writing this on what costs can a landlord singularly control. Plus what is legal and our attorneys upstairs and I have to trust them cause I'm not an attorney, advised us that we could not include utilities as part of that 10%. That's just the law. So that is what that is other things, parking fees for example, storage fees, there is a choice there the tenant can make. I realize it's not a good choice and I realize it's not a happy choice, but it's not solely a choice made by the landlord and we chose not to include that because once you include it, then you are in the game of what else gets included and we just didn't feel that was necessary for this ordinance.

Eudaly: The choices, get rid of your pet, get rid of your car, get rid of your stuff and don't pay the increase cost is that what you're saying?

February 28 – March 1, 2018

Wheeler: The focus was making sure that people and their families had a roof over their head in a housing emergency and we thought it was secondary not unimportant, but secondary as to whether they have to park their car on the street which is free in most neighborhoods in this community or in immediate proximity to the rental unit. Again tough tradeoff but that's what we made.

Fish: Mayor.

Wheeler: Commissioner Fish.

Fish: I want to acknowledge that what complicates the question of utilities is that for many of the multi-family buildings we're talking about, there are no individual meters. So there's a significant challenge in figuring out how is that figure calculated to begin with, is it the total amount of water that is the landlord claims is consumed in the building and all of the outflow divided by the number of units based on square footage or just when you average it.

Holland: Or occupancy.

Fish: Or occupancy, does it include, for example, the water used in a separate part of the building that has washer/driers that people pay for, is that cost being included? While I think there may be some legal prohibition on us strictly speaking in terms of what is the percent increase in utilities in a perfect world if you could calculate per person, I don't think most multi family buildings divide up the utility rates in any consistent way. So I'm a little concerned that we may be putting form over substance here and we ought to take a deeper dive here to make sure people are not larding up utilities and it may be illegal but doesn't prevent people from doing it. Charging excessive utility rates for the purposes of getting around the 10% cap.

Wheeler: Fair statement and I'll get to commissioner Fritz in a moment. I want to respond to that. This falls under the category of letting the perfect be the enemy of the good because then it gets into this question and it opens up a question on a whole separate issue that we had in this council chamber two weeks ago around how do we account for individual metered units and I think we acknowledged on this council that that's a subject the council has not been able to solve over a period of years. So rather than injecting that complex policy question into this ordinance, we decided number one we'll uphold state law which says we can't include the utility rates anyway under the 10% and if we want to take this up, I'm all for it, but let's do it in the conversation we're having around the utility question and we've empaneled smart people like these on the ursc to potentially be able to take these up. I don't think it is wise to try to close a policy question that's been out there for many, many years unresolved in the context of an ordinance that we're trying to get through in the midst of a housing emergency.

Fish: And mayor we have lots of testimony to get to. We're going to be breaking sometime around midnight for breakfast and come back.

Wheeler: Pancakes I hope.

Fish: But the question that council debated recently was how do you allocate a discount program when you can't measure usage? That's an entirely different question as to how do landlords allocate water? And if there is, let's say, for example if the council were to say there's a 3% increase in utility rates this year, but a renter gets a bill showing a 10% increase, that ought to be a red flag that something is happening that's out of the ordinary and if it is designed to circumvent the cap whether we close that now or later that's something of our concern.

Wheeler: I will add this to the list for the housing bureau and this may actually be a legal counsel question. I do not believe or at least it's been represented to me that landlords in Oregon already cannot legally charge more for utilities than what their utility bill actually is.

Holland: Technically, that is the case, but depending on the circumstance, we have people circumventing that law. Another trend that we have seen is where we have a flat

February 28 – March 1, 2018

rate that is charged per occupancy for water, sewer and garbage on top of actual usage. So, you have people who lived in a unit for a certain number of years and water, sewer and garbage was included or it was separate but they never had a per-person occupancy fee and all of a sudden they were added per-person occupancy or it went up or something of that nature, which is that's sticky but it does happen.

Dirks: You are right, mayor. The utility provisions are clearly regulated by chapter 90 of the landlord tenant act. I think a way this could be addressed is you could really speak to associated housing cost under the control of the landlord that are set by the landlord cause utilities are not set by the landlord. They may be padding it in ways that are unlawful under the landlord tenant act, but there are lots of housing costs set by the landlord and just fully benefiting the landlord and probably covering some costs but they are setting that amount because I think the end result is you have, you know, you can raise the associate housing costs so far that you force someone to move out without relocation. A new person moves in and you raise the rent however much you want, you're starting from ground zero right, so, you raise the rent 200% or whatever the market will bear. And so it perpetuates a problem that is a big loophole we are seeing actively being taken advantage of.

Wheeler: Fair enough. So, colleagues would you like to hear from the housing bureau or go to public testimony?

Eudaly: She's not done.

Wheeler: I apologize. I'm sorry commissioner Fritz had a question.

Fritz: I was wanting to make, miss Holland made the point that I was making, we had heard that where previously there was no utility payment suddenly and you are all being charged \$200 for utility which was previously included in the rent and that was what I thought this was. So I want to get all the points on the table. I appreciate the clarification that the mayor did. Since you are here, wondering how just deleting or associated housing costs solves the problem because if you previously didn't get utilities on your bill and then you suddenly get \$200 that's associated usage.

Dirks: Sure. I see those as two issues, I see the unbundling of services as one issue and raising of associated housing costs as another issue. I have argued and successfully argued that under the current version of the ordinance, the unbundling is already covered as a substantial lease term. However, I think associate housing costs that are already existing in the contract but then with the new contract, they are raised significantly. Those would not be covered under this ordinance.

Fritz: Thank you.

Fish: Maybe there's another way to slice this which is if we choose not to close this potential loophole where there's opportunity for padding, maybe what we ought to do in year one is make sure tenants get accurate reporting of what the annual increases are of these rates. So we just came through a year which there was no increase in garbage and there was about a 4% increase in combined water/sewer. I will tell you the water bureau gets contacted by tenants saying I can't believe how much my water and sewer rates are going up and they have no relationship to the rates the council adopted. So something is going on and it may be in year one we deal with it as a notice question. Take a look at your bill, if this goes up, call community alliance of tenants, get the information. Maybe later we look at it as closing a loophole issue.

Dirks: So my third and final point is regarding the exemptions and while I do not support the expanded listed exemptions, I want to focus on my suggestion on the need to notify tenants of a landlords exempt status for some of the new exemptions that were added, the tenants may not know they are entitled to relocation and their landlord is exempt. In order to give tenants clarity, I would suggest the ordinance require landlords to provide tenants with a copy of the exemption reporting form they submit to phb at the same time the landlord would otherwise be required to provide the notification of the tenants of their rights

February 28 – March 1, 2018

of relocation under subsection d. That's all I have. Thank you for your time and thank you for your commitment.

Wheeler: Excellent. Thank you. Thanks all three of you. Appreciate it. With that, we move to public testimony unless colleagues did you want to hear from the housing bureau on any of these issues?

Saltzman: I guess I'm --

Wheeler: Come on up.

Saltzman: I guess I'm inclined to want to delete the exemption that relates to dwelling unit regulated as affordable housing on federal, state or local government for a period of 60 years.

Wheeler: Could we hear from the housing bureau on that? This is a fairly complex issue and before we start putting amendments on the table, I think we should hear what the logic was.

Shannon Callahan, Director, Portland Housing Bureau: So commissioner, Shannon Callahan, housing bureau. So the regulated affordable housing is actually regulated on a tenants income level and its allowed to go up based on the mfis and the number of different things in the regulatory agreement. We don't think it's a significant factor and this amendment is actually necessary. However, our affordable housing partners are extremely concerned about the removal of this amendment and have some concerns about the length and duration of the 60 years. We don't necessarily regulate all of the affordable housing in the city of Portland. Much of it was created before the 60 year requirement happened. I'm particularly thinking with properties with hud contracts that may be owned by a partner like home forward. It's clearly a policy trace by this council, but it is something that our folks in the community who are providing affordable housing in partnership with the city are extremely concerned that this is I believe the removal would be problematic for them and that's what I can.

Saltzman: Don't these entities issue no cause evictions?

Callahan: Under the previous housing commissioner you required that all new regulatory agreements going forward were prohibited no cause evictions and that policy's been in place for a few years. They would be subject to, their also usually subject to uniform relocation act, so I see what you're saying though commissioner.

Saltzman: I guess, I mean first of all I asked a question when Matt was presenting these, its very cryptically written, I mean it sounds like something straight out of tax code or something. So I'm trying to figure out what exactly are we talking about. I thought it was home forward.

Matthew Tschabold, Portland Housing Bureau: The home forward would definitely be included that it would be any regulated affordable housing as long as it was affordable for a period of 60 years or longer, but that would include many of home forwards units as well as many other affordable housing providers in the community.

Saltzman: Like nonprofit providers?

Tschabold: correct.

Saltzman: It sounds like it could be a big number of units to me. Do we have any quantification?

Eudaly: Can I throw a scenario out there so we can possibly understand when this becomes an issue? A family is in an affordable unit that rent is based on their income. Their income goes up significantly enough that while they wouldn't be forced to move out, their rent could go up more than 10% and we don't want that to trigger relo. Is that a scenario we're trying to avoid?

Tschabold: There are a lot of different scenarios. I think under this one there are renters who live in regulated housing and part of the lease agreement of the contract that they are in is that they pay 30% of their income toward rent. So, yes, you could have a scenario

February 28 – March 1, 2018

where somebody is earning very little money. Maybe they are working part time and they are in regulated affordable housing or maybe they are not working at all and so the subsidy that is helping them stay in the rental unit is covering most of the housing cost. Then when they see a significant increase in their income, their lease agreement should, again, I don't know what all of the lease agreements say between the providers of affordable housing we don't have a full compilation of all of the terms of the lease agreement, but in that scenario they would have to pay 30% of their annual income toward rent and that could be a significant increase, but that is the policy framework under which a lot of affordable housing with subsidy built in is regulated.

Eudaly: Then there's the other scenario that I already mentioned which is that the income goes up so much that they no longer qualify for the subsidy and that housing provider would either have to pay relo or they would lose their tax exempt status. Those are two scenarios that I think are reasonable for us to want to avoid.

Tschabold: That is another scenario, where we need -- the virtue of regulated units is that once individuals are making enough money that we can move a new family in. We have a deficit of 23,000 affordable housing units in the city. So part of this, that was that sense of, well, as people can earn income and move into the private market, we need, this is what we heard from some of the affordable housing providers.

Eudaly: All right. Could we be more specific with the language that says, if the increase is driven by the tenant's income, then, that is not a relo trigger? Because we are hearing from cat and from legal aid that they are considered about, they are concerned with other scenarios that aren't triggered by the tenant's income where that tenant should be entitled to relo.

Fish: Colleague, can I just make a comment? Having served on the home forward board and then as housing commissioner, as I listen to this very thoughtful discussion, I am beginning to think of 100 examples where there's a federal regulatory agreement, a state regulatory agreement, we have a regulatory agreement. There's -- I mean, we have a policy, informal policy that when we acquire preservation properties and people no longer qualify, we grandfather them in because we don't want to get the business of acquiring properties and then evicting people. I can think of many different examples. Here's the question I want to ask. Is this exemption either under dan's view which is eliminate it or the current proposal which is included, is it an urgent issue that needs to be resolved tonight without the benefit of a lot of information? Or can we choose to either keep it in or keep it out and come back with some feedback from our affordable housing partners that understand the issue? Because I have a feeling.

Saltzman: That was my proposed amendment, it wasn't to delete it outright and forget about it, but delete it for now, have the rental services commission and whoever the affected parties are to come back to us on it at a later date.

Eudaly: Thank you. I am not done with my old one.

Fish: I guess what we are asking is, what's the harm in that? We are talking about partners that have substantial due process protections already in place for their tenants based on regulatory agreements, state, federal law, and the like. What's the harm in taking it out altogether and putting a two-month clock on bringing back something that we can all see something that we can all understand that's tailored to our situation that our nonprofit and federal partners have raised.

Callahan: That is an option that is available to you. I will again reiterate just from the affordable housing partners I talked to they are very concerned about this provision and so I will let you know that at the outset and without the benefit of having the partners here who are dealing with these very complex regulatory agreements I would be loath to say what the proper response is but it is indeed your policy cause city council.

Wheeler: The flip side we could keep it in and send it to rsc and have them look at it.

Either way we will have issues.

Callahan: I would imagine we need to look at this and clarify and I think also what Katrina was noting about the incidents where this is coming up, I would like more information about what she is particularly concerned about and especially what the tenants are experiencing. I think as you said commissioner, there are many different varieties of regulated housing.

Fish: It's a hornets nest.

Callahan: Our intent was the 60 year policy was not to cover those shorter term duration, things that are, the 10-year tax exemptions that the city gives or otherwise. These are -- the intent was for long-term committed affordable housing providers and so even this was a compromise that our providers are not particularly pleased with.

Fish: By the way no disrespect to our oversight body that's advising us. This is a highly specialized area based on regulatory agreements with federal and state. Whatever the council decides to do, I would feel more comfortable if we knew within 30 days, we get a written submission from our nonprofit partners saying, here's the problem, here's the real world examples, write it so even I can understand it and the council can decide, it's so clear and we will act legislatively or we will seek outside advice, but right now I think the target is a moving target and it's almost impossible to understand what's the problem we are trying to solve.

Wheeler: Commissioner Fritz, I will commit to that and I will bring it to the rsc immediately.

Fish: Commissioner Fritz or Fish?

Wheeler: I was responding to commissioner Fish, I'm sorry did I say Fritz? Who did I say? That guy over there, sorry. [laughter] good looking guy on the end. I will commit to bringing that to rsc asap and you have the leadership of the housing bureau right here hearing that directive.

Saltzman: I guess I still, my preference is to omit it. Do it the other way around. Omit it and then have those groups come back to us and then we will add it back in because all I see here is quite frankly it's a double standard being created.

Wheeler: There's a motion on the table. Is there a second?

Eudaly: Second.

Wheeler: We have a motion from commissioner Saltzman and a second from commissioner Eudaly.

Saltzman: Can I give a rationale?

Wheeler: Certainly.

Saltzman: It's a bit of a double standard in my opinion because we are saying to on the one hand these are nonprofit housing providers that we value and cherish as partners as we have for a long time, but let's face it there's also, a lot of landlords that have been out there providing affordable housing for a long time, too. We are sort of saying we are going to not be so concerned about what the policy and practices of the nonprofits as we are with the for hire or for profits. I think it's fair to strike it and educate us all about it because it is, we obviously need more education about the issue here and then we will probably cave and put it back in. Is my prediction. [laughter]

Eudaly: Well, I would just like to say.

Wheeler: I want to be clear. I am not going to cave. I don't think we should -- I trust folks sitting in front of us that are the housing bureau who have actually had the conversations with the providers and we have informed this ordinance based on that feedback. As I said right up front that doesn't mean we are going to catch every single eventuality. This is imperfect. This is not a just cause eviction framework. This is a relo framework we are putting in as a stop-gap measure because we don't have action at the state level. So, again, I caution us. Let's not let perfect be the enemy of the good and for every one of these things, these are complex tradeoffs and anything we do here can have unforeseen

February 28 – March 1, 2018

consequences. I caution us to be making substantive policy changes on the fly. These guys did a good job of doing their homework and bringing us an ordinance with as much input and education and information as possible. Commissioner Fish.

Fish: I do think dan makes a valid point in this regard. We have spent a lot of time crafting these exceptions such that I think we can take them and generally explain the problem we are trying to solve, and we have had a lot of feedback. For the life of me I still don't understand the problem we are trying to solve here and there may be a problem we are trying to solve. There may be a good-faith thing and Dan calls it caving, I call it legislating. If they come back with a compelling argument as to why there should be something tailored let's put it in, but in fairness we have a lot more information about the other exceptions and we thought them through. I sitting here can't justify this exception because other than we have been told there's a problem, but I don't legislate that way.

Fritz: May a make a suggestion?

Wheeler: Commissioner Fritz.

Fritz: It's two hours and ten minutes after this hearing was supposed to start and people have been waiting to testify all that time. The amendment is on the table, we will vote for it after the testimony so that people can give some input on it.

Wheeler: Could I just quickly go through two more while we have the housing bureau here?

Fritz: Yes.

Callahan: May I just say one thing on the exception. I will be frank with you our legal interpretation and the view of some of our nonprofit providers are at odds on this and really what our view is that the triggering event when the income level rises and the way that the lease is structured should not trigger relocation. They have a difference in legal opinion on that and that's why we put this in here. Our lawyers and we believe one thing, but they think differently and because of all of the different regulatory agreements that they have had over a period of time, with state and federal authorities, that is their concern and so without going deeply into it, that is truly what the crux of why this is in here and it is a compromise. So with that I will leave you.

Wheeler: Commissioner Fritz had put a question on the table. I believe it was described potentially as a Scribner's error. Would you like her to restate it or do you recall that?

Fritz: Its on exemption number 10 where dwelling unit rendered uninhabitable not due to the action or inaction of a landlord or tenant. Under what circumstances would a rendered uninhabitable due to the action of a tenant? Why would that then be triggering relocation?

Callahan: What we are trying to get at with this exemption is actually those type of incidents that the mayor indicated earlier which are either natural or man made disasters. We are trying to take out any of the equation from any action or inaction of any of the actual players. What we are trying to get to here which we will define more closely in administrative rule, are those situations where there's an earthquake or a flood but also as the mayor indicated there could be a gas main explosion that is literally, which is why we talked about a stricter definition of natural disaster and have chosen to go with this language. This is the advice of -- and the telling of our attorneys and trying to craft to get to that point.

Fritz: I understand.

Callahan: We'll clarify it.

Eudaly: It was confusing language but it does make sense. Something can go wrong with the property its not landlord negligence or action, its not tenant negligence or action, its beyond everyone's control.

Fritz: I understand what the intent is. I am not sure I am convinced this is the right language.

Tschabold: Just one other reason to add, the reason both parties in the lease agreement

February 28 – March 1, 2018

were included in the language of the exemption is the bureau didn't want a scenario where we were being flooded with landlords claiming that their unit had been rendered uninhabitable due to the action of a tenant and we would need to rule on that.

Fritz: I understand. Thank you.

Wheeler: Lots of questions raised. Various aspects of notifications and this is my last before I let you go to the seat. Katrina had raised the question of, I believe it was Katrina had raised the question of notifications. I had made the statement that there are actually several opportunities in our communications to provide information. A subsequent request was made around notifications. Notifying tenants, and I would add to that landlords of their rights of responsibilities including notification to tenants that they are moving into a unit or considering moving into a unit that is exempted. Is that something we can do through administrative rule?

Tschabold: Yes. That is something that we can do to a degree in administrative rule.

Wheeler: Great. Colleagues, is there anything else before I move this to public testimony?

Lauren King, Deputy City Attorney: Can I just ask one thing. Hi.

Wheeler: Legal counsel, hello. Welcome.

King: I want to clarify for the record and for the council clerk's benefit there are two amendments on the table. The first amendment is commissioner Fritz's amendment which is to add the language in number 12 and the second amendment is commissioner Saltzman's amendment which is to strike the language in g8.

Wheeler: Correct.

King: Is that the extent of commissioner Saltzman's amendment? There wasn't language elsewhere?

Saltzman: It was to strike it and to ask the input, have the rental services commission come back with recommendations.

King: That would might be a potential directive in the ordinance?

Saltzman: Yes.

King: Thank you.

Wheeler: Great. How many people do we have signed up? Commissioner Fish.

Fish: Can we have a quick colloquy -- we can do it on the record.

Wheeler: We are in recess. Welcome back.

Fish: Feeling refreshed. Mayor, as you know, I have signaled my support for the compromise package that you and commissioner Eudaly have worked out and now it seems like we have two amendments that have to be resolved tonight. In a few minutes, I have to leave because I'm representing the city on the sanctuary city panel of Multnomah county reads at the library. So I am representing the city in that discussion. What I would like, my understanding is we will be voting on this next week and likely have an emergency clause that's added to this for the reasons that we discussed. My request is that if this hearing goes later and it appears there's one or more amendments that need to be voted on but there's not consensus on the council, I would ask that you consider kicking the amendments to next week so the council can vote on the amendments then slap an emergency clause and adopt them then. I think that would be -- that is within our rights to do if bureau still intending to put an emergency clause. I guess what I am saying is if my vote matters on one of these amendments, I would ask that you set it over for next week so I can have the benefit of reviewing testimony and voting and then I think it's our intent to slap an emergency clause and adopt the whole thing.

Wheeler: Very good and in the event that we have these two amendments and none others, and I am not saying that's how it will end, but in that event, commissioner Fish, would you like to go on the record prior to departure on these two amendments in the event that we do vote on them today?

Fish: No. Because I think it would be disrespectful because I am not going to have the

February 28 – March 1, 2018

benefit of the testimony. I could technically figure out some way to get on the phone and vote. I think you will know whether there's a consensus around these amendments, mayor. If there isn't a consensus I would just ask that you consider kicking them to next week so I have an opportunity to cast a vote.

Wheeler: And I hear you what I want to underscore what you said cause its true. We are deploying you as the city council tonight to represent our interest and thank you for that.

Fish: And also to the credit of you and commissioner Eudaly this has been a very collaborative process. I want to make sure that we continue to do this in a collaborative way.

Wheeler: Great. Thank you.

Fish: Thank you.

Wheeler: Public testimony time. The time you have all been waiting for. Two minutes, name for the record. Don't need your address. 30 seconds before the yellow light, when your time is up, you will hear a buzzer and see a red light. Please stop when your time is up because I don't like playing microphone cop. First three, please.

Moore-Love: We have a total of 54 and the record sign-up sheets are closed now.

Wheeler: Sign-up sheets are closed.

Moore-Love: That is correct.

Ron Garcia: Good evening mayor Wheeler, commissioners, thank you for having us. My name is Ron Garcia I am the president of the rental housing alliance of Oregon. I also had the privilege of being appointed to the mayors residential services commission. Where I recently resigned because of my opposition to the council's taking up the elimination of the single unit exception here tonight. So without any discussion from my part on the merits of the relocation package itself, I really do want to focus on the single unit exemption and perhaps ask you even with the various other exemptions you are putting in to reconsider that. In my opinion, this proposal is not a win-win solution to a housing crisis that we face. It's not a win-lose issue for either tenants rights, affordable housing advocates or landlords. In my opinion this proposal is a lose-lose issue that negative effects all small landlords and tenants in Portland combined. By imposing the same dollar amount on individual owners as is already been leveed on large investors in order to legally terminate a rental contract or raise a rent the results are simple and in my opinion predictable. If I am one of the 25,000 individual owners who have recently seen the value of my condo or home appreciate in Portland due to the lack of supply, and the high demand for housing, and to now be burdened by the city with what amounts to me as a huge and punishing financial hardship by being required to pay thousands of dollars in cash for my tenant's relocation, I am going to be compelled to absorb those expenses as another closing cost when I sell my house to a buyer who will not an investor but an owner-occupied there by taking one more rental unit out of the market and placing one more tenant in already tight rental market trying to find another place to live that doesn't exist. I believe that the 25,000 units, it's callous. Done.

Wheeler: Thank you, sir and I personally am sorry that you did resign from the commission. I would love to have your input and thoughts going forward. but I understand. You made a clear statement. I understand.

Garcia: Thank you.

Wheeler: Thank you. Good afternoon.

Mary Mann: Hello. My name is Mary Mann I am part of the rental housing alliance. I co-owned a duplex for 20 years in the city of Portland, however I was 39 years old and renting before I bought my first home as a divorced single mom of a high school senior. The answer to the housing issue is not going to be solved by putting the burden on the very people that are taking all the risk to invest in rental problem. The city is responsible with the 2016 rules with causing huge numbers of owners to raise their rents by 9.9% myself

February 28 – March 1, 2018

included. I was under market and have been. Shame on you. I never would've raised my rents this way, but I did it out of fearful self defense and good business practice. My business partner, against my advice, wanted to move some of his family into one side of the duplex. He paid the \$4200 relocation fee. That money is given before the tenants move out and before a final walk through is performed because of the failure of the tenants to disclose some conditions we have over \$2,000 in damages and costs that I cannot, we cannot recover. The mail to notify this man of the tenant have been undeliverable. Since relocation money was paid in advance they did not need the deposits to move into another apartment. So we are victims because of this rule. If this passes for single units I see the same thing happening to other owners. With the city's 2016 rules landlords are tightening their applicants so marginal applicants will not be acceptable, to reduce the potential of having to give no cause or for cause evictions . The very tenant population the city says it wants to protect is being victimized by the city's very own rules. Please do not pass any more regulations on to rental property owners, we are not the bad guys here. Onerous and financially burdensome rules that micromanage relationships between renters and tenants under free market terms are destructive, nonproductive to solving our housing needs and very alienating to the business owners who provide the existing housing.

Wheeler: Thank you for your testimony. Good afternoon.

Brian Park: Hello. My name is Brian park and I am a primary care physician at a safety net clinic in southeast Portland. I am here today with the metropolitan alliance for common good or macg to urge your support for the mandatory relocation assistance that ensures all renters are permanently protected from forced displacement. They tell us at medical school that patients are our best teachers and there have been no better teachers to the plague of our housing crisis than a patient I will call stan. I met stan my first year of residency where his medical diagnoses were like a laundry list of chronic conditions, diabetes, congestive heart blood pressure, copd, chronic pain. These conditions led to many visits to the hospital which broke stan's heart because there's one thing he loved in life it was his work as a carpenter. At our first visit he shared a photo with me of his phone of a half finished walnut wood dining room table he was making. It was gorgeous and it was the promise of finishing that table that got stan to agree to regular visits to our nutritionist, physical therapist and myself. Stan thrived initially. He lost 30 pounds. His back pain became tolerable and started taking his medications for the first time in years and low and behold he no longer needed the hospital visits. One moment erased months of stan's hard work. Stan learned his rent was increasing by 15% and having to choose between housing and his health, stan did what I have seen so many of my patients do. He chose housing. So he took half of his medications, doubled his workload and in that process I ended right back up in the hospital because of his hospitalization stan couldn't work which meant that he couldn't afford the rent increase which meant he was forced to leave his home and my last visit with stan he showed me a photo of that gorgeous walnut dining table still unfinished in a dumpster. I have lost contact with Stan and on good days I'd like to imagine that somehow he found a way to move in with his estranged daughter in California. On most days, days like this one I know he is more likely to be houseless on the streets, his chronic conditions deteriorating. They tell us during residency that patient are our best teachers and Stan was an exceptional teacher, but I had failed Stan's test and I refuse to fail again. During complex decisions in my work much like the one before you today to make the relocation assistance ordinance permanent for all renters, I have learned to follow my true north. The needs of our community, our collective belief we have act for the common good, and stan is pointing the way for us today, that true north. I ask that we all follow him, thank you.

Wheeler: Thank you. Thanks all three of you. Good afternoon. Would you like to start for us, please?

February 28 – March 1, 2018

Lois Melina: Yes. Thank you. Good afternoon my name is Lois Melina, I am a landlord I believe I am a fair landlord, but I agree that tenants should not have to rely on the benevolence of landlords for security and fairness. The proposed amendments to the emergency ordinance providing relocation expenses to displaced tenants is indeed not perfect, but I think it's an improvement to the original language and I support the amendments and the efforts to equalize landlord tenant power. In particular, I support the amendment that exempts the property owner who sincerely intends to use their property to house a family member and perhaps invested in that property with that intention originally. You have crafted here an effective stick in this policy, and I would like to suggest what might be an effective carrot. If housing stability and rent stabilization is the goal, I suggest that landlords who offer long-term leases or lease renewals combined with a rent increase of no more than 2.5% per year, be exempt from relocation expenses if the landlord decides not to renew the lease. I believe this might also address what you alluded to earlier, Mr. Mayor. The gap between for cause evictions and no cause evictions. It again is not a perfect solution, but I think that if you exempt those landlords who offer long-term leases while holding down rents, I believe that those landlords with a track record of doing that, with a track record of providing long-term security and holding down rents, can also be trusted to only deny a lease renewal if there is really just cause while you work for a broader state policy on that.

Wheeler: Thank you. That's an interesting idea. I appreciate that.

Melina: Thank you.

Wheeler: Good afternoon.

Hyung Nam: My name is Hyung Nam I am a Portland public school teacher and also live in an owner-occupied duplex where I rent a unit and I have done that for 16 years. I want to give you some perspective from my experience as a landlord and I want to argue for a very strong relo ordinance with very few exceptions including do not have an exception for people like me who rent out a unit in an owner occupied duplex. I think this whole perspective we are trying to like worry about all these things for landlords, really talk about mom and pop landlords leaves out how much we already subsidize landlords like me. We want to be fair to everyone in the city, not just to people who own property and right now, people who own property including landlords get subsidies for their mortgages, mortgage interest, they write off all the costs they incur. They have depreciation against their income up to I believe \$25,000 a year and this is while many people now are tenants and 1/3 of tax filers do itemized deductions. Meanwhile every single year people who own property are gaining wealth because their tenants are paying their mortgage on property values are increasing in Portland, have been increasing the last couple years by more than double digits. That means for medium property of \$400,000, people even now with I think 7% increase, they are basically gaining about \$30,000 a year in wealth. Just from their tenants paying the rent. So while we subsidize and allow landlords to spread the costs and expenditures and not pay taxes on their cost, we basically subsidize landlords while they share nothing in the equity that they gain and the wealth that they gain and that's not fair. We call this passive income, we shouldn't rely on people living off of other people's hard earned income.

Wheeler: You have made a great point. Thank you. Again, reminding you please stick to two minutes. Good afternoon.

Allie Sayre: Good afternoon, mayor, commissioners. Thank you for the opportunity to speak today about the relocation ordinance. My name is Allie Sayre I am a renter who lives in southeast Portland. I initially moved to Portland from Beaverton because I was working as an emergency medical technician for the local ambulance company and needed to be close to work. As a low-wage worker, I was quickly priced out of my first place so I moved in with a co-worker. I lived there for two years and was no cause evicted because he was

February 28 – March 1, 2018

selling his house. He sold the house for 400% of what he purchased it for and this was before the relocation ordinance, but it was also an owner occupied property, so I bore the entire cost of moving. I then moved into the top floor of an owner occupied duplex. I had been living there for a year and a half when I was given a 90-day notice of an 18.75% rent increase because the house was owner occupied and duplex and my landlord's only property they were exempt from having to pay relocation. I again had to cover the thousands of dollars in moving costs. They recently posted the rental again for 50% more than what I paid. I do not understand why I am excluded from the relocation ordinance because my land lord did not own other properties. When you rent from a mom and pop landlord you give up a lot of other things for lower rent. There's no handyman, there's no clubhouse, there's no off street parking, there's far less privacy when your landlord is a staircase away. The normal social contract would extend both ways, that is, the landlord would recognize they are not providing the same level of service as a large company and would charge accordingly. Despite the fact their home is currently worth a staggering 620% more than what they purchased it for their rent also increase letter made a reference to market rent. What is the justification for market rent when you have a 620% return on investment by doing nothing except being lucky that you were able to buy at the right time? A landlord lobbyist want you to believe landlords are barely covering their expenses with all respect, if being a landlord wasn't lucrative they wouldn't have the money to afford lobbyist. Please do what's right and extend relocation coverage to all renters in Portland and make relocation permanent. Thank you.

Wheeler: Thank you. Next three, please.

Erna Walter: Good afternoon my name is Erna Walter and I am a tenant in a 23-unit building in northeast Portland. I have been there 10 years as have most of the tenants there 10 to 15 years. The building was sold September of 2016 to Bristol equities and then last year, in September, September of 2017, we were sent a letter in that year, we were just raised \$65 for utilities. So the letter gave us three options. Option 1, and we were paying, we were lucky enough to have a landlord that never raised our rent. We were paying \$800 to \$850 a month. Option one, residents may reserve their apartment to move back into after it has been renovated, pay a \$500 execution deposit, to reserve the apartment, along with signing an agreement which would require a new application. None of the tenants would have qualified for a new application because the rent was 100% increased to \$1,650. The second option was to reserve another apartment that had been renovated, again, a \$500 execution fee and signing another agreement with new lease with updated terms. Option number 3 was offering the option of staying in our apartment and the increase would be to \$1,350. That would be about a 50% increase. There was no mention of relo in this letter and not only that but we received the letter October 1st and we needed to have an answer to them by 5:00 p.m. on October 20th. 19 days. It went too fast. I wanted to thank legal aid, community alliance of tenants and commissioner eudaly's office for all of their support and Portland tenants united.

Wheeler: Thank you. Appreciate it. Good afternoon.

Maria Lyn Clare: Good afternoon mayor and members of the council. I am Maria Lyn Clare a resident here in Portland and a member of the community alliance of tenants and tenants priced out. I have been a resident here for a lot of years and within the last three years, you know, I have noticed all of the tenants that I know and people that have talked to me had their lives turned upside down because of the high price rents and I really appreciate you all coming up with ways to offset this. It reminds me of 1995 when we had a flood here and we put sandbags downtown to keep the waters back. So I know this is very, very complicated, but I think it's important and the discussion that we have had on both sides with both the renters and the landlords, I told one landlord before I came in here that some of the people that have abused the system, and I tell you, as renters, we feel

February 28 – March 1, 2018

abused because on the one hand, the price and then the law is such that they can keep doing that to us and on the other hand, there's no, even when we get a relocation ordinance, then what happens, is where do we go? There are a lot of seniors that are getting priced out of these low-cost section 42 buildings and the such and so I hope you will further address that. One senior, for example, she's now sleeping on her mother's couch. Who is 87 years old because she can't afford even low-income housing. I think that there's a lot that we need to do here, but I really appreciate everything that you have done so far and in my case I have been displaced four times and two of which were rent increases. So I really understand having to keep moving over and over again. I thank you very much.

Wheeler: Thank you for being here. We appreciate it. Good afternoon.

Cory Bartos: Hi. My name is Cory Bartos. I am a member of the community alliance of tenants but I am speaking on my own behalf today. Today's esteemed body, I have been a resident of Portland for several years. I have physical and neurological disabilities which make it difficult to engage in the actual act of moving with my partner/caretaker having to take on most of the burden herself. This has resulted in lost wages, the intense stress of having to find a new residence with considerable haste and scrambling our finances for the herculean sum associated with the combined expenses of including moving, applying, background checks, the initial move-in cost, truck rental, etcetera. If you are lucky you get your full deposit, but it's not a guarantee. In addition, it's a challenge to find a place which is compatible with me regarding my disabilities. I am currently on ssi and my partner is currently working per diem through a professional temp agency. Money is tight, but we are getting by. Excuse me. An eviction notice would force us to leave Portland. It would be catastrophic. We might even possibly have to leave Oregon. We have established ourselves in the city and neighborhood, with the neighbors, and local neighborhood association, business owners, the mail carrier, and volunteer groups, even the neighborhood cat comes running when I happen to be down the street to greet me. We vote, we donate to local schools and we support others as they have supported us. Relocation assistance is necessary because without it, we would be ripped, completely from the life we've built, and the relationships that we have fostered and there would be a great drain on our dignity and self-esteem, something not too often recognized. Relocation wouldn't cover all costs but it would cover a lot. Please, please -- keep us in Oregon. Keep us in Portland and keep our lives from a devastating obliteration.

Wheeler: Thank you.

Walter: Could I add one more sentence. I was very disappointed that the new ordinance doesn't require landlords to mention relo in their no cause evictions or any kind of notice as my letter was.

Wheeler: Great. I hope you heard me speaking with the housing bureau staff that we will do that through administrative rule because I agree that is important. Thank you. Next three. Good afternoon.

Daisy Quinones: Good afternoon. Hello, everybody. My name is Daisy Quinones for the record. Dear members of the council, again my name is Daisy Quinones I am a lifelong Portlander, a former Multnomah county youth commissioner, a renter and I currently work as a tenant education coordinator with the community alliance of tenants and the immigrant and refugee community organizations. I work tenants in the Portland metro area and across the state to inform them about their rights as renters with a goal that this knowledge and support will empower them to demand safe, stable homes that will allow them to thrive in all aspect was their lives. We regularly get calls on our renters rights hotlines from tenants calling in with large rent increases and no cause evictions. For some Portland tenants learning with the relocation ordinance and that they may be entitled to it provides a real breath of relief, a real tangible chance at some level of stability during this

February 28 – March 1, 2018

process of displacement. I would like to also take this moment to thank commissioner Eudaly, commissioner Fish, and to mayor wheeler for doing what is right and protecting more of our neighbors by favoring the elimination of the one unit landlord loophole. This along with making the relocation permanent is a step in the right direction to protect a greater number of our Portland renters. Cat supports tenants and municipalities across Oregon working to gain the same renter protections in their own communities. As a Chicana woman here in Portland, daughter of Mexican immigrants I feel the need to highlight the fact that the vast majority of our communities of color can no longer afford to live in this city. This leave communities of color vulnerable to continued and repeated displacement in our neighboring cities where these kind of renter protections don't exist. Portland cannot be the only city with these kinds of renter protections. I hope you as our municipal leadership will continue to take bold action to protect our most vulnerable and most impacted tenants from displacement by advocating for relocation assistance across the metro region and the state. Additionally because Portland is unaffordable to so many of us the only way a lot of tenants of color can continue living in the city is living in regulated units and I respectfully request that regulated units also be covered and the ordinance at least for the time being. Thank you.

Wheeler: Thank you. Good afternoon.

Quinones: I am also her interpreter.

Hilda Hernandez (interpreter Daisy Quinones): Good afternoon my name is Hilda Hernandez I am thankful for the opportunity to be heard and be here today. I am a tenant leader in titan manor, the Titan manor tenants alliance. We were no cause evicted and we have been working with cat for the last couple of years. Two years ago we all received no cause not notices in Titan manor which caused us stress, we were a community living together for 20 years there, we did not know what to do, we found cat who helped us stop the eviction but then the following year the owners gave us no cause notices again and we had to fight hard for them, we had to fight hard for them to give us the relocation funds under the new law. We thank cat for helping us in this process of having to uproot and find new homes, if it had not been for the relocation funds it would not have been possible. With the help of the law we were, we are able to successfully relocate into new homes. It would be good if the funds continued for future help because so many of us are low-income and it is impossible to find money to pay for forced relocation. Cat is an organization that helps a lot, but I also want to know how cat could reach more people in my community who need information about these resources. It is impossible for a low-income tenant to pay for a forced relocation. In my community and in all parts of Portland there are people who need information about relocation assistance in cases like mine. I need to know funds will be there in the future because this can happen again to my family and to other families I am here today and will continue fighting for the rights of my children and for fair housing. Thank you.

Wheeler: Thank you.

Hernandez: Thank you.

Wheeler: Good afternoon.

Edith Casterline: Hello I'm Edith casterline, I am a landlord with four units including an adu. I support the mandatory relocation assistance ordinance and hope that it becomes permanent. It is within reason for landlords and adds to needed stability for renters. I appreciate the creativity, time, and work that went into the ordinance which is a good start to needed change. The fewer the number of loopholes the easier it will be for both landlords and tenants to know what the law is. As someone with an adu on the lot where I live I think it should apply to such adu's. Our duplexe is next door so its close to being owner occupied it should also be subject to the ordinance. I strongly support the ordinance. The ordinance helps us all be more aware of the impact of displacement on

February 28 – March 1, 2018

renters. As people, as community members, and as our kids classmates and friends.
Thank you.

Wheeler: Thank you. Good afternoon.

Jo Ann Hardesty: Good afternoon, mayor, city council members. For the record I am Jo Ann Hardesty and it is a pleasure to be here this afternoon at this late hour. First I want to thank you for the opportunity to testify today, but more importantly, I want to thank you for changing your mind. It is really hard in an elected position to change your mind publicly and I know you have taken a lot of heat for that, but I want to personally thank you because it's never too late to do the right thing especially if it's for the right reason. Your actions today show that when you get better information you make better decisions. You may remember the Sunday had an Oregonian article that talked about children that are going to three to four different schools per school year because of their needs to actually move because their families can't afford the rent increases that they are encountering and so clearly the issue isn't just impacting individuals it is impacting communities and community stability as well. The efforts you are taking today will help, but as always the devil is in the detail. It was very interesting listening to the dialogue and deliberation about what should be exempted and shouldn't be. I personally want to make sure that we don't treat poor people differently than we treat people who make a living wage and so when we talk about exempting people because they're in public housing as if somehow it's going to be easier for them to relocate, I would ask you to reconsider that. You may know that over 50% of families today are renters in Portland and most of us, and I include myself in that group, are feeling very uncomfortable because we know that, is it the next rent increase or the one after that that's going to make us have to make a choice about whether or not we now have to relocate again. Man, that was a quick two minutes. [laughter] in closing I just want to say that the disruption to families pushed out because their income has not risen as fast as their rent impacts the entire community from neighborhood markets to schools to faith institutions. Communities cannot be stable when people are not stable in their housing. So thank you. I look forward to continuing to work with you and you have my detail statement in front of you.

Wheeler: Thank you. I want to comment on something you just said. About changing your mind. I am going to give you an analogy.

Hardesty: Ok.

Wheeler: So somebody goes to medical school. We had a doctor here earlier.

Hardesty: Yes.

Wheeler: And they go because they want to make people better. So they get a patient and the patient comes in and they do some tests and they come up with a diagnosis and they prescribe a treatment.

Hardesty: Yes.

Wheeler: Over a period of days, weeks, or longer, they get more information. They read journals, they hear about research, they talk to their colleagues, they talk to other people in their profession who might have some opinions. They might talk to other patients that have been on alternative treatments and they come back to the patient and they say, you know what? I just learned a few things or nuances or new insights or research or have had the opportunity to consider, I am going to change either your diagnosis or change the prescription.

Hardesty: Yes.

Wheeler: Why don't we call that person a flip-flopper? [laughter]

Hardesty: Mayor wheeler --

Wheeler: We call that person a good doctor.

Hardesty: Yes, we do.

Wheeler: We do this in every profession I can think of but one and so I want to make it

clear differentiation here between changing your mind and changing values.

Hardesty: Yes.

Wheeler: And I want to be very clear that throughout this process, my values have remained rock solid, but that does not mean I forego the opportunity to listen to people, to gather information, to talk to people who are experts, talk to people who have first-hand experience, talk to my colleagues or anyone else. And so I hope that when you are out there in the community and you hear elected officials who are maintaining consistency of value being berated because they have changed tactics or approach based on information or even experience gathered, that you will defend that kind of thinking because frankly, this idea that in the public sphere, there is no room for movement, is part of the problem we are experiencing in Washington. People get locked down into a certain position, and then they say, wow, I am locked down and even as science changes or information changes, or experience changes, people have already come out on the record and they will not change their mind. As you look at the national debate around global climate change and realize, why the united states is an outlier, it's in part because of the way we are socialized that to change one's perspective based on information, science, or experience is somehow a bad thing when it is just the opposite. Think of the doctor. Thank you for that. Sorry.

Hardesty: I thank you. Could I make a brief response? I think I hit a nerve, but I do want to make a brief response.

Wheeler: You most certainly did.

Hardesty: What I want to say is, that's what I want from elected leadership. I want elected leadership that isn't so committed to their own world view that they are unwilling to hear from other people who have had different lived experiences and so I hope you in no way heard of my words as criticism.

Wheeler: Not at all. I heard just the opposite. You got me thinking. What we could hope people up to is consistency in values.

Hardesty: Yes.

Wheeler: When somebody changes their core values, that's really problematic, but when somebody takes information into account or research or experience, it's just my belief that that is a fundamentally different thing and we sometimes convolute those two things to the detriment of our community.

Hardesty: I don't think we do. I don't think we do, Mr. Mayor. I think people who want to create conflict do. I will leave you with a quote from one of my favorite poets, Maya Angelou. She says, when you know better, you do better. Thank you.

Wheeler: Well said. Thank you. Good afternoon.

Margot Black: Good afternoon, mayor. [laughter] Once you have the hat on you can't take it off. My name is Margot black I am a Portland organizer with Portland tenants united a registered lobby group with the city of Portland. Also a former member of the relocation technical advisory committee and a member of the rental services commission and I just wanted to point out I am still a member of the rental services commission and did not quit when you initially said that you would not be lifting the exemption. Thank you so much to city council and all the renters here for this opportunity today. Thank you very, very much, mayor, for your change of heart and for some explanation about where that comes from in terms of values versus information. I know this has been a controversial policy and that you all are under intense pressure and scrutiny regarding every component of it. I know you have heard from and will continue to hear from probably tonight small landlords, small and big about why this policy is a bad idea. Especially about why as a loving small mom and pop landlord trying to do the right thing by providing housing should these people be punished by paying relocation fees, but we need to remember something very important. This policy is not about punishing landlords, its not about good or bad landlords or big or small landlords, mom and pop or corporate landlords or local or out of state landlords. It's

February 28 – March 1, 2018

not about landlords at all. It's about tenants. It's about housing security, which everyone deserves, its about not living and renting in fear. Believe it or not I am not actually against landlords of I have lots of good friends and family who are landlords and I don't agree that they are all evil or greedy or filthy rich because none of this is about greed or moneys it's about power. It's about the fact that when it comes to our home the place that we raise our babies, host our friends and nurse our loved of once landlords have all of it. They make all the rules and have all sorts of tools to enforce them. We have no negotiating power and no tools but a courtroom when our rights are violated. Even the nicest, best, most loving and ethical mom and pop landlords still have all the power to upend someone's live with rent increases or hundreds of dollars a month or forcing them from their home for no reason at all. Even if they don't use that power, they have it and we shouldn't be rely on their good will for our sense of security. Thank you so much for your change of heart on this policy. I support the amendments that have been suggested by other advocates on housing committee and I sent you an email suggesting justification for those and others.

Wheeler: Thank you.

Fritz: Can you please tell me why the hat?

Black: Well --

Wheeler: Why not?

Black: There's a picture of commissioner eudaly's policy director Jamey Duhamel and I at a party for ted wheeler two years ago when he was a candidate after releasing the tenants bill of rights where I am wearing this hat. The landlord lobby circulated that picture and put it on a full color mailer which they sent out to all their constituents, telling them about ted's flip-flop and our radical policies and so I just thought this was appropriate.

Fritz: Thank you. [laughter]

Wheeler: Good afternoon.

Caroll Hanna: Mayor Wheeler, commissioners, my name is Caroll Hanna. I speak today on behalf of my daughter Frances Hanna who cannot attend this preceding because she is completing an internship in Shanghai China. Two days ago on February 26th Frances received email notification of a no cause eviction from a residence she had only moved into three weeks before she departed for her internship in china. She will not return to Portland until the end of march. This is Frances's second no cause eviction in 14 months. Both her prior landlord and her current landlord own single units. Frances is a senior at Portland state university, she is majoring in international relations and mandarin. Throughout most of her college career Frances has worked full time and paid her own living expenses while carrying a full academic load. Her father and I are proud of her independence and responsibility. Now Frances has to face the expense and instability of relocating yet again upon her return from china. Frances supports, as do we her parents, the closing of the single rental unit exemption. However, as I understand the ordinance being considered by the council today, the removal of the single unit exemption will not be retroactive and Frances again will be displaced without relocation assistance. In fact it appears that her current landlord's no-cause eviction issued only two days ago was inspired by the consideration of this ordinance today. It is fundamentally unfair that Frances' landlord and other landlords can dodge providing mandated relocation expenses because the ordinance being considered is not retroactive. On behalf of Frances and other similarly-situated tenants, I respectfully request that paragraph e1 and 2 of exhibit a2 30.01.085, the Portland renter additional provisions, not be stricken. Thank you for your consideration of my daughter's position.

Wheeler: Thank you. And I just want to put out another reminder, if there are folks with disability or small children who would like to be bumped to the front of the list, please talk to Karla over here in the main council chamber and we will orchestrate that.

Fritz: Just as a note I believe our Oregon constitution says we are not allowed to do

retroactive laws.

Hanna: I'm sorry.

Fritz: I Think our Oregon constitution says we are not allowed to do retroactive laws.

Hanna: Oh.

Wheeler: Good afternoon.

Leah Isaak: Good afternoon. Thank you for this opportunity my name is Leah Isaak I represent Portland tenants united as an organizer, and I think it was an amazing thing that you said just a bit ago, that housing is a human right, that it is a landmark and remarkable proclamation, because it is 180 degrees at odds with housing viewed as an investment or something to exploit people with. To economize our society as landlords, investors versus a lower class of people that are disenfranchised and dissed in every way. I am opposed to dichotomies, because it causes isms which causes bigotry. I am a transgender person and I have experienced evictions to hate crimes because of who I am. In regards to housing and evictions the policy for lgbt people and trans people are not applied, we do not have lived equality, we are not experiencing fairness in equality in housing, we are being evicted for who we are, we are subjected to hate crimes against us. I was recently about three weeks ago beaten and suffered a transphobic hate crime. I was called many things, among them a big fat faggot, and the f bomb was used a lot and you are a man, and it was awful. Three women did help me out and I was appreciative of this, but I am homeless right now because of not getting relocation assistance. I am homeless now because of bigotry, and there are landlords out there that are not using the law. I think that we need to have application of the laws utilized because we are not experiencing lived equality as tenants, as any people. We are human beings, and I am glad that you made that proclamation because it is absolutely incredibly remarkable.

Wheeler: Thank you.

Isaak: Because that's the way it is, we are people. Thank you.

Wheeler: Appreciate it very much. Glad to hear your testimony. Thank you. Sorry, you already did testify. Next three, please. Karla, just a process check, how many more do we have? Karla, during this testimony, could you count how many we have left? Just so I can get a time check. Good afternoon.

Areli Lopez: Good afternoon. You are going to have to excuse me, I am like a little bit emotional and angry. My name is Areli Lopez and I am a volunteer with Portland tenant united. I would like to thank mayor wheeler and the commissioners for extending relocation assistance protections. These protections have brought struggling tenants relief by reducing severe rent increases, and no-cause evictions. Relo is a good beginning, but our rental housing crisis and our unequal tenant-landlord relationship demands additional protections. I am going to talk about my experiences with maintenance, and the safety of the homes that some of these landlords fail to do. I have called the bureau of development services many times, and to this day, on the 23rd was the last day that my house, and my stove does not work still. I live in constant fear right now that my house is going to burn because I am going to forget something on the back burner. My stove has not worked since I moved into a second apartment. There is a 51-unit apartment, and I was moved from another apartment where also bureau of the development services didn't help me. I called -- I called the inspectors, when they have been there, because, you know, I had issues that were not checked. I have called their supervisors who will say they are going to call me back and will not call back. And this last issue, my stove, the supervisor promised he will call me back, he has not called me back to date. Things like this are the things that you leaders have to look at. Tenants have to deal with. I shouldn't have to be in fear of living in an apartment that I think is going to burn because of a stove.

Wheeler: Let me help you out here. Who from my team, cupid over there in the corner, can we make sure -- okay, great. A couple of people who want to help you out over here.

February 28 – March 1, 2018

We will get your contact information and your address. It's a very dangerous situation, and I thank you for coming here and sharing it with us because it's a good example, but it's a very dangerous situation and I want to make sure you get your stove fixed.

Lopez: Not only that but there shouldn't be the dates of -- there should be priorities to things that should be, you know, by the bureau of development services, that they should be issued. I was told four to six weeks for them to come and check the issue about my stove. That is not something that should be like that. There is an electrical problem with my stove. There is not only that issue but many more issues, mold issues, that I think the city really needs to address because there is no laws that deal with mold. They just paint over it, you know. Scratch off a little bit and then I have to deal with it, it comes back within a couple of months. That is not right. We shouldn't have to live like that.

Wheeler: No disagreement, so we will get you set up. Commissioner Eudaly, did you have something you wanted to say?

Eudaly: I wanted to ask you to talk to my staff over there because the bureau of development services is in my portfolio and we are in charge of inspecting rental units and it's something we take very seriously. If you could talk to her, that would be great because we need to move on to the next person.

Wheeler: Thank you.

Lopez: I had four things. I have had four issues with this, and my door does not work also, and I am disabled and I cannot get into my house.

Wheeler: So it sounds like you have lots of issues. We are going to resolve them, so talk to Jamie over there.

Lopez: I would like to finish a little bit more. Portland provides very few resources to tenants and lacks a functional rental housing inspection. Functional inspection system, often the only resource is to sue the landlord or go to court. Many tenants suffer in silence because the lack of resources, to sue out of the fear of retaliation for relocation assistance, to be effective in creating housing stability, it needs to be paired with the office of landlord and tenant affairs that educates tenants.

Wheeler: Thank you. It's getting late, so Jamie will help you out.

Lopez: Also make sure --

Wheeler: Give Jamie the whole list. We will work with you. We promise. Good afternoon.

William Archer: Good afternoon. My name is William Archer, I'm an owner of a single family home in southeast Portland as well as two others that I have turned into what I call Archer's recovery homes. We help 12-step members relocate and get into a communal living arrangement in which they don't have to worry about broken stoves, bad roofs, property taxes and these kinds of things. So I'm indirectly helping about 15 people in the city, including the home that I live in. These are one -- these are single room occupancies and from my understanding if you do change the -- if you do change the ordinance to exempt single family -- or single owners, single unit exemptions, it will affect my business and the property in which I reside and the other properties, and I would encourage you guys to have more testimony ahead of time. It's a little alarming to me that all of a sudden there is a lot of confusion around some of the procedures and exemptions that are proposed today and today's ordinances that weren't really discussed, and I would have liked to have a little more open dialogue regarding these issues ahead of time. So we provide safe, stable and affordable housing for people that are evicted, and I don't worry about that when I am dealing with these people that are in recovery, for me to have to worry about a relocation fee, when there is a problem with recovery, it's an issue for all of us, and it does affect my business. So I appreciate your thinking about this kind of stuff but I would like a little more open dialogue before these changes are made. It would make me feel a lot better as a small business owner.

Wheeler: Very good. And I know that we're looking to have an information process related

February 28 – March 1, 2018

to the rental service commission, which has been recently stood out to continue to discuss all of these things on an ongoing basis, and if you would like to be engaged in that process and know when those meetings are, or at least know what's discussed at those meetings, we would be happy to plug into that directly.

Archer: Okay.

Wheeler: If you could just maybe, cupid, I could assign you that responsibility, if you just talk to Mr. Alexander over there. Thank you for coming in. Good afternoon.

Maria Sworske: My name is Maria Sworske I have been providing affordable housing in the local area for 23 years. I am urging you not to extend the emergency ordinance. It's hurting the people that it's trying to protect. I am no longer taking chances on marginally qualified applicants whereas before I knew that about a third of those people I took a chance on I would be giving them a no cause and I now can't do that, I have to tighten up my criteria. As my costs go up I have to raise the rents. I have already been since this ordinance passed raising rents that I wouldn't normally raise. For three years in the past I wouldn't raise rents for three years, and now I am afraid I won't have my legal defense built up and I won't be able to pay someone's relocation fees if the other tenant on the property or the neighbors complain, like has been in the past. As a mom-and-pop it used to be I could talk to my tenants, they come to me, I have a problem, we work it out. Now I feel the rent is being forced up to maximum and I am not going to have to give breaks because I have to worry about myself now and I can't be just giving breaks to people. This is creating an adversarial relationship, not symbiotic. As far as the single unit exemption, I am a realtor, that's my full time day job, and I have first hand helped landlords sell homes that were converted to owner occupied homes and that is the trend, thank you.

Wheeler: Thank you. Thanks both of you. Next three, please.

Moore-Love: After them I show 28 more people.

Wheeler: Thank you. Order in pizza. So, folks, again, I don't like to be the microphone guy, so two minutes, please stop. So I don't have to ask. All right. Thank you. Good afternoon.

Glenn Farrell: Hello. Do we start now?

Wheeler: Yes, sir.

Farrell: I am a small landlord, been a landlord for 30 years.

Fritz: What's your name.

Farrell: My name is glenn Farrell. I'm sorry. I would like to say that it sounds like it's going to pass before all of our testimony was taken, so kind of discouraging, but I still want to make a statement. I have used no cause terminations when I had no choice. It's not a choice that I would like to make, but sometimes people make trouble that you can't prove. Other tenants don't want to come down for a cause termination. They don't want to be witnesses. I think it's going to really hamstring small landlords. Now you have talked about some people, I have heard larger units, we don't have the resources that a large unit has. I just think it's just going to make it much more difficult for me to be a good landlord, and to be a landlord that's tried to keep my costs down.

Wheeler: Thank you, sir. Appreciate it. Good afternoon.

Estelle Golden: My name is Estelle golden. Thank you, commissioners, for the opportunity to speak today. Air, water, food, shelter, these are the most essential needs of life. As an owner of a small duplex in southeast Portland I provide shelter. I take this responsibility very seriously. I aim to provide clean, comfortable, safe and affordable housing to my tenants. In this capacity I also take on significant financial risk. In return I seek a modest profit. I'm always mindful of my tenants' finances when renewing leases and strive to keep increases to 2%. I want to testify today about my serious objection to the portion of the ordinance compelling landlords to continually renew or continue tenancies. While most tenants pay the rent on time and follow the rules there is a small group of type

February 28 – March 1, 2018

of tenants that I call stinkers. Stinkers may always pay late or damage the unit or cause problems for their other tenants or neighbors. I want to keep good tenants. They are my customers, but occasionally I get a stinker and sometimes it's time for them to move on. This is fair to me and to my other tenants. As I'm not going to go too much further, but I will say that in a situation where you have someone who is damaging the unit or not paying or is generally disruptive to their neighbors, to have to pay them to relocate, just seems like a terrible injustice and very unfair. There was a woman earlier who testified about some -- having more nuance in the law regarding, you know, a landlord who has very small increases, working on minimal, you know, income, and trying to navigate all of this, and I would encourage you to consider more nuance in the relocation process that would accommodate this. Thank you.

Wheeler: Very good. Thank you. I don't know if the housing staff wants to react to that at all. Should we put it at the end? Put it at the end. Great. Thank you. Good afternoon.

Pamela Ordway: Good afternoon. My name is Pam Ordway and thank you for the opportunity to speak today. I am a partner with both my husband and also separately with other family members operating 17 rental units in the metro area. Mostly houses and a few small plexes. I have owned rentals in the metro area since 1998 and like most rental owners we started by converting our first home into a rental property. I thought about talking about one of our horror stories where a tenant be moved in and seemed fine at first but later unbeknownst to us moved in her extended family and ended up with other tenants complaining about bicycles suddenly disappearing, yelling and screaming all night long, cannabis accessories and garbage showing up on the front lawn, smoking in the laundry room and finally a fire that destroyed the fence between our property and our neighbors. All these occurrences have no witnesses, and even the report from the fire department couldn't say for sure who caused the fire, so we didn't feel confident enough to evict the tenant with cause. This particular property is not in the city of Portland so we were able to use a no-cause eviction and remove the tenant. It was only after the fact that one of the other tenants who has been there seven years told us she was getting desperate and had been looking for someplace to move because it was becoming unbearable. If it would have been in Portland I would have had to ask myself is it worth \$4200 to me to evict with no cause because it would have fallen on my plate to pay that. I have that little story, and also I would just be brief, operating rental properties involves plenty of risk from factors we can't control. Why would I continue to operate in an area where there are unnecessary risks being piled on by local government? And I am beginning to think that I don't. There are plenty of other areas I can operate rental properties without local government adding unnecessary restrictions. I am going to mention in the last two years we've gotten rid of three single family houses inside the city of Portland. We are reinvesting in other areas or transferring into luxury properties that don't have that.

Wheeler: Thank you. Got it. Thank you. So I want to give you a provisional answer and later on we will have the housing bureau, but I believe every single circumstance you mentioned, those are for cause, explicitly, so you do not have to pay relocation for any of the issues that you mentioned, but I will let the housing --

Farrell: It's proving them in court.

Ordway: That's the problem, if you don't have people to support it.

Farrell: No one wants to show up and be a witness, even if you offer a discount for rent.

Wheeler: That has nothing to do with this ordinance.

Farrell: That's the benefit of a no cause termination, no-cause eviction.

Golden: I was thinking about having them continue them as tenants after the lease was completed. That's what I was really speaking to.

Wheeler: Fair enough. There is nothing about this ordinance that changes whether or not those individuals would get -- they would not get relo for the things you described.

February 28 – March 1, 2018

Golden: I am compelled to keep them on. That's my point. I am compelled to keep them on.

Wheeler: Well, if nobody will corroborate the story, that's correct.

Golden: That's my point.

Wheeler: Well --

Ordway: Tenants don't want to take time off from work to report.

Wheeler: There is a lot of reasons, but it also might be because it's not true.

Golden: Not if they are telling you differently.

Wheeler: Thank you.

Farrell: Thank you.

Wheeler: Sure. There is a documentation process you could go through and we have suggested that in previous conversations here. If you want to go through the apartment with the tenant and you photograph or document the condition of the apartment, that's like one obvious solution that one could be engaged in. Just a suggestion. Thank you.

Appreciate it. Next three. Good afternoon.

Steven Demarest: Good afternoon. Let me get in here. Thank you. Oh, I just lost it. Mayor Wheeler, city commissioners my name is Steven Demarest. I am a long time Portland resident I am testifying as president of SEIU local 503 a union which represents over 60,000 Oregon workers and their families. I am the chair of SEIU's state council which in addition to local 503 includes SEIU local 49 which represents over 13,000 other workers and their families in Oregon and southwest Washington. SEIU local 49 may be a lobbyist registered with the city. The majority of the workers we represent are low wage workers. They are disproportionately people of color. Many of them live in Portland. Many of them rent the residences in which they house their families, which includes school children. With the month to month cost of living, including the cost of housing in this area, these workers and their families do not have the ability to create and maintain the resources to self-finance two months of rent, deposits and any other costs associated with an involuntary move. The members of my union adopted as official union policy an acknowledgement that there is a housing crisis in Oregon, that this is clearly a working family issue, which especially presents a hardship to low income workers and that this crisis needs immediate and meaningful solutions including better protection of tenant rights and welfare. The fact that there is a longstanding housing crisis in Portland means the current system of providing housing to our city's population is inadequate. Stable housing is a human right. Thank you, mayor and a condition of a healthy community. The welfare of all our residents is the primary responsibility of you and our government. The welfare of our children has a special urgency. The failure to insure human rights and the general welfare requires changes be made to the current system. Better protection of tenants' rights and welfare is one of those required changes. I will skip to the end.

Fritz: You could end right there, that would be really helpful.

Demarest: Okay. All right, commissioners.

Wheeler: You made good points. [laughter]

Lorrey Nelson: Hi. My name is Lorrey Nelson. Thank you for this opportunity to not only voice my opinions, concerns, vision, whatever, it's made me listen to, I am glad I am one of the later ones so I could listen and learn and have a more open mind. I spent about 24 hours dissecting this issue as a small mom-and-pop landlord. I am going to read what I had composed and then let everybody boo behind me. My husband and I own an 11-unit apartment complex in a older well-established neighborhood in Portland. My father-in-law's construction company built, owned and managed over 100 multifamily complexes built from the ground up exclusively in the city since the 1960s. He was a strong advocate of maintaining affordable, quality and personal living properties for decades. Upon acquiring one of his units in 2008, my husband and I strive to continue with his philosophies. We

February 28 – March 1, 2018

currently have a long-term tenant of 32 years and another couple who have been there 19. We also had in the last four years three separate couples within their 18 to 24-month tenancy purchase their first homes, so by sticking with all the rules, we did have a situation where a no-cause eviction notice was a necessary situation. They ended up opting to move, but to have to relocate that person would have really devastated us so I am curious to see if there is any way to -- by getting all this information, is to the larger structures, you know, have a certain criteria with or the amount of units or something, I am hearing kind of that. My other bullet point with two seconds, I love the idea of the lady, if you have a lease with a certain percentage of race, I would be willing to go from month to month to a lease with something like that.

Wheeler: That's helpful. Thank you. I appreciate you being here.

Lucy Berger: Hi, my name is Lucy. I want to say thank you. We have come a long way in a year and I really appreciate all the hard work and efforts that you put forward and the change that is coming from this. I really am happy that we are going in such a good direction. I mostly want to testify to the landlords in the room who are saying no-cause eviction is necessary, a no-cause eviction is never necessary. A roof over your head is necessary. Imagine you have a mortgage, you have had it for four months, you have had it for ten years, 20 years, and all of a sudden the bank comes to you and says, actually, sorry, we are going to take the house. No reason, no nothing, no explanation. That is what it's like to be no cause evict. That's what it's like to be ripped from your home and your community. This is not a punishment. This is to keep people housed, its to build our community and to build stability, and I thank you for making these efforts to protect our community.

Wheeler: Thank you. Thanks all three of you. We appreciate it very much. Why don't you go ahead and start, please.

Robert Aquino: Thank you very much for giving me the opportunity to speak in front of all of you esteemed people. My name is Robert Aquino I was a eight year tenant in a southwest condo and a victim of no-cause eviction from a certain management property company, but back then there were no relocation options or anything like that. Therefore an eviction on my rental history made it difficult for me to find suitable housing. We will take it to the next level of houselessness, go from there, not having ssi, I am 60 years old, waiting to retire, basically living on my own resources for the last eight, nine, ten years. Which brings us up to the current time I am here to support the Portland tenants united and relo. I am also a member of the village of hope and evictions can lead to houselessness. No-cause evictions are similar to homeless sweeps, evictions and sweep causes distress or even trauma, and in extreme cases death. There have been several deaths this winter from just people dying from exposure. Evictions and sweep keep people off balance, disrupting basic routines like hygiene and diet, which causes more stress, and lack of security, both physical and personal, constantly relocating trying to keep appointments and the stress compounds accordingly. So the bottom line is after all, don't we all want to have a warm, relaxing, secure place to lay our heads?

Wheeler: Thank you.

Aquino: Thank you so much.

Wheeler: Thanks for being here. Good afternoon.

Candace Aiston (read by someone else): Hello Candice Aiston had to leave, she's a single mom, so I will read her testimony. My name is Candice I am a lawyer and small business owner here in Portland I am a single mother to two daughters and I have a hundred thousand dollars in student loans. You can imagine that I live very much check to check, especially as rents and other costs continue to rise in our city. When I was served an unexpected 90-day notice to vacate back in the fall, I was filled with fear, I was devastated to leave what I thought would be a long-term home and I felt like a total failure

February 28 – March 1, 2018

telling my kids we're moving again. This was the fourth time in four years that I had been forced to move by no choices of my own. Each year for the last four years I have tried to save and budget my way to where I can begin to get ahead and each year I have had to spend and borrow and round up the support of my friends to make these moves.

Application fees, \$90 a pop, because I now have to pay a fee for my daughter who just turned 18 and can't afford to rent a place in the city. First month's rent, last month's rent, deposit, pet deposit, other fees, not to mention moving costs, my totals fees are around \$5,000. My friend told me I might qualify for the relocation assistance so I cautiously looked up for what the law provided for. Moving from a 3-bedroom I would qualify 4500 in relocation assistance. This would change everything for my daughters and me and then I read the exemption, I was the only renter my landlord had left. He'd sold his other properties the last summer making a nice chunk of change and exempting him from having to pay relocation assistance. I want to thank the mayor and city council for its consideration lifting the ban, however the unit I rented was a duplex unit and so if the city decides to make an exemption for duplexes people like my children and me will still be out of luck. I believe that this exemption will make these units unattractive to renters. I will certainly do everything I can to avoid them in the future and so you will have the most desperate renters in these units who will be hit the hardest without relocation assistance. Any exemptions are a bad idea the landlord who benefits from the monthly rent and increasing equity in investment is in the best position to take the loss when they choose to evict a tenant.

Wheeler: You have made your point. Thank you, sir.

London Klaver (read by someone else): I am testifying on behalf of London Klaver, she's a 21-year-old student at psu and she wants to tell the council about when she was no cause evicted when she was 13 years old. I feel her testimony is very important considering the exemptions on the table and I hope you tell Saltzman and Fish. So me and my little bothers who were one and four at the time moved from Vancouver, Canada for my stepdad's new job. We drove down five houses to look at houses to rent because my mom wanted to make sure we found a good place and that we could stay there for a long time until I finished high school and my brother's could start kindergarten. We found an amazing house that the owner was moving out of to accept a new job in New York. We loved the place, the neighborhood and the location was perfect. My mom made sure this was a long-term rental, a place we could live until we could afford to buy a home in the neighborhood, our dream. The owner told us she was never coming back and that she would probably sell us the house in a couple years and we could sign a two year lease if that makes us feel better. My mom said yes but the property management said no so that they could raise the rent after one year, but we trusted the owner and moved in. We were a happy family, with a cat a dog, and after years of school and hard work my formerly teen single mom felt like she made it. I took the bus to school from the corner, I made friends in the neighborhood, put in the garden in the spring, got a trampoline and a plastic pool from Costco which made me very cool and planned our first ever family vacation. We finally felt like a normal happy family, then near the end of our lease we got a 30-day notice to move. Life had changed and the owner and her daughter moved in. I was devastated, I cried, I felt I had done something wrong. Why wasn't this happening to any of my friends or neighbors? My mom fell into a depression, my parents fought. We canceled our vacation, we couldn't afford it because of the move. It was so hard on us, my mom stills rents, saying bad timing of that bad financial hit made it so we would never be able to buy a house.

Wheeler: Thank you.

Klaver: No one in my family has spare houses for us to move into. So I don't see why people who are privileged enough to own homes should be able to inflict so much harm on

February 28 – March 1, 2018

people who don't. Thank you for passing this ordinance but I wished it covered all tenants.

Wheeler: Thank you. Next three, please. Very good. Would you mind starting for us, please?

Zeph Fishlyn: Hi my name is Zeph Fishlyn thanks for the opportunity to speak.

Wheeler: Thank you.

Fishlyn: I am actually new to Portland. I moved here from the san Francisco bay area where I went through three evictions in five years and moved many, many friends who were evict from their homes. I have seen the impacts of this situation in a different place and so I am really interested in what's happening here in Portland. And I looked at the proposed exemptions for this legislation and the first thing comes to mind is all the creative ways that landlords will find to get around these exemptions based on what I have seen in the bay area. In the bay area there is a rent board that exists that does cover especially owner move-in exemption is really interesting to me because I have seen that be abused over and over again in the bay area, and in the existing regulations that you have I see it's really just one line. If I am looking at that line and I am a Portland landlord who wants to save a few hundred dollars, it seems like that's a high priority for many of the landlords who have spoken tonight. I think it would be easy, I would just to say I am going to move my uncle in or my cousin, and then the tenants have to leave, and I don't have to pay them relocation. If I think that anybody is paying attention I would maybe move that person in for a month and then they can leave because there is no regulation that says how long they have to be there, there is no enforcement mechanism. In san Francisco many times landlords would get people out on the basis of a owner move in and they would never move a relative into the apartment because there was no enforcement mechanism, there was nobody watching. I know people kept tabs on an apartment that they had to leave and they were able to prove down the line it just got re-rented, so that happens a lot. I want to say that for something to keep an eye on in the future in terms of how to write this regulation so it actually has teeth and I'm just going to leave it at that. Thank you.

Wheeler: Thank you very much. Good afternoon.

Corinthia Bethune: Hello. Commissioners, mayor, my name is Corinthia Bethune I am an african-american female and I was born and raised in Portland Oregon. I am here today to tell you about my experience with Portland tenants united, a substantial changes in my rental agreement. Ptu gave me the information and tools I needed to try to utilize the relocation option during the recent rent and lease changes at my current residence. The situation at my current residence involved receiving a notice from the leasing office stating that I needed to sign a form as soon as possible to change my rental contact through a three, six or 12-month lease. Security property management did not include information about relo's with these forms. Previously when it was time to renew my rental agreement I would always opt for month to month because I wanted to be able to give a 30-day notice in case I qualify for any other properties that are being offered by various social service agencies throughout the Portland area, specifically the north-northeast relocation. I have applied for programs that allow native black Portlanders to relocate back to north Portland based on a point system. I need to stay month to month because if I was tied to a lease I would not be able to pay the lease break fee of \$1,500. It is imperative that I keep the 30 day notice option in case I receive notification that any of these properties I have applied for has an opening. Security properties residential, a company that manages the apartment complex where I live decided not to change the lease or rental agreements and that tenants could stay on a month to month without having to pay an extra \$100 fee, which would raise my rent over 10% in a year, which is illegal. Spr stated that it would not - - it would cost them too much to pay all of the tenants who are requesting relocation. Spr offers mixed housing that has openings for people who are over 55, disabled, refugee and low income tenants. Not everyone was affected by the lease changes and I don't have the

February 28 – March 1, 2018

statistics, all I can say is that it must have been a substantial amount for spr to decide not to change the monthly contract agreements.

Wheeler: Thank you. Good afternoon.

Kelly Nail Francois (read by someone else): Hi. My name is [indiscernible] but I am reading the testimony of Kelly Francois who had to leave. I am a small landlord I live in one side of a duplex and rent out the other side. I started becoming interested in tenants' rights and specifically relocation money when I was in the process of buying our duplex. The duplex tenants were no cause evicted before the duplex went on the market and that fact was listed in the sales contract. Shortly after we entered into the contract the temporary relocation ordinance was enacted and it was retroactive. The sellers of the duplex tried to get us as the buyers to rewrite the contract to where one side of the duplex tenants would get screwed out of the relocation money. Of course I did not agree to this underhanded behavior. Both got the relocation money and one purchased a condo and the other purchased a house. I saw first hand how relocation works to maintain the financial stability of our tenant residents. I agree with removing the small landlord exemption from the relocation. All tenants deserve to be protected from the costs of being forced to move or being priced for rent increases. It is very easy for me to avoid paying relocation, if I can't afford it by not making my tenants move or raising the rent to much. It's a cost that I can control through my own actions. As I hear about other exemptions being contemplated for owner occupied duplexes I worry my rental will not be able to compete with units that are protected by relo assistance. In trying to protect me the unintended consequence may be that this exemption actually hurts me by making my unit less desirable to tenants in the know. I received a letter in the mail last week stating that I was being required to fix the sidewalks at the front of my house at the cost of \$3,600. I had to chuckle when it donned on me I was being forced to fix the sidewalks when I can't control how the tree roots grow. This was an out of the blue expense that causes a financial hardship to my family. Will the city council worry about the hardship of the mom-and-pop landlords when it comes to sidewalks in front of my house? Does this city care more about the city sidewalks than its tenant residents?

Wheeler: Good afternoon. Thanks to all three of you. Folks, we are not going to be taking a vote tonight obviously. So those of you who are reading for other people, we have had a lot of people do that. Let's not do that because people can still submit their own written testimony, so we don't have to have everything read on the record tonight and I think we're in danger of losing our quorum. So if you are here and you are on the list and you want to testify, that's great, but let's have everybody else e-mail in, and the list has been closed. Somebody raised their hand and said can I join the list. No, the list is closed, but you may submit written testimony.

*****: I will submit e-mail.

Wheeler: Thank you. Commissioner Fritz.

Fritz: Keep going I'm sorry.

Wheeler: Good afternoon.

Alan Carpenter: Good afternoon. I am Alan carpenter I am a housing provider, a property manager, and real estate services company. We have -- we just have been working with seven clients who are wanting to sell their seven single family residents in the city of Portland, wanting to move the money to Vancouver, Clackamas and Washington counties. I have colleagues that have principals that have sold their Portland properties moving to Marion, Benton and Lane counties and getting out of the rental business in Portland all together. So I want to say thank you for helping my business. Our sales are doing quite well this year. The housing crisis is a simple supply and demand economics. The ordinance is nothing to address the housing crisis and only makes small landlords like myself want to get out of the business. So I got another minute, but I am all good. Thanks.

February 28 – March 1, 2018

Wheeler: Thank you, sir. Good afternoon.

Lucy Shelby: Hi. I'm Lucy Shelby I live in my triplex in northeast Portland and I very much want to put my two cents in. I think it was miss Melina's request to maybe look at year long leases and below 3% rent increases, a possibility for exemption. I am in my house because I am a senior and bought it so that I could age in place. One of the things I am going to want to do, whether it is family or actually I hope it's not family, I hope it's -- I hope it's tenants who want some really -- would be -- would like a nice low income opportunity, to help take care of me before I have to go to some other assisted living or something like that. Right now I get along really well walking to trader joe's and all that sort of stuff, but I have had a stroke and who knows what's going to happen. So I am just kind of -- I want to put that out there as the single landlord. The other thing that interested me when they were talking about exemptions for the whole building exemptions for the [indiscernible] properties, I would like to have a whole unit exemption for my little triplex, which I think if I go after those little individual exemptions I could probably get, but it would be easier to do it once and be done. The other thing is I have a homeless guy, sheltering himself, in my garage, since my garage would be considered in quotes uninhabitable, but he uses my kitchen and my bathroom, and it keeps him from sleeping in people's doorways in the neighborhood, and he has been very useful in helping me do some gardening and cleaning up and things like that. So while I guess I am a small landlord, my heart in a lot of ways is with the tenants, but I join -- I had to go out and join the rental housing alliance, and I do support what Ron Garcia was saying about more exemptions for more than one unit there. I was afraid I was going to get sued by Portland tenants union and the other guys that I do in a lot of ways stand with.

Wheeler: Thank you for being here. Good afternoon.

Edith Gillis: I'm Edith Gillis I've been a homeowner, a tenant and preparing to be a landlord. When I was young I learned the American dream is that our public servants are providing liberty, equality and justice for all with equal treatment under the law. I learned that contracts are legal agreements between equal parties, they freely enter in or out of for mutual good governed by society's law of what's benefitting all society and the environment. The opposite is where one benefits at the expense of the other such as slavery or in a conspiracy for extortion or theft. I learned the laws already benefit landlords and they can charge upfront for reasonable expenses to provide safe, fair, accessible housing and they pay their fair share of taxes. Well, I was wrong. I thought in return tenants should be able to pay reasonable rent and take proper care of it, only to reasonable wear and tear, and they should also be able to have paid up front their reasonable expenses. Moving, no-cause evictions, has a reasonable expectation of cost that is far more than three or four months of rent and housing expenses and hookup and healthcare and time taken off, and transportation, and maybe risk of loss of job and health. That should be paid up front and it should be for every tenant. Everyone should be treated fairly under law. Housing is a right for everyone, regardless of the landlord. I will provide it as a landlord and if we make exceptions then we are not being the American dream. We are being guilty of conspiracy for extortion, theft and slavery. Please don't do that. Please pass this with no exemptions. Thank you.

Wheeler: Thank you. Next three, please. Were you the one who wanted to come up?

Elizabeth Lawler: I would like to.

Wheeler: Come on up.

Lawler: Thank you.

Wheeler: These are the last three. Good evening.

Brad Hamer: Hello. I'm Brad Hamer I am owner-operator. I just had some concerns about the relocation fees and paying them to the tenants before they move out, and if they choose to stay, and they don't pay the money back basically what happens and then I also

February 28 – March 1, 2018

have a couple other questions, how this ties into the urm, I am sure you guys have heard about it, with unreinforced masonry buildings and updates going to have to be done there for seismic upgrades. And then also what is a no-cause eviction? I am third generation. I don't know what it is. It seems like 99% of the time you are trying to get somebody out there is a reason. That's really all I got.

Wheeler: Thank you. Good afternoon.

Matt Williams: Good afternoon my name is matt Williams. I grew up in poverty down in California on an eight to ten year waiting list for section 8 housing vouchers, we have similar to that currently. Now and for the last 15 years I have been counseling clients to transfer their assets and their investment strategies from wall street and other investments to be providing housing, which I think is significant. If we don't have an opportunity to have that be an investment strategy, then it turns into a shortage of supply. When it no longer makes sense financially, people stop investing. That minimizes the number of units on the market and so, a lot of the clients I have especially on the single family side are looking at either one or two individual units that they plan on using in lieu of social security and in lieu of having their kid not go to college because they are utilizing it as an investment strategy. Obviously everyone is not going to be able to do that, but this ordinance is flawed in that it pits the landlord against the tenant and one of the challenges that we have is that these items are handled, the penalty is addressed and assessed to the landlord because they are a landlord. That's it. The benefit goes to the tenant because they are a tenant. That's it. It has nothing to do with means. I would be very interested in hearing the housing comment on this because while there is an eight to ten year waiting list on section 8 housing vouchers, this past September as I understand they have 3,000 people on the waiting list. They had 16,000 applicants, I pay a tenant who makes \$200,050 a year \$4500, that does not help people with low income, it does not help tenants who need it and it goes to people because they are a tenant. I think that's an improper way to handle it and if it was really the core value, Mr. Mayor, then one of the ways that you could adjust this is to put yourself in a situation where you could not just say let's penalize the landlords and benefit all the tenant, let's put ourselves in a position where we can accept money either from landlords or from all of our core value Portland residents and apply those funds directly to those that are on a means based and on a waiting list that have no home currently.

Wheeler: Interesting. Thank you. I appreciate that and I may ask the housing bureau about that question because.

Williams: I would love to hear that.

Wheeler: We had conversations about that and it quickly got headed off for reasons I can't remember, but I will remember when we have them back. Good afternoon.

Lawler: Good evening, hi my name is Antonia Elizabeth Martinez Lawler, thanks for giving me the chance to talk I appreciate it. I'm an independent contractor, female entrepreneur and landlord of a mom-and-pop occupied duplex with a 30-year mortgage. A little bit me as a landlord and a little bit about my tenants. In my career so far I have had two long-term tenants. The first couple asked to break their lease after several years to follow a job opportunity and the next tenant's asked to break their lease after several years since they had been saving up and successfully bought a home in Portland. We let them break the lease and also dismissed several other minor infractions since it was a relationship in trust. We also never raised rent on a renter throughout the years they stayed with us, to sum it up they were great tenants. With our current tenants it's the first time I ever felt tension in that we might need to protect ourselves, it can't be denied the trust has eroded. I see there is a problem but I also see several flaws in the ordinance. I feel like the fee will only help the first generation of renters. Once they are out rent will go up and then where will we be. Sorry, nervous. And I also feel like the fee almost guarantees that rents will be raised, and

February 28 – March 1, 2018

then also how do we know how the fees will be spent. Think about this. Thank you so much for your time.

Wheeler: Thank you for being here. Thanks all three of you.

Moore-Love: One more person. Julia Degraw, she was on the list.

Wheeler: Yes, she was. Thank you, all three of you.

Julia DeGraw: There was a lot of list jockeying. This was a really exciting experience of what it's like to have one of these really long days. So, yes, for the record is my name is Julia Degraw and I live in the Montevilla area and I am running for Portland city council position 2, and I don't have anything particularly new to say other than I am really thankful to see the evolution of this process. I testified earlier in favor of making sure that relocation would apply to all landlords, including those who only own a single unit and I am glad to see that happening and, you know, as was discussed earlier I share a lot of concerns that were brought up about, you know, tidying it up, the devil is in the details of course, and I expressed some of the concerns that folks have about closing about some of the exemptions, but at the end of the day this is a really big step in the right direction. People and it's the best tool you have in your toolbox as a city given the limitations that we have at the state level. I fully support working to go down there to Salem to make sure that we can actually end no-cause evictions, but until then I really I encourage you to continue to stay strong on passing this relocation, making it permanent, making it apply to all landlords and cleaning up some of those details that still need to be worked out. At the end of the day I want to thank you and I agree completely about the conversation you had with Jo Ann Hardesty earlier, mayor wheeler. We need leaders that lead from their values and that can change their mind when they receive new information or have a new experience. We need to be able to do that to lead in a way that serves the people.

Wheeler: Thank you everybody. Great testimony. All over the board. Can we get the housing bureau back up? I'm sure there are some pressing questions. I've got a couple that were just raised during testimony. The first question, somebody asked if we could define more clearly what is a no-cause eviction and I believe it was this gentleman in the back who had asked that question.

Shannon Callahan, Director, Portland Housing Bureau: I think that Oregon is -- Oregon has a prohibition on enacting rules that would require a landlord to give a reason for a termination of tenancy, and many other states or locality's have rules the prescribe a landlord must give certain reasons that would qualify for a termination of tenancy, Oregon is not a state that allows that. I am sure in many landlords' minds they may have particular reasons, but tenants are not informed of those reasons when tenancies are terminated by landlords. It is not a requirement under Oregon state law.

Wheeler: Very good and we have a policy coming before the council at some point. It is not directly linked to this policy at all, but it's related to unreinforced masonry buildings.

Callahan: Yes.

Wheeler: And it is my understanding this ordinance does not cover that, is that correct.

Matthew Tschabold, Portland Housing Bureau: That's correct.

Wheeler: It will be discussed under the context of the unreinforced masonry discussion. I would encourage folks if they have insights or information related to unreinforced masonry, if you wouldn't mind just shooting me an e-mail at mayorwheeler@Portlandoregon.gov, I'd love to get your perspectives on that as we shape that policy. And then there was this last question that was raised and I am sorry I don't remember what the conversation was originally around -- this applies to all tenants regardless of income. What do you say to that criticism?

Tschabold: So this did come up in the relocation assistance technical advisory committee and actually in the context of the hardship waiver and if the city were to establish a system that would also create some sort of income qualification for renters, that there should be as

February 28 – March 1, 2018

a compromise the group agreed there should be a hardship process for the landlords, but everyone acknowledged it would be a longer term solution because you have to put in place a lot more administrative structure in order to actualize a policy framework.

Wheeler: Very good. Thank you. Colleagues, any further questions?

Fritz: What's the process for a for cause eviction?

Callahan: You would file a fed or an eviction detainer in court after a number of notices required under state law for the tenant and you would be going to eviction court.

Sometimes just the filing of those notices actually result in a tenant moving out, but if forced you then go through the court process and it's adjudicated at Multnomah county circuit court.

Fritz: Moving forward, I just got back from England, 3:00 a.m. on the time I was at yesterday, so I am.

Wheeler: An all-nighter.

Fritz: Pulling an all-nighter here. There are similar situations here although they have more public housing, but they still also rely on private landlords and have a similar problem. So, it was amazing to go 5,000 miles and find it's exactly the same situation, even though a different construct, but the city of Aberdeen, Scotland, apparently has done something that looks at both -- well, the whole process of evictions in general and has done something like this, although I don't think it's been relo, but I suggest that there may be some things that would make things better for everybody because they were able -- although there were -- they put in protections for their renters, the landlords came in and supported it because there were also some things to make it easier when there is a problem because hopefully we all have an agreement that when the tenant has done nothing wrong that the tenant should be able to stay, and if the tenant has done something wrong then it shouldn't be so hard to have to go through an extensive court process to fix that. Which also of course has the effect of leaving the tenant with a record of a for cause eviction, which I imagine is very difficult to rent if that has happened. Just a suggestion that we should.

Fritz: Thank you.

Callahan: We will definitely look at that. I would be intrigued to see what Aberdeen is doing.

Wheeler: There were two issues that a number of people raised, including I believe commissioner Eudaly, that could be potential subjects of discussion for the rsc. One was this question of creating a hardship policy, and a number of people mentioned that in their testimony and then there was this idea that somebody had proffered an incentive in exchange for a long-term agreement to hold the rent at a certain level of affordability, and the individual who testified had proposed 2.5%. I thought that, without commenting on the particular structure or the particular percentage that she offered, I thought it was an interesting idea and that could potentially be an area of study for the rsc as well.

Tschabold: Absolutely.

Wheeler: Any other questions?

Eudaly: I wanted to add to the conversation about just-cause versus no-cause eviction. To be clear right now we are preempted at the state level from defining just cause. I think it's clear from the landlord testimony that landlords would actually really benefit from clear definitions of just cause because there undoubtedly situations where it's very hard to prove, as we heard from one landlord, that a tenant is in fact breaking the rules of the rental agreement or lease. That would be legitimate just cause reasons. Unfortunately not having just cause standards also makes it very easy for bad actors on the other side to retaliate against tenants who request repairs, who for whatever reason want to discriminate against a tenant, and or maybe just not like a tenant, which I don't think is -- would qualify as a just cause for taking away someone's housing. So that is something, you know, it's not going to come up in the short session unfortunately, but I hope we get to

February 28 – March 1, 2018

return to that conversation in earnest next year and I do want to note that while pursuing a just cause or eviction in court does require some added steps and expense to landlords, there is a reason our eviction court is called an eviction mill, and it's because landlords have it easier in that process typically than tenants who typically cannot afford legal representation and are left to negotiate with the landlord or frequently with a landlord's attorney or representative, and the outcomes are not necessarily what that tenant is entitled to by law. So I do -- maybe it's a maybe rare occasion where I am hearing legitimate complaints from landlords. Unfortunately we need to lobby our state legislator to give us back our regulatory tools so that we can manage these issues locally.

Fritz: Thank you, that's really helpful. In terms of the cost, would it be more expensive for a landlord to pay the relocation fee or to take -- or to go through the for cause eviction?

Eudaly: I am going to venture to guess that the typical for cause eviction is much cheaper than relocation, but there are of course going to be occasional circumstances where that battle is protracted and it could be more expensive than relocation.

Tschabold: I would say that's correct.

Fritz: Thank you. Very helpful. Thank you, everybody, for your testimony. It's been a very good hearing.

Wheeler: Excellent. So we have an ordinance, we have two open amendments, we will move those to second reading, and is that next week or two weeks or is that to be determined?

Fritz: Definitely can move them to second reading until we can vote on them.

King: You didn't vote on the amendments.

Wheeler: So we just continue.

King: Yes.

Wheeler: Are we continuing to next week or two weeks?

Moore-Love: That's my understanding is next week.

Wheeler: Next week, is that right, Michelle? Good, all right. Thank you, everybody. We are adjourned.

At 7:10 p.m. council recessed.

February 28 – March 1, 2018
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.

March 1, 2018 2pm

Wheeler: Welcome to the march 1st afternoon session of Portland city council. Karla, please call the roll.

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

Wheeler: Good afternoon.

Heidi Brown, Deputy City Attorney: Sorry my eye sight.

Wheeler: You're new to this, we'll cut you some slack.

Brown: It wasn't here and it just moved so I apologize I thought I had it out. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves decorum during city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name for the record, your address is not necessary. Please disclose if you are a lobbyist, if you're representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on, when your time is done a red light goes on. If you're in the audience and would like to show support for something that is said, please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do thumbs down. Disruptive conduct such as shouting or interrupting testimony on council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave is subject to arrest for trespass. Thank you for your helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Well done thank you and just a reminder today we only have one agenda item. It's a report. We have invited testimony, but we do not have open testimony on reports.

Karla, please read the one item.

Item 205.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, mayor. I'm pleased to introduce the report of the welcoming, inclusive, sanctuary task force, a work group that was authorized to convene by the resolution we passed last spring. Before we begin, however, I would like to take a moment to acknowledge our mayor and my fellow commissioners who all continue to demonstrate a commitment to enacting policies and practices that protect our immigrant and refugee communities. Since the resolution was passed last year the city has taken a series of actions which include committing \$100,000 toward legal services, revising ppb's policy directive 81010 which clearly sets out the sanctuary policies, and filing a series of amicus briefs challenging the federal administration on a variety of actions that unfairly target immigrants. This past year has demonstrated to us that now more than ever cities must be the ones to address our most pressing issues and I'm grateful our council is rising to the

February 28 – March 1, 2018

challenge. I should also note that community members have always been at the forefront of responding to crises. It's important for government to learn from expertise that exists in our communities which is why I want to thank everyone who served on the task force most of whom are here today. Could everyone that served on the task force maybe raise your hand? Thank you. I would also like council to know the extraordinary level of commitment task force members have existed. Originally the intention was for there to be three total meetings. Task force participants voluntarily added three additional meetings including two on Sundays in order to refine the recommendations and prepare for today's presentation and I want to commit to matching the level of urgency and seriousness demonstrated by these members. Finally, I want to note that this is oni's first big project under new leadership. I appreciate the role oni and new Portlanders have played in ensuring the authentic voice of task force participants is reflected in this report. Thank you to the director Rhee and oni staff and also to Winta Yohannes from my office. Hi, guys. Unless any of my council colleagues would like to add anything else.

Fish: Thank you very much, Chloe. I want to acknowledge that last night I had the honor of representing the council at a sanctuary city discussion that was part of everybody reads at Multnomah county and it was a good turnout at the Multnomah county library. I was joined by Asena Lawrence and Mariana Garcia Medina on my team and one of the questions that came up from the audience is where are we going next. So the timing is perfect. I said please come to city hall Thursday and hear the recommendations and next steps, so thank you both for your leadership.

Eudaly: I would like to invite director Rhee up. You know, they never did tell me what the proper term for this table is. Is there a proper term?

*****: Big table.

Wheeler: The large, old, stately looking table. It's hard to move.

Eudaly: Sorry I asked. Welcome, director Rhee.

Suk Rhee, Director, Office of Neighborhood Involvement: Good afternoon, mayor Wheeler, commissioners Eudaly, Fritz, Saltzman and Fish. Thank you for this opportunity to present the report and recommendations of the welcoming inclusive sanctuary city task force. Today's presentation is in three parts. In the first part we will share background on the task force creation and the relationship between the new Portlanders policy commission. The second part is invited testimony from task force members who will share the realities confronted by immigrant and refugee communities, the organized community response and the perspective of our youth leaders. The third is a presentation by three task force members on the reports for recommendations. Each part is presented by a different panel. We request that each panel be allowed to present the remarks in total and that council ask their questions at the end of each panel presentation. I start with background of the task force creation. Only our native our American communities are from this place. There is no modern day Portland, Oregon, without the migrations of peoples to this region from all over the continent and all over the world. In 2016, the city council established a new policy commission to advise on policies and practices to integrate immigrant and refugee community voices and needs into the life of the city into city services, decision making and civic engagement in Portland. Last year in March 2017 the city council adopted resolution 36277 declaring Portland a welcoming, inclusive sanctuary city for all. It was stated within the resolution that the city shall coordinate with school district, regional, statewide and federal leaders and convene a work group to coordinate efforts to support immigrant and refugee communities. In October of last year the office of commissioner Eudaly and office of neighborhood involvement was tasked to convene this group and we did so in partnership with the new Portlanders policy commission. The task force charge was to develop a set of recommendations and priorities for the city of Portland focusing on the coordination efforts with emphasis on protecting individuals and

February 28 – March 1, 2018

communities targeted for deportation. The task force is a cross-section of critical perspective needed to full fill the task force charge. It includes six representatives from the entities identified in the resolution, school districts, regional, state and federal leaders, nine representatives of community members directly impacted by deportation activities. This included dreamers, the new Portlanders policy commission, and coalitions who are actively convening a wide range of community, faith service and advocacy groups on this topic. Two representatives, a civil rights and federal immigration law organizations, and two representatives, a public safety and law enforcement. The task force met over six work sessions between January 6th and February 13th to be able to present to you today. Why did we choose to work so quickly? One reason is the impact at the current national climate on immigrants and refugees and the other is that the community is ready and we do not have the luxury of time. The legislature declared Oregon a sanctuary state in 1987. Also in the early 1980s many Oregonians became familiar with the sanctuary movement which was led by community and faith leaders offering shelter to central American refugees fleeing civil conflict. For at least 30 years Oregonians have been organizing across language, faith traditions and generations to stop the separation of families through deportation. Thus we knew we could act quickly and even our fastest efforts would be overdue for communities seeking relief. The task force is eager to share their recommendations with you. I now turn it over to our representatives from the new Portlander policy commission to introduce themselves and the commission's work.

Wheeler: Thank you. So we have Wajdi Said, Joe inland and Maria Garcia, come on up please Welcome and again, just for the record if you could state your names we would appreciate it. We find these microphones work best if they are about six to eight inches away. They just slide around. Thank you.

Maria Garcia: Maria Garcia.

Wajdi Said: Wajdi Said.

Kolini Fusitu'a: Kolini Fusitu'a.

Wheeler: Thank you.

Garcia: Before I make my formal statement and introduce myself I would like to acknowledge the original caretakers of this land. The Cathlamet, lower Chinook, Clatsop, Willapa, Wah Clackam, Kathlamet tribes of the chinook nation. I further acknowledge that this land was not discovered, but it was in fact colonized and the colonization is still taking place. With this acknowledgment I will now proceed to my prepared remarks. Buenos Tardes, good afternoon my name is Maria Garcia. I'm a Mexican immigrant woman, a local business owner and co-chair of the new Portlanders policy commission. I'm honored to be speaking on behalf the new Portlanders commission and give testimony as a Latin representative in our beloved commission that has hosted this important sanctuary city task force together with oni and other community partners. Some of the values the new Portlanders policy commission stands for are solidarity, unity, recognition and inclusion of our colorful and vibrant immigrant communities in our loved city of Portland and metropolitan area. Many want immigrants to be here legally concededly illegal status immigrants also want. As that is a recognizes their existence and contributions to the u.s in education, manufacturing, food and beverage industry, construction and resorts. Without immigrant labor the u.s. could not compete in agriculture or textile industries. Food, hotels, resort would be too costly for most of us. Despite demand for immigrant labor for centuries, immigrants still fear for their freedom, livelihood and their loved ones. Many families have children, parents and siblings without legal status. Fortunately, many Oregonians understand the immigrants are vital part of our future. Yet many immigrants are struggling in access to education, health care, insurance as well as legal and driving rights and more important factor added to the long list of needs funds to cover expenses of proper legal representation in case of deportation takes place. Our community experiences workplace

February 28 – March 1, 2018

and domestic abuse, but due to fear of deportation they are afraid to report these violations of their rights to safety and protection. I ask this honorable city council to be on the right side of history with us with immigrants and make sure our communities start gaining trust knowing that that Portland the city that welcomes them is protecting them and supporting the efforts keeping our families together. It's time to stand with immigrants, to stand for the human rights of everyone's rights means to stand for the human rights of all of us. Thank you.

Wheeler: Thank you.

Fusitu'a: Thank you, mayor wheeler, city council, for the opportunity to speak on the urgent need of support for our immigrant and refugee community. My name is Kolini Fusitu'a co-chair of equity and practice committee of the new Portlander policy commission. I'm also the president of the Tongan American resource committee. I have reached out to the Portland police bureau to start a dialogue with the current equity in practice and how we can support their work to better serve the underrepresented immigrant and refugee community. My goal on this commission is to reach out to all the city bureaus to build on what we are starting with the police bureau. Our pacific island community in Oregon is the fastest growing community according to census 2010. We have over 12,000 Chuukese from the federated state of Micronesia seeking dry land here in Portland because of rising sea level and continued contamination from u.s. nuclear testing 50 years ago. Tongans people first arrived in Portland in the late '70s and established themselves in larger numbers in the '80s. Today Portland's 1200 Tongans are literally corner stone of the sea well known for building stone walls around the Portland metro area. We have Chuukese, we have Tongans, we have Chamorros, we have Marshallese, we have Samoan, we have Fijian, they are constantly in fear because of the current political environment. We ask that you support our recommendation here today. It will help our pacific island community. As a member of the new Portlander policy commission and a program coordinator of irco, I witness every day the bonding together of new Portlander community as they come and go. This is your opportunity to support our goals by accepting and adopting the following recommendation. In island of Tonga if you want to build a fishing canoe you can build it on your own or you can ask a neighbor to help you, but if you want to build a canoe for a long voyage, everybody in the community have to touch the equipment and the woods that's building the canoe because we want everybody's spirit within that canoe once it hits the water. Today we ask you to be on a journey with us. We ask that you build a canoe. Thank you.

Wheeler: Thank you.

Said: Dear respected mayor and distinguished members of the city council, ladies and gentlemen, my name is Wajdi Said I'm the president of the Muslim educational trust and a member of the beloved community coalition and Jewish Muslim dialogue also a member of the evangelical Muslim, Christian and Jewish network of 20 states. We met in morocco three months ago and we met again in Washington d.c. recently. I'm honored to speak before you this afternoon on behalf of the new Portlander policy commissions. I speak to you as a proud immigrant by choice of an Arab and Muslim background and a proud Portlander and a great citizen of this great country and a great citizen of this amazing world which has so much potential to empower and engage each and every one of us the citizens of this world. America has been built over the shoulders of immigrants, African slaves, refugees, and so many others that has contributed to this beautiful America that we share together today. It is very important that we acknowledge this multi-racial and multi-ethnic and multi-faith society. We as a community based organization and stakeholders in our common future have a moral and ethical responsibility to reclaim our personal narratives and define our public square towards healing, unifying and creating common grounds for each one of us. Respected city council, our former mayor Potter is a member

February 28 – March 1, 2018

for the creation of immigration and refugee task force ten years ago. Four years ago our respected commissioner Fritz and commissioner Saltzman and commissioner Novick and our respected commissioner Nick Fish with the help of Mayor Haes they are going to be remembered to creating the Portlander Council that became the new Portlander Policy Commission. What will this council be remembered the Mayor it's all in your hands. It's very important to continue this journey, to carry on with this critical work to empower these immigrant communities which everyone in this room once was or their forefathers and foremothers were and give their daughters and sons and grandchildren an opportunity to serve in the same capacity in which each one of you are serving today. Respected Mayor and City Officials, now is the time to be proactive in addressing the needs of our new Portlanders immigrants and refugees communities. Now it's the time to do the right thing. Respected Mayor and City Council Members, as citizens, we need to be available to every single resident of Portland. We need to reason to be well engaged and successful in the spirit with that great enthusiasm and urgency that we recommend, and I personally recommend as somebody that has worked in this community for 31 years. To the City Council that no matter how much we put of money, how much of budget to defend this immigrants it's important for us that we positively integrate by creating officially the office of immigrant and refugees to be managed by the new Portlander Policy Commission under your leadership, Mayor. It's very important that we treat this new Portlander as we treat the office of equity and human rights. This, my dear respected City Officials, is going to heal the ethnic, the multi racial representation in this commission. Is going to heal my community the 55 ethnic groups, the 70 languages that we speak at the Muslim Educational Trust. This office will be in charge of addressing the immediate and long term needs of the new Portlander refugees and immigrants is going to heal the issues of the past, the issues of today and is going to heal the issues of tomorrow. To be in charge of positive integration, to be in charge of claiming our public square beyond the color of our skin, in the light of the recent wave of Islamophobia. 75% of the total refugees are Muslims coming from Muslim societies that our foreign policy has destabilized them. We need a permanent solution to address their issues. People need to be educated about the real story of the immigrants and become conscious of how to overcome and remove stereotypes, to see people for who they actually are instead of who they think they are. My dear respected Mayor and City Officials, racism has encountered us in so many ways. The anti-Jewish sentiments hundred years ago that reason caused the Holocaust. The anti-African-American and the anti-Latino, anti-Asians and so many things, my dear sisters and brothers and allow me to call you that because we are human beings, and human beings that need to heal and unify. My dear Mayor and Council Members, we strongly wish to make a bold statement and state the office of immigrant and refugee affairs within the new Portlander Policy Commission. If we seriously want to become welcoming and inclusive sanctuary city then we have to find permanent solutions, the permanent solutions that go beyond the budget that we assign the \$100,000 or half a million or \$1 million. Our next door neighbors, Seattle, have attracted multi-billions dollars companies in the name of integration of all its citizens to become an added value. Today 67 of the high-tech companies attract international immigrants to become the new Americans who will take part in defining our collective future as a community. Let us stay away from the necessary politics to choose what is right and not to do what we want to do as politicians. We're extremely lucky, my dear Mayor and respected Council, that we have people of our own, somebody like Linda Castillo Polo Catalani, they are working hard every day to be healers and unifiers dear Mayor and City Council and it's very important that we recognize such a contribution of two great individuals that rally behind them 25 ethnic groups. My dear Mayor and City Council, let us be honest with each other that we cannot heal the black and white narratives, we cannot heal the indigenous native Americans, we cannot heal the challenges of yesterday unless

February 28 – March 1, 2018

we look collectively as human beings beyond our color of skin. My dear mayor, I hope one day that my children and grandchildren will remember you, that you are a troubleshooter. You are a troubleshooter because you are a smart, intelligent man. Commissioner Fritz, I know you very well before you became a politician and I'm glad that you carry the legacy that you are doing and I hope our commissioner Eudaly will do the same. I hope our leader commissioner Fish and Saltzman will do the same before commissioner Saltzman depart from us into another level of engagement. We're looking forward that we create the immigrant and refugee office under your leadership, mayor, equal to the human rights and equity office when we heal permanently we become the change of agents of positive integration. Thank you very much, dear mayor and city council members.

Wheeler: Thank you and Wajdi there's never any question when you leave the microphone what the ask is and what your expectation is. Thank you once again. Thank all three of you for excellent testimony.

Eudaly: We have group 2 now. That is Eric Vega, Ricardo Varela and Yesenia Ramos.

Wheeler: Welcome.

Eric Vega: My name is Eric Vega.

Yesenia Ramos Pacheco: Yesenia Ramos Pacheco.

Ricardo Varela Romero: Ricardo Varela Romero.

Vega: My name is Eric Vega I am representing the Portland immigrant rights coalition. I think the thing that I wanted to emphasize, the thing that is important to me, is that we approach this issue with a sense of urgency. Day after day, week after week, what we see are attacks on the immigrant community from no bond hearings to broken families to young people who have only known this country, being threatened with deportation, day after day, week after week, attacks. So I think it's important that we just underline this idea that immigrants don't have time. They are in immediate jeopardy and that with your help we can at least begin to address this problem. Today immigrants are the object of concerted social and political attacks led by enforcement actions that are meant to make their lives anxious and painful. This punishment centered strategy is coming from the top down, from Washington d.c. down, but I'm sure you know that real change occurs from the bottom up and that is what you represent and what I think is most important, is that what we do here today, the work of the task force and what we are talking about right now is important because it's part of movement building. There's a movement away from a strictly law enforcement analysis of just putting on the sheriff hat and get out of town, you all bad people, to one that recognizes the people are being displaced all around the world, that this is one of the critical issues of our time as we begin to use a human rights base analysis to the question. There's a long history of struggle on this issue. Racial hostility and xenophobia runs through various efforts to exclude and to hurt immigrants and very quickly, I cite in my remarks the 1792 naturalization act Chinese exclusion act, repatriation campaign the list goes on and on and when you look at it, it's based on racial hostility, but we are moving beyond that. The actions that you take here show that we can move beyond that. In Texas in the 1980s, Texas sought to exclude immigrant children from public schools and they wanted to make life so mean to hurt them so much that then they would go away and the supreme court then, which is different than the one we have now, made the following observation. In Plyler v Doe they said there was no rational basis to deprive children of an education and that it did not comport with fundamental concepts of justice. I could tell you about prop 187 in California, it mobilized a constituency and what they wanted to do was hurt immigrants so that they would self-deport, but what happened instead was that the courts found it unconstitutional and a huge progressive movement developed in California that is changing California to this day. Last year our coalition held a consultation with immigrants and our allies. A couple of hundred people in the church trying to analyze what do we do, how do we respond to the trump agenda on immigration,

February 28 – March 1, 2018

and this is a summary of what we found. People wanted to know their rights. People wanted to have a rapid response strategy. People wanted family preparation strategies. People wanted some kind of a coordinated basic legal defense. People wanted government, local government, to defend human beings, to defend immigrants. That was what we came out of that church after reflection. Let me end by saying the trumpian message is legally irresponsible, morally indefensible and economically contradictory. The bottom up message which this here represents is that this is not only an urgent issue locally focused, pro justice, anti-racist, but it is also part of a movement that we believe best exemplifies Portland. Thank you.

Wheeler: Thank you.

Varela Romero: Good afternoon, mayor, city commissioners. I would like that you bear with me. English is my second language, but you know, I will do my best. My naive name is Ricardo Varela and I have been a community organizer for 11 years and also co-founder of Oregon immigrant activists. [audio not understandable] tax accommodations as an immigrant in the u.s. I have faced discrimination, racism, xenophobic action and denial of services, but I'm not the only one nor the last one. As immigrants in this society we have to protest and resist for actions against us. We constantly need to fight for access to service, to be treated with respect, to gain the trust and acceptance of our neighbors. Some of us we go farther and have organizations and coalitions amongst our communities to teach fellow immigrants how to navigate the legal shelter housing tributary and cultural integration system without losing our identity. These immigrants are organizations and groups addresses specific needs on our communities. Those communities that are safe and they have been created a large and careful and resourceful network. This at first had been the sign for people and have been taking place for at least 40 years. These groups are not able to keep with the growing need for such resources. 2006 was an especially important year for organizations that protect and serve the immigrant communities in the country because it was the year inhumane immigration reform bills were proposed that were full of militarization, as well as criminalization or anyone who are undocumented immigrants or any background. These threats and humane proposals created an urgency for the coordination of our plan to support all immigrant communities regardless of their status. As well as an urgency to call and spread the values that organizations and groups supported which include a humane immigration reform bill that we didn't see that. Our organization from societies come to the table including faith communities, social service, legal service, grass roots organization, health care organizations, et cetera. This is how Portland immigrants recognition was born, through the difficult time, coordinator and efforts for the for coming immigration rights and develop a rapid response team. On June 12, 2007, Portland has the most aggressive reign in its history. Over 160 people was detained creating public issues, liability for schools, overloading or social services and collecting panic among immigrants communities, especially families. Schools didn't have a system to support all the children affected, not an easy way to communicate to them why their parents didn't show up. Thanks to the rapid response team created almost a year prior, organizations were able to mobilize volunteers all across the city and start tackling the needs of all the people detained and their families. Including needs relating to housing, legal service, social services, mental health services, et cetera. I want to make a note here because in Postville Iowa, almost went to bankruptcy in 2008 after they spent \$5.2 million in the aftermath of a massive raid where 400 people were detained. Although it never was calculated how much the raid costed the city of Portland, immigrant related organizations assisting the city by providing volunteer pro bono work during the aftermath of that raid to provide families with important resources. Since then, organizations have worked to educate immigrants about their legal rights as workers, community members and human beings. Have created emergency plans and sanctuary plans through worship and popular

February 28 – March 1, 2018

education measures. Community member's had joined the rapid response team to educate themselves and the tools and technology that were created by organizations around the country to protect immigrant rights. Portland immigrant rights coalition hosted a 24/7 hotline in Portland metro area to provide support to immigrants affected by ice activity. With a secondary assistance to community members with the resources to connect community members with the resources they need based on their cases. On July 2017, the hotline became statewide and the rapid response structure was implemented successfully in other cities and counties of Oregon in response to that concern for immigrant communities, but it is still in the early stages of development in many other chapters due to lack of resources. Although the pro bono immigration legal service has been exhaustive attorneys still trying to find ways to create access to legal services for immigrant communities. Our communities have organized to eradicate immoral policies such as ice hold. I know ice will campaign succeeded in a policy that was implemented in Multnomah county. Not before we had to have people get detained and wait inside of the Washington, Multnomah county jail and see firsthand how we were treated even that we didn't have previous record. This policy create a precedent and it was then replicated in other parts of Oregon. The fake community system path and were ready to host in a compliant manners when the city was high number of them but they wasn't anything in place to quickly connect the host the host to the minors that were in need. Innovation lab has created a simplified structure we can help someone to understand the pro bono work that's being done to protect and serve the immigrant communities within the last 12 years and this structure has also been identified that areas where support is still needed. It is imperative for keeping our immigrant communities protected to create a welcoming environment for immigrants and that the text for recommendations one and two, be accepted, adopted and implemented as quickly as possible. With universal representation to ensure there's adequate legal representation for immigrants and we need a independent office of immigrant support to create additional capacity for the community based organizations and to help coordinate efforts with local, county and state agencies for protecting our immigrants communities. Thank you.

Wheeler: Thank you.

Yesenia Ramos Pacheco: Good afternoon. My name is Yesenia Ramos Pacheco, I'm 17 and a senior and Reynolds high school. My pronounce are she and her. I'm a member of the youth against violence subcommittee on the Multnomah youth commission. I have lived in Rockwood my entire life which has allowed me to truly know my neighbors and has also helped me learn about my community needs. I'm passionate about the work that the task force has been doing and developing recommendations that will protect immigrants and refugees. I am here today to testify in support of the policy recommendations that have been developed and finalized by the welcoming inclusive sanctuary city task force. I ask you to take these into serious thought and soon adopt them. I'm a daughter of immigrant parents and two immigrants aunts and uncles and a cousin to immigrant cousin and a friend to immigrant friends. I have my witnessed my family as well as other families in my community been negatively affected by deportations by u.s. and immigration and customs enforcement. With recent political issues I have noticed an incredible increase of fear within my community. My father has been fighting his deportation case for the past four years, his final court date is April 2nd, his birthday. My siblings and I have constantly feared and have been worried about the possibilities of our family separation. I'm an active member of the Oregon national guard and find it disturbing that as I serve the state and country my parents can be taken far away from me. In 2010 and 2014, more than 71,000 children in Oregon lived with at least one undocumented parent. These are that children depend on their parents to meet all their essential needs. Parents being detained, taken away or disappearing causes a trauma to these children. If the parents are taken away the

February 28 – March 1, 2018

children's emotional stability, security, housing and daily needs such as clothing and food are then taken away as well. As of 2016 about 15,000 youth in Oregon were eligible for DACA. I know many of these youth, they are my peers. DACA has given them a sense of security and rights in this country, such as having the ability to work, attend school and receive medical care. Access to these rights increases the livability of our community but it has been a continuous battle for them to keep their security. Imagine having to be taken back to a place you don't recognize, a place in which you know no one, a place all alone, confused and lost. The youth fear their own deportation, youth with DACA, as well as youth myself who have undocumented parents live with fear stress and worry every day of their lives. This affects the capacity for success in all other areas of their lives like education, jobs and other activities. These are more than abstract policy decisions. There's an issue that is impacting thousands of real people right now. People in our community, people like me and my family. Therefore we need you to adopt the policy recommendations right away. Thank you for your time, attention and support.

Wheeler: Thank you for your testimony, and also thank you for mentioning your national guard service. I think that was important and I want to thank you for your service.

Ramos Pacheco: Thank you.

Wheeler: It's appreciated very, very much. Thanks all three of you for your eloquent testimony. Well done.

Eudaly: All right. If we could have our third panel come forward. Chanponi Sinlapasai, Roberto Gutierrez and Alberto Moreno.

Chanpone Sinlapasai-Okamura: Good afternoon, mayor and commissioners. Thank you for giving us the opportunity to be present and we're very honored to serve in this very important task as we continue to fight for human rights. My name is Chanpone Sinlapasai-Okamura. I'm here wearing multiple hats, but first and foremost I'm representing the American immigration lawyers association. I'm currently serving as their pro bono coordinator, I'm on the front lines of deportation, clinics at the airport, I'm the one that is sent out usually working with all the other nonprofits and our community leaders. Second, I have been serving for the last eight years as the AILA liaison. I have been coordinating with our co-liaison on how to better improve the programs that we work with in terms of the community efforts and how to protect what we do to make sure that every family member, every child, and every person is heard. My testimony today is more about facts. Today I want to share with the mayor and our commissioners but also our community about the numbers that really impact Oregonians not just nationally but here locally. I am a family and the child of refugees, I continue to hold that sacred to me, that under this current administration is still under attack, so I speak for all of our communities today. In Oregon we have a very sizable community of immigrants. Often immigration is referred to as a Latino issue, but I want to reaffirm that this is a community issue, all of us are affected regardless of our ancestry. I have provided today a lot of data, these are numbers for you and your staff to review to take a closer look about economically but emotionally, about the family unity and how many kids are really at risk. The top countries of Oregon are in Oregon is yes from Mexico at 37%. The second largest is China at 6%. The third Vietnam at 5.2%. India at 4.1%, but surprising to all of us is 3.6% Canadian. This is the vast numbers and the dynamic diversity that is within our state. I want to explain a little bit about why this is important and what has changed in our community. Our families are afraid, they are afraid because right now the rhetoric makes everyone a target. In Oregon, one in ten Oregonian residents is an immigrant and last year, when the census bureau took data, 487,870 people in Oregon that's about 12.4% of the state's population, were native born with one immigrant parent. We are a nation and a state of mixed families, we have families who may have a U.S. citizen parent or a parent who is a legal permanent resident or in

February 28 – March 1, 2018

process or an undocumented parent or brother or sister on daca. This is what we are seeing on the front lines right now.

Fritz: Can you put the previous slide up because some like me might find it easier to read. Yes, that one.

Sinlapasai: There you go. It's very important for us to look at how we are and who we are in the state of Oregon. 191,777 were women, 180,488 were men, 25,028 were immigrant children. These are the numbers that make up Oregon but I'm not going to highlight everything, I want you to review that on your own time. Today I want to talk about the important numbers that we should look at in our rhetoric about daca, which is coming to an end possibly on March 5, 2018. That is a very short time period, this is a critical time. Daca in Oregon, we have over 10,000 deferred action for childhood arrivals. As of 2016, 82% of daca eligible immigrants lived in Oregon and 12,049 had applied for daca. It's very important for us to know that even though there was 12,000, not all of them renewed, some of them adjusted status to get their green card but many of them did not out of fear of our own president and the current administration. The daca clinics that we held we had students show up, families, and although we had pro bono attorneys to help them the consonants to help them to pay for their fees they refused to move forward. This is the reality in Oregon. Why is this the reality and why is this important? I want to talk a little bit about the immigration removal process. During our meetings it came to light that there's a lot of misconception about how a person is taken and what happens to them. We stress the urgency because immigration removal as many of my colleagues and co-presenters will talk about happens very, very quickly. A person can be picked up what we refer to as public space. The courthouse has the attention of everybody everywhere. We have had arrests at hospitals, we have had arrests in front of schools. These are what our parents and our children are afraid of, this is why there's less numbers in our colleges, in our schools, people in a hospital reporting crimes. This is our reality. Second --

Fritz: Karla is there any way we can get that up on the screen? The chart that's behind --

Moore-Love: I can ask the people at open signal if you can get a tight shot of that on the board you may --

Fritz: You might want to have the presentation up on here though.

Moore-Love: You want to get the picture there?

Fritz: Yes, cause again I think it's really helpful to be able to see it as well as listen.

Moore-Love: It's going to be one or the other I think up there.

Sinlapasai: I think that's more important right now in terms of. [speaking simultaneously]

Fritz: We're working on it, thank you, please go on, sorry to interrupt.

Sinlapasai: So the three main locations where people are picked up are public spaces which I just mentioned, in their home, outside their home or in places where they are living or visiting. Third, often you hear about is work. So there are different agency you hear, there's a difference between immigration customs enforcement and homeland security investigation. His is who will show up at work, ice does their arrests for the top two. It usually happens early morning, or us aila attorneys who have to show up to try to intercept any arrests, we must try to get a family member released in Portland from any arrest within our metro area by 2:00 p.m. Ice will tell you 3:00, but often the bus leaves before we get there. So this is critical because jurisdiction moves from Oregon to Tacoma once they get on that bus and it's a lot harder for us to try to get bond, recognizance or release on supervision in Portland and the people that we as aila attorneys have to work with our counterpart over there is a lot harder in Seattle than it is in Portland. This is our reality when we talk about how to protect Oregonians. If they are taken to Tacoma, the first thing and foremost thing we try to do, right now is bond, getting them released on bond. As you've heard the supreme court in the Rodriguez litigation has just ruled that a person, even green cardholders, can be detained indefinitely. There's no more six months periodic

February 28 – March 1, 2018

review so if a person comes to the airport and assignee and they are brought in and they are telling their story, they can be detained until they prove their case. This changes what we as Aila attorneys need to do and to fight collectively as a nation. We have their detained for about a month and a half before we get a bond hearing and that person may be innocent and I want to point to the fact that administrative arrests by ice in their report has increased double numbers, that's over 13%. That's administrative, that's people with no criminal history what we refer to as collateral, is what they refer to that we use to help explain, but their master hearing, their individual hearing this can be detention for up to six months to multiple years. Under the new supreme court ruling a person may have to fight if they are a human trafficking victim, if their asylee, if their a refugee trying to defend their case and they are a green cardholder they can be detained the entire time without recourse. That in and of itself is horrific. If they are released on bond they'll come through the same process but in Portland. This issue is a human rights issue, we have to consider as a human rights issue, these are our families. When I talk to my brothers our Kolini or my brother Wadji our families are hurting. They are separated, it affects each and every one of us. These are babies we're trying to deport, I had to go to court with a six-year-old unaccompanied minor. No one wanted him there, our hearts all broke. The judge just told me never to bring him back and that we will continue this hearing, but this is the reality of our current administration and the fight that we must embark on. These people here who are fighting with you, standing before you, are pro bono love and care for our community. With all our hearts we request and humbly urge you please implement this resolution today if possible. Thank you.

Wheeler: Thank you. Thank you for the data too, this is great information, much appreciated. Thank you.

Roberto Gutierrez: Good afternoon. Mayor wheeler and Portland city council members, for the record my name is Roberto Gutierrez. I'm the policy director for the immigrant inclusion rights architecture plan through Oregon and I work at Causa . I'm joined by many colleagues including Elena Cajacob, Oregon ready's coordinator and Erin Pettigrew the rights attorney who are here in the audience today. Oregonians now more than ever need effective representation in immigration proceedings. Oregonians are being detained and deported because of the federal administration shift in immigration policy that's created a mass detention and deportation campaign resulting in separation of families here in our community. This affect is felt not only in Portland but in cities across the nation. Following the administration's early 2017 executive orders total immigration arrests have increased by 38% over the same period in 2016 and arrested individuals without a criminal conviction has increased by 157%. This month ice arrested over 100 Californians in actions publicized as retaliation against the state sanctuary policies. We must invest in our Oregonians because the city of Portland is a sanctuary city too. Representation ensures due process of law. It's even more critical during the pivotal moment of our history when the administration is acting in a lawless manner and that has compounded our representation crisis. Federal courts have yet to extend representation as a fundamental right in immigration proceedings, however the supreme court has recognized the right to appointed council is a matter of fairness. The Oregon constitutional echoes this fairness, fundamental foundation of fairness as well. Despite this commitment fairness Oregonians are in unfair positions because of the administration's deportation campaign. Eight out of ten unrepresented Oregonians are separated from their families because they lack access to council. Oregon courts have recognized the impact of deportation here because a deported person may be required to sever family ties become impoverished and return to a society in which he or she no longer can function and in many face life-threatening conditions. The city of Portland must act and ensure its residents have access to just representation by funding a universal representation program because it ensures fairness

February 28 – March 1, 2018

by preventing deportation and disrupts the administration's unfair immigration crusade. While we are witnessing -- we are witnessing a crisis because too many of our community members have been detained and deported without representation. This problem will only continue to grow because the city is home to 27,000 undocumented immigrants. Legal representation funding is necessary and key to keeping our community together. The lack of representation results in the majority of Oregonians removal proceedings that are deported. Conversely Oregonians with representation are much more likely to win relief preventing deportation. In 2016 the Portland immigration court issued decisions in 281 unrepresented cases. 233 or 87% resulted in deportation whereas represented cases only 29% of issued decisions resulted in deportation. The community value of representation provided for Oregonians is significant. We urge the city to follow neighboring jurisdictions like the city of Portland and Los Angeles that created and funded a universal representation model similar to what Portland's immigration legal service providers have created. To address Portland's unmet representation need Oregon ready convenes ics, catholic charities, mpd, soar, innovation law lab, Causa, and Lewis and Clark law school. The collective met multiple times and researched various models cross the u.s. The collaborative conducted a number of site visits and formed interviews from programs in the northwest and east coast cities like Atlanta and New York city. Our proposed representation model for Portland contains four key elements. The first piece is legal defenders, this is essentially a core component of the model, it's a collaborative focus consisting of dedicated attorneys housed at established immigration legal service nonprofits that represent Oregonians at risk of deportation. The second piece consists of navigators, these are trained volunteers and staff placed at community organizations that will identify potential cases through the network services. The third piece is a centralized clearing house this consist of a variety of tools to screen clients, provide research and data, and technical assistance to support its network and legal immigrant service providers. The fourth and final piece is a case cost fund, this fund would cover costs for such things like psychological evaluations, translation services and other case cost needs. The universal representation model enforces collaboration across the rights infrastructure. The model reduces over all costs and minimizes implementation gaps. More importantly it's easy to scale up to ensure Oregonians have fair and effective representation. Before I relinquish my time to Stephen Manning here today I must thank commissioner Eudaly for convening this task force and committing to \$750,000 to this endeavor. Mayor Wheeler for showing empathy during this time of urgency and commissioner Fritz, commissioner Fish, commissioner Saltzman for supporting this work before you today. Lastly I must thank the task force participants who worked quickly and diligently on this recommendation and others. To the volunteers and staff who helped initiate and organize this work your commitment and energy was noticed. Moving forward Stephen will address scaling and how the universal representation model will serve Oregonians here in Portland. We look forward to a council work session to discuss the finer details of this project soon. Thank you.

Stephen Manning: Thank you. There is a power point. Is it possible to have that power point --

Wheeler: Karla is our resident genius on power point. She works miracles.

Manning: Thank you. Mayor, commissioners, members of the new Portland committee, members of the task force, my name is Stephen Manning, I'm an attorney, I'm the executive director of the innovation law lab, which is a nonprofit here in Portland. We would like to think of ourselves as law architects and data empiricists. We use technology, collaboration, data, litigation to defend the rule of law for immigrants and refugees so that every case that should win does win every time everywhere. We have collaborated and designed and support two of the nation's largest pro bono initiatives one in collaboration

February 28 – March 1, 2018

with several nationwide immigrant rights organizations called the daily pro bono project which has represented upwards of 50,000 asylum seekers in the last four years with a 98% success rate. We are also the designers and collaborators on the southeast immigrant freedom initiative, we work with the southern poverty law center, it will soon be one of the worlds largest immigrant defense systems based at a detention center. We have pro bono projects, call centers of excellence in Atlanta, Charlotte, Kansas City and here in Portland, I believe trained more than 150 lawyers from some of our city's largest law firms and a small firms. We're a member of Oregon ready and we designed a rights architecture for Oregon which is intended to build a permanent pathway for immigrant inclusion particularly immigrants of color here in Oregon. I would like to describe the rights of architecture, this holistic approach about our entire service eco-system. As a really extremely powerful testimony as shown today, that Oregon is an immigrant state and that our immigrant communities contribute to our collective prosperity, but that collective prosperity is definitely as we have heard under attack through the mass deportation and mass incarceration that is taking place to both unjust , so deportation's where they violate the substance of law and deportations that are unfair because of the asymmetrical nature of deportation because as has been -- as you've heard there's no right to individuals that frequently appear unrepresented in the removal process. As my colleague Roberto just described, the vast increase in arrests in 2017 is remarkable. One of the biggest things as Roberto described is providing a lawyer is one of the single most it correlates providing someone a lawyer, creates rule of law faster and more effectively than almost anything else in the system to date. So we know as Roberto describes an individual with a lawyer in a Portland court is substantially more likely to prevail and prevent unjust or unfair deportation. Nationwide 84% of individuals are represented during the removal proceeding also can defeat an unjust or unfair removal. I would like to describe the rights architecture. The rights architecture is a holistic approach to our entire service eco-system here in Oregon. The idea behind the rights architectures is open, transparent and deeply visible way of organizing what we do in Oregon to create this permanent pathway to immigrant inclusion. It begins with prevention and education this is where our organizations on the ground, in the field to know your rights work, beyond know your rights work, family safety planning, affirmative intervention to minimize deportation risk and we know empirically that more than 80% of immigration arrests, 80% of immigration arrests are constitutionally doubtful. That is that they violate the 4th amendment. We know this happens with great regularity because we can not attain, we cannot achieve addressability or accountability in the system cause here's what happens. Even though individuals we train individuals, through an amazing coalition of organizations working in Portland, in the county and across the state have mobilized engaging know your rights work but when we do that know your rights work individuals' rights will be violated. We have been gun teaching individuals what to do when your rights are violated, so we've now begun teaching individual's what to do when your rights are violated, what we call beyond know your rights, but what happens is people give up in the process and they give up for two basic reasons. One, they know that they are going to get arrested and detained and that their family is going to suffer a great deal during that detention period and that they are not going to get a lawyer because most individuals will appear without a lawyer and without a lawyer the likelihood of winning is small. So people give up early in the process so we cannot complete the circle. So, in this diagram before you show's one's prevention and education. The recommendations in the task force today are going to help with tie zone 1 with zone 3 family safety, moving individuals and providing protection with families, with zone 4 universal representation, closing a gap. The rights architecture with design is being implemented to close that gap, to create accountability so that the 4th and 5th amendment lives in real time and I would say our attorney general Jeff sessions that that is the rule of law. The universal representation

February 28 – March 1, 2018

model that is proposed today in the recommendations of the task force is a critical component of the rights architecture so here without it the circle cannot be completed. Oregon has one of the best private immigration defense bars in the nation, we have but it's not enough, our capacity is not enough. We have an amazing array of pro bono services through the center of excellence at the law lab to the work Chapone does with the immigration lawyers association in Portland, we rely on some of the largest law firms in the city. It's not enough, right universal representation as proposed in the task force report completes the gap. So the model synthesizes several successful components of projects that we use around the nation as well as during our studies of what happens in the new York, the nyifup club project, so the new York immigrant family unity project, California, I.a. justice fund as well as the Seattle representation program, The systems we're proposing scale in a dynamic way so after three years we should be able to achieve universality so that means the system would achieve scale where we would be able to prevent nearly every unjust or unfair deportation that would occur at the Portland immigration court and with that I will turn it over to Mr. Moreno.

Alberto Moreno: Thank you. Mayor, esteemed commissioner, my name is Alberto Moreno and I am the chair for the commission on Hispanic affairs. In that role I'm charged with representing the needs of Latinos in Oregon who now number 500,000 strong. I wanted to take this opportunity to thank you for your leadership in making Portland a sanctuary city for our immigrant and refugee communities who live, pray and work in this august city. Every day as you've heard across this great nation of ours, across this great state our communities are being hunted down, hunted in our courthouses, in our hospitals, in our schools, and even in the sacrosanct space of our private homes. Men in black descend under the cover of night knocking down our doors, scooping up our parents, tearing in one fell swoop the delicate sacred families uprooted here. So we are here before you at this indecorous moment in history to ask you to make material your promise of Portland as sanctuary. To make of this city that safe harbor, that bright beacon upon the distant promontory. This task force has worked hard as you heard to put together a list of recommendations that will lead us to a cogent response in the face of that action. The recommendations, the thoughtful recommendations are as follows. We respectfully request that a deportation defense fund be established and seeded with sufficient resources to ensure robust representation of individuals who are the subject of any immigration action. Additionally, we are also asking the city of Portland commit resources and staffing to establish an independent office of immigrant support. This office is essential to creating welcoming inclusive city where our children and families can feel safe. The office of immigrant support would provide and manage the grants to be awarded community based organizations who would in turn provide independent representation and deportation or removal proceedings that piece is important as we seek to provide political and legal protection for the city. The office would also ensure coordination between city, county, state and federal agencies to ensure a cogent response in the face of immigration enforcement action. This office would also work to leverage additional investments and funding to ensure the long term viability of this program. Further the task force agrees that political and social support from city officials is crucial to the success of any programs enacted to protect and support immigrant and refugee communities. Accordingly the task force further recommends the following. That elected officials act as elected city officials act as liaisons between federal agencies and community members with grievances. That the city works and coordinates with county, state and federal agencies and offices as well as nonprofits and community organizations to support and protect immigrant and refugee communities. Finally, the fourth recommendation is that the city adopt and internalize task force recommendations into city policies, that the city appoints and empowers an independent city public ombudsman for redressing accountability and implementing the

task force recommendations and that the city authorize the current task force to develop the membership criteria for a new task force that would oversee the implementation of the recommendations as set forth in this report. We urge you today to adopt these recommendations as we live out our support to the most vulnerable among us. Thank you for your time today.

Wheeler: Thank you.

Eudaly: Thank you. This is the last panel. We do have invited testimony but if you have a question for the panel.

Saltzman: I'm a little confused. There's a lot to absorb here. Thank you for all the work that you've done. I thought I guess trying to understand the representation and deportation process, so I thought I heard Mr. Gutierrez say that representation is recognized as a matter of right by federal judges and others. Is that correct? I'm hearing that people are not afforded automatic representation. I'm trying to reconcile those two statements.

Manning: There's two rights that an individual has when someone appears in removal proceedings or deportation proceedings. So an individual has his or her fifth amendment right to due process. As part of that due process that would include an individual bringing his or her own attorney but not an attorney provided for by the government. If an individual is indigent or unable to afford an attorney or is simply they could afford an attorney, but there are no attorneys available or the capacity for the local legal system is complete or full then that individual would have to defend him or herself. There's also a statutory phrase which is being litigated this moment what it may mean and the immigration nationality act that says an individual may be represented by counsel at no expense to the federal government. Whether what that means is right now in the federal courts.

Saltzman: Thanks. The other question so we're talking about representation for people in deportation proceedings, we're not talking about representation for people in criminal proceedings? Is that correct?

Manning: That's correct.

Eudaly: They are provided with representation in that case.

Sinlapasai: Correct.

Fish: I have a question if I could to our immigration lawyer. You know, there are so many restrictions placed on what federal legal services lawyers can do that I'm sort of out of date. Can someone at Oregon legal aid services provide the services that we're talking about here to a qualified party? Does federal law allow people funded by legal services to provide these services?

Sinlapasai: Yes and no. So if they are a member of the American immigration lawyer association and they work in one of the nonprofits, they would have a better understanding of it, but just like in any practice of law, the area of immigration is very complex. Even under immigration law as immigration attorneys not all of us work in deportation and removal. So it would be very hard for Oregon law center or legal aid who works under like family law or very specific custody battles or elder law to jump in from that area to do a very complex litigation.

Fish: Just curious, are there lawyers funded federally that do this work at Oregon legal aid services or is this separate from the suite of services currently being offered?

Sinlapasai: What we're requesting is something completely separate.

Fish: I understand. I want to go back to my question. Currently are there lawyers federally funded that do this work through Oregon legal aid services.

Sinlapasai: Not that that I know of, Stephen do you have an answer to that?

Manning: So Oregon legal aid, they are precluded from providing any kind of immigration sort of representational services.

Fish: That's what I assumed. Every time I get into interesting areas congress slaps them down. **Manning:** Oregon law center they're sister organizations, there are members --

February 28 – March 1, 2018

Oregon law center members are the Oregon members of Oregon ready who have put forth part of this proposal and they are active participants as well. They do not provide removal or deportation defense services.

Fish: That's what I need to know thank you very much.

Eudaly: Anyone else? Thank you. All right, now we're going to move on to the invited testimony segment. If I could have Loos Reyna from congressman Earl Blumenauer's officem, Kofi Desou the director of the office of equity and human rights and Andrea Williams executive director of causa come to the table. So, I'm going to remind you all state your name for the record and please limit your testimony to two to three minutes. Thank you and welcome.

Loos Reyna: Thank you mayor, commissioner's, my name is Loos Reyna I'm here on behalf of congressman Blumenauer. First I want to thank the commission and everyone involved for putting forth these recommendations. Now more than ever we're grateful for those in our community who have stepped up to protect the thousands of families who now call Portland home. Our city, our country, are at their best when we prioritize inclusivity no matter one's national origin, race, religion or immigration status. Every single one of us contributes to the vibrancy and diversity of our city and is a critical part of the fabric of our community. In light of this administration's hateful and anti-immigrant agenda putting this sanctuary city resolution into action is all the most important. We see solely see the federal government choose to undermine safety and instill fear that our city will not cave under this pressure. We will do everything in our power to keep our communities together. We cannot and will not turn our backs on our city's most vulnerable. While I continue to fight against the divisive policies we see at the national level I'm heartened to know that Oregonians will continue to fight at home. Thank you.

Kofi Desou, Director, Office of Equity and Human rights: Hi. My name is Koffi Desou, interim director of the office of equity and human rights city of Portland. Mayor wheeler, commissioners, thank you for creating the opportunity for community members to work closely with the city of Portland to provide these recommendations to you. As an immigrant myself, I want to remind you that we are here in Portland, in Oregon, to participate in the prosperity of this state and this country and we are working hard, our communities are working hard to contribute to this prosperity. Providing a structure to support immigrants is a testimony of the welcoming character that Oregon shows to us that was attracted us to come to Oregon and to reside in Oregon. So I want to show my support. I want to show my support to these recommendations from the office of equity and human rights and also as a person of interest because of my immigrant status. Another thing I want to highlight is these issues are not new, they are not new. They are highlighted, elevated now, and having a permanent structure that will continue to support will help us to avoid being the reactive when something happens. So I'll stop there, thank you for the opportunity.

Andrea Williams: Good afternoon, mayor, commissioners. Thank you so much for the opportunity to testify. My name is Andrea Williams I'm the executive director of causa, we are an immigrant rights organization here in Portland and we also advocate at the state and national levels and we're also a member of Oregon ready. I wanted to say thank you so much for your leadership, I know how proud you are of being a sanctuary state. I have heard many of you on the radio making the case and defending our law that restricts city resources and personnel from engaging in federal immigration law. Oregon is sanctuary state, we're the oldest sanctuary state in the nation, in case you didn't know it, it passed in July of 1987. Despite that, unfortunately, our families are continuing to suffer greatly, it feels like every single week I get a phone call, a Facebook message, an email, a frantic phone call from a mom or a sister or a kid because their loved one has been picked up by ice and they don't know what to do and frankly sometimes I don't know what to do and it's a really disheartening situation. We have amazing lawyers that are working pro bono that

February 28 – March 1, 2018

as you've heard it's not enough and we face a huge gap in legal representation. It can cost families thousands of dollars and we're talking about farm workers, we're talking about restaurant workers, low income people, and they are suddenly having to pay 20, \$30,000 in bond let alone the legal representation when they come back to Portland if they get let off on bond. I know families who have scrambled to get the money together and some of them have had to give up paying rent, they have had to go to food pantries. In some cases many nonprofits in the Portland area have stepped up and helped provide emergency funds including ourselves, but we can't address the current scale of people who are being detained by ourselves, so we're here supporting these recommendations and in particular the universal representation proposal that would provide the representation our families need. While the city can't physically stop ICE, right, from detaining somebody, we know that, but the city can provide the legal defense we need to fight back and make our case for why our families should stay together. I see this universal representation proposal as a step towards strengthening our sanctuary status, making it live more than it does, and address the current crisis we see ourselves in. So my ask is that we join our neighbors up in Washington, King County, Tacoma, who are implementing a similar program. Even though we're the oldest sanctuary city or sanctuary state on the west coast we are currently the only state with no deportation defense program, so I love my state, and I love the city, but unfortunately we're behind. Seattle, Tacoma, I.A., San Francisco, they all have these programs yet we have had our sanctuary policies for longer. I think we can do better. So I want to say thank you to Commissioner Eudaly for your leadership and your commitment and we look forward to continuing to work together. So thank you.

Fritz: I have a question for Ms. Williams.

Wheeler: Commissioner Fritz.

Fritz: Is there any discussion having this funded at the state level? When we were doing our stopgap measures to fund some of the defense that we have done there was a question whether it was Portland DACA students who were recipients and yet we're a region, we're a state. So, what's the discussion of funding this at the state level?

Williams: So there have been conversations with the governor and as you know that process moves very slowly, we're about to head into a long legislative session next year. The idea has been brought up, however, our sort of way of looking at this is if we can be successful on a smaller scale at a city or county level we can make a stronger case for the state to invest. So I think it's got to be a local state partnership and just for some perspective, there is no other state in the nation that I'm aware of that has a statewide fund for deportation defense. California has a grant process to support legal service providers to help people apply for citizenship and for DACA, but they don't have it at least currently to my awareness at the statewide level. So what we would be doing with the state would be unprecedented and I think we need to be able to prove ourselves that this model works here first before we scale it up even greater at the state level.

Fritz: We were the first state maybe we can be the first state to fund it as well.

Williams: That would be great and we'll continue to have those conversations with the governor and other legislators.

Fritz: I particularly liked recommendation number 3 about the elected officials responsibility, act as liaisons between the local jurisdictions and with our state and federal representatives and we have done that on the council and we'll continue to do that. How about other jurisdictions? Has there been any discussion with the county, with Beaverton? This again is a community problem, it's not just a Portland problem.

Williams: Absolutely. We have been in deep conversations with Multnomah County. We have been talking to Chair Kfoury, Commissioner Vega Pederson and other commissioners at the same time that we have been talking with you all. Ideally it would be a partnership between the city and the county, which holds the greatest number of

February 28 – March 1, 2018

immigrants in the state numerically and then I think the discussions are open for other counties and cities that may want to participate. We figured we would start here because it's the county that has the largest number of immigrants, its home to the Portland immigration court and we have one of the most progressive city and county councils in the state so we thought we would try to start where we could get momentum and bring people along as we go. That was sort of the line of thinking, but yes we're in conversation with Multnomah county as well.

Fritz: That's helpful to know. I will certainly commit to talking with the metro policy advisory committee which I'm the city's representative on. It seems to me that Washington county with the farm workers in particular being such a core part of their economy might be interested in joining us.

Williams: We would definitely welcome the help in developing those conversations and those relationships in Washington county.

Eudaly: I agree this should be a regional conversation, and that's where we were looking before ready Oregon's initiative came to our attention, so all three counties have declared sanctuary status and Beaverton has declared sanctuary status, but given that Portland and Multnomah county have the largest numbers of people that need this type of support, it makes sense to me to start there.

Fritz: Commissioner Eudaly just said will somebody just tell the folks at home what is ready Oregon.

Williams: Oregon ready is a.

Fritz: Oregon ready.

Williams: Oregon Read is a collaboration, a coalition between nonprofit legal service providers, community advocates, unions in some cases some of the local government agencies have been involved and we really got together when daca was established to create better coordination and collaboration in making sure as many daca recipients could gain status as possible. Over the years we have shifted and become statewide recently in order to address the crisis of increased immigration enforcement in our state, and really what we're trying to do is create a cross sector collaborative where immigration attorneys and community advocates on the ground are creating solutions together instead of being in silos. That's part of what Stephen manning was showing to the rights infrastructure is our strategy in order to address the current immigration enforcement activity we're seeing in Oregon.

Eudaly: Thank you.

Fish: Commissioner Eudaly I just have a question. Just to understand procedural where we're going, today we're being asked to accept a report.

Eudaly: Correct.

Fish: I heard someone say there may be a work session in the future?

Eudaly: I'm going to request that we have a work session on universal defense.

Fish: Then it would be your intention to do the budget process to make the ask for both the -- for the recommendations that you choose to act on this year?

Eudaly: Yes and I was going to clarify that at the end because I know some of these processes must seem a little arcane, but today we're here to simply accept the report. That doesn't mean that we are adopting and implementing recommendations. That is a separate process that will come next.

Fish: But the next opportunities will be presumably a work session to flush out some details and then a conversation during the budget process about whether to establish a program and at what level of funding.

Eudaly: Yes.

Fish: There will be plenty of opportunity in those portions for public testimony.

Eudaly: Absolutely.

Fish: Thank you.

Wheeler: Great testimony. Thank you.

Eudaly: We're going to now have Leland Baxter from metropolitan public defender's office. John Herera from catholic charities, and Robert brown from interfaith movement for immigrant justice. Again, just state your name for the record and please limit your testimony to two to three minutes. Welcome.

Leland Baxter: Good afternoon, mayor wheeler, commissioners. Thank you so much for having us. It's an honor to be here with so many dedicated immigrant rights advocates, folks I have looked up to and learned from for years in my own work. I worked at metropolitan public defender and immigrant defense Oregon, a removable defense focused project that was launched last year thanks in part to the generous funding from the city. Us along with catholic charities are two of the first nonprofits to launch removal defense projects. I'm here to urge you to seriously consider removal defense funding for a couple of reasons. Oregon and Portland sanctuary policies in many ways protect immigrant communities but we have also seen that they put immigrant communities at a heightened risk as the trump administration, Jeff sessions, target jurisdictions for escalated enforcement. Representation in that context is absolutely critical and I believe it's an obligation for us as communities that wish to be sanctuary communities to provide representation as we have heard a lawyer or the lack thereof is a difference between an individual actually even applying for relief from deportation for which they may be eligible. The statistics at metropolitan public defender requested last year from the immigration court show when folks are unrepresented about 83% of the time they are deported when they have lawyers that number drops significantly to somewhere in the 20s and they prevail on forms of relief with attorneys about 44% of the time. If they don't have an attorney they will prevail maybe less than 3% of the time. What those numbers show is that Oregonians who have a lawful right to be here in the united states are being deported every single day perhaps by the hundreds every year. I urge you to take this to heart, we know undocumented individuals in Oregon pay about \$80 million in state and local taxes, and we know if those individuals had lawful status that would grow to about \$130 million. That by no means is the reason we should adopt this, the value of our immigrant communities should never be reduced to economic output, but it shows that not only the moral thing to do, but it makes financial sense for the city, the county and the state of Oregon. Thank you.

Wheeler: Can I ask a question on that point cause you've made a good case and I would expect that from a good attorney. You've turned the frame a little bit right back on us, which is an interesting -- I wouldn't want to go up against you in court. [laughter] in other words. Obviously funding is an issue here. That's a little bit of the elephant in the room because we know the city is actually in a cut budget process. So as we seek to find ways to support the good work of this commission we're going to have to weigh that against the reality that we have a tough budget process coming up. Is there a way for us to be more creative and more innovative on the financial structure here? Is there an opportunity around mainstream law firms, philanthropic organizations, private sector organizations that benefit from our immigrant communities? Is there some way to cast a wider net here? Has that been considered as one strategy or could that be considered as a strategy as the city enters its budget process?

Baxter: There's a couple of things. One, the strategy of bringing in private law firms is something that's been pursued Stephen manning touched on that with his centers of excellence. With limited time he couldn't get in depth into what that, but the center of excellence draws in pro bono attorneys from major law firms around the city to assist but it's simply insufficient in the face of the amount of need. Big law firms attorneys able to fit

February 28 – March 1, 2018

in cases their space simply isn't the type of representation that we truly need at Portland immigration court.

Wheeler: I want to be a little more blunt, I wasn't actually talking about pro bono work although I'm really grateful for the pro bono services that are provided. I was actually talking about dollars and cents contributions.

Baxter: I believe that with an investment from the city and perhaps an investment from the county as well it demonstrates to the private sector that this is -- that kind of seed money can absolutely be leveraged and I do think there's a place and a responsibility for businesses that benefit from immigrant labor, that benefit from being in a community that's pro immigrant, but I think there's outreach still to be done in that area. I think it should be done but I also think that we're here today in response to the task force's recommendations and I do think they recognize that there's an important role for a city council that has historically been so pro immigrant to play with this, with the universal representation.

Wheeler: Thanks. I do appreciate your testimony. Thanks a lot. It was good.

John Herera: Good afternoon, Mr. Mayor, dear commissioners. My name is John Herera I'm the director of the immigration legal services program at catholic charities. We're here today to put our support to these universal representations and I want to take a little bit of what you just said, Mr. Mayor, about this being an effort that has to be in conjunction with many sectors, but including the public starting with your office and your budget. That's why we are asking to start putting the first dollars in. We're asking also there's been a proposal to the local foundations and also asking also the governor's office to join this effort because this is not an issue of city of Portland. This is an issue of Oregon as we are representing Oregonians here. We need to start with something concrete and that's the ask today, is for you to consider that families are being separated daily in a merit of time. The ask you to consider when you go through the process of the budget is to have some money allocated to start this process of keeping families together. The only way to keep families together is to have attorneys defending them in court. There's no way to an immigrant that is barely speaking the language to face all the force that is being brought by the government to deport them, so there's no way that someone can defend their cases without help of an attorney. So that's the ask today is to really encourage you to take this leadership being the first city around the state to put some money toward the defense for the universal representation would mean universal representation means families together. That's our ask and also thanking you all for being a proud service, a proud figure serving the city of Portland, but also telling the community that we are here and that you support us, the immigrants, not only with resolution but with some concrete action saying here is some money that you can go and have a attorney that is willing to keep your family here united.

Wheeler: That was a very strong statement and I appreciate it and I am still going to see if I can't think of some creative ways to leverage public resources with private.

Herera: Definitely there's a way.

Wheeler: There might be some good ideas in this room.

Herera: We are happy to put every single word along with you go and ask for those dollars.

Wheeler: Delighted to hear that.

Eudaly: Before we move on, I do think it would be helpful, ice is not exactly the most transparent or willing to share their data with us. We have a sense of how many families are at risk. but do we have a sense in the last year or two of the number of people who have been detained and or deported in our area.

Baxter: So, for the city of Portland we do have some law students who are here Lindsay Johnson and Teresa Smith have been doing work on this and they have gathered some

February 28 – March 1, 2018

data. So, what we know is there is nearly 4,000 individuals in removal proceedings who have Oregon addresses we know that that number actually undercounts because a good number of individuals who are detained in Tacoma have their address listed at that detention center. We also know from that same data set that for individuals who have Multnomah county addresses, there's about 814 individuals with Multnomah county addresses who are in removal proceedings. I'll just note that's a growth of about 10% over six months. So if it continues at that clip, that's going to be growing significantly.

Washington county is the most represented in removal, in removal proceedings. There's about 940 individuals with Washington county addresses who are currently in removal proceedings. So between Multnomah and Washington county it's well over, almost 2,000.

Eudaly: Thank you.

Robert Brown: Good afternoon my name is Robert brown. I work with the interfaith movement for immigrant justice. The acronym that we use for that is imirj, imirj, so that's how I will say it because it's a lot easier. Imirj is an organization of people of faith and conscience that supports the immigrant community to help solve their needs. Last year we were an organization of about 25 congregations, and in the Portland area and now we are an organization of over 100 congregations throughout the state. So you can understand that there is a big need and there's a big desire for faith communities to be working on this issue of sanctuary. We have had multiple trainings and we are working directly with faith communities and having them understand what the sanctuary needs are. I am going to talk to you about the needs from a different perspective, the needs for representation. In imirj, we have a working group that works on accompaniment, so we send people to accompany people to ice check ins, to court cases, as needed, along with the aclu provides legal observer kind of services. We just completed a survey in imirj of about 20 different organizations that represent the immigrant community and we asked them what do you need? What kind of accompaniment, what kind of support do you need? And the first thing that, when we look at the data, and we just looked at it yesterday, as a matter of fact. The data was really very clearly, clearly stated that what's needed by, from the community, is legal help. People feel, individuals feel, families feel isolated and helpless and that's no way for our community to be. The second thing that people needed was housing and the third thing that people needed was money because when people get picked up by immigration and customs enforcement, then, usually it's, many times the bread winner of the family is taken away and the rest of the family is left with trying to maintain. I just wanted to let you know, from what does the community want, the community need is really for legal representation. So I hope that you will take very seriously the recommendations of the task force that worked on this, and you mentioned about working on state kind of issues. You know, we do have connections all across the state in various communities and it would be interesting to have these conversations in bend and in Hood river also with those people thank you.

Eudaly: Thank you.

Saltzman: I have one question of the attorneys maybe. If we were to move forward with this proposal, would it be expected any participating attorneys would agree on a uniform billing rate? Hourly billing?

Baxter: I believe the idea would be to, to bill the city or to bill the clients?

Saltzman: If the city -- if the city is paying the bill, yeah.

Baxter: And I believe the model that we are currently proposing is not an hourly billed rate. It's an annual fee. So we the city would pay for a number of attorneys or the city and the county really or the city, the county, and private partners, would pay for a certain number of attorneys. Those attorneys would be housed, they would work close to full time and simply representing individuals. We have worked out case caps for the first year, the second year, and third year which would increase. Those case caps are kind of pushed

February 28 – March 1, 2018

higher, thanks to the technical support team that's based in the clearinghouse, which was a kind of referenced. The idea is actually to avoid an hourly billing type situation because there are significant issues with how that relates to the quality of representation at times, especially under this type of model and the best thing is to have individuals who are dedicated and are working as hard as they can for all of their clients.

Saltzman: Ok. Thank you.

Eudaly: Thank you. So before I call the next and final four people up for testimony, I know we are going to lose commissioner Fish and commissioner Saltzman around 4:00 p.m. and I just want to get a sense of what you would like to do. I think they would both like to be here for the vote. I want to hear one way or another want to hear from the final four.

Fish: Is the next panel about a 10-minute panel?

Eudaly: We could make it a 10-minute panel, I think. Ok. All right.

Saltzman: I have to leave at 4:00. We're accepting a report so that's a fairly innocuous report so if I am here for that vote is not a big deal for me. I would vote to accept it if I was here.

Fritz: Would be appropriate for commissioner Fish and Saltzman to make some comments before our final four?

Fish: I am going to stay until the vote.

Eudaly: All right. Korinna ramos, reverend mark from Augustana. It's on my street and everything. Linda Jaramillo. Did I get it close? Ok. Well, I can't say it fancy like you. And we have the interpreter. Ok.

Eudaly: If everyone could state their name for the record and please tighten your testimony to two to three minutes, that would be very helpful.

Korrina Ramos (Through Interpreter): [speaking in spanish] Good afternoon my name is Korinna Ramos and I am an immigrant from El Salvador.

Fritz: Can you move the microphone a little closer between the two of you. I'm sorry.

Ramos (Interpreter): My name is Korinna Ramos and I was born in el Salvador. I have two daughters, 15 and 17 years old, they are still in the country even though the risk that they run. 18th of February, 2014, there are forces of el Salvador disappear my brother, made him disappear. His name is Francisco Javier Hernandez, he was made to disappear along with two young people. He was, we looked for him through the -- the help of the national police. The mayor's office and the general republic of human rights. Sorry. we made all the -- we made all the announcements of the entities but since it was, he was related to a public entity, we just couldn't find any answers. As been known in my country there's an issue with gangs but with -- in my case, he was the national police. My family since they made the announcement they have been persecuted by threats. Unfortunately that was the first -- unfortunately, that was the first announcement of the after the accord of peace between the government and the off forces and to the accord of the peace. A brief history of what happened to me because I am a mother we got to leave the county to save our lives. We came to the united states in search of international help to continue to look for my brother, to help with my brother. My mother and I came to Oregon on February 26th, and since then we were in this place in the country. Since then we have been looking for, been in the process of asylum and since because of that, since we also had to, to save my brother. My brother Jesus he tried to cross the border to save his life but unfortunately he was detained by immigration. Since then he has had his hearing, they impose \$20,000 bail hearing for him and that's an impossible amount for us to pay as a family. Since you can see, since summer of 2018 I fell and broke my hand, that's impaired me from working and paying all the charges. With their national help, the case of my brother Javier able to be reopened and we hope to have some answers in four years. This means a high risk for my family, more for my brother if he is deported back to El Salvador. I have brought this to attention because I heard of the stories that immigrants, that a high number of immigrants

February 28 – March 1, 2018

in the state. This is something impacts immigrant communities and since I am part of a family this is something that impacts us all. Maybe as immigrants we are asking for your help and support for us to be able to work and provide better for our community. Thank you.

Eudaly: Thank you.

Linda Jaramillo: Good afternoon my name is Linda Jaramillo and I serve as the interim executive director of the Oregon Latino health coalition and also I am looking forward to serving as president elect of ecumenical ministries of Oregon board of directors. First I want to thank you all as commissioners for your courageous action declaring Portland a sanctuary city. I also want to commend commissioner Eudaly for her leadership in working towards this task force work and mayor wheeler for your bold witness I call as spokesperson for the city of Portland among mayors when president trump threatened to remove federal funding from sanctuary cities. It was a proud day indeed.

Wheeler: Thank you.

Jaramillo: For us to see you there. I continue to be a proud Oregonian and Portlanders in these chaotic and challenging political times. I am in here in support of the recommendations as submitted by the task force before you. The Oregon Latino health coalition is dedicated to community wellness and eliminating health disparities affecting Oregon's Latinos and Latinas. It's a well documented fact that access to comprehensive health care services is critical to address our issues of human rights. In our interaction as a coalition with members of the Latino community we are constantly told and reminded as we heard here the current political climate and impact to the immigrant population is creating fear and distrust resulting in social isolation. Parents are afraid to take their children to much needed prevention and intervention health services due to the threat imposed by ice. As we work diligently to enroll children and young people in the Oregon health plan, which they now qualify for, we must take great precautions to avoid exposing them to potential risks at public forums. This already serious health access problem, health access problem is growing and we must do all we can to stop it now and reverse this trend. As a brother earlier from Tonga shared building a strong canoe will take all of us, all of us working together to coordinate, to collaborate, and to support one another, not only with the legal support that's needed but with an office that actually can pull this all together and create an environment in which we can change our culture. I know you will agree that we want Portland to be a healthy city with healthy people living in it. Your action on the recommendations of this report is important to ensure the health and wellness of all Portlanders, not just some. Thank you so much again for the opportunity.

Wheeler: Thanks for being here.

Reverend Mark Knutson: Good day, mayor wheeler, commissioner Eudaly, thank you for your work on this, commissioner Fritz, commissioner Fish and Saltzman and mayor wheeler, I appreciated bringing your pastoral skills to the funeral of our dear friend reverend w.g. Hardy a few weeks ago.

Wheeler: He was a great man it was the least I can do.

Knutson: And long time running mate we are both franklin high graduates. I come as a pastor of Augustana Lutheran church in Portland, a thriving multicultural multinational foundation, that 22 years ago could have become a McMenumins because it was dying and today its 900 people, but also houses \$2.5 million worth of justice work and 30 jobs has created through the church and through our nonprofit collaboratives with the family election the society for haitian, arts, culture and social support, the native American open circle ministry, community alliance of tenants, well arts institute, Irvington preschool. I tell you that because out of one little place in Portland \$2.5 million of work, 30 jobs and 50,000 visits a year outside of worship, I will come back to the dollar amount as I close my comments but I think we have a challenge before us. As I look around this room and give

February 28 – March 1, 2018

tremendous thanks to the task force that was at work, and for our dear friends in this room right now, Suk Rhee and Polo Catalanai and Marco maheia and others have been working on this, I say great thanks and we fully endorse of course as I know you are going to the recommendations. Let me say a few words. I ask you, you are looking out this whole time, this is Portland, this is who we are as a nation and part of a global village and it's not somebody in a red hat some place with some kind of slogan on it. It's us, many cultures, great diversity, that's the richness of a community. I ask you, you don't have to look behind you, imagine behind you it says Portland and imagine it says a thriving multicultural, multinational, multigenerational sanctuary city as the vision for who we are, but that takes confronting racism head on and I know you all know that. I work as a member of the Albina ministerial coalition for justice police reform steering committee for 20 years now and 10 years in federal court with all of us as a past president of ecumenical ministries of Oregon, chair of the northwest foundation board you know what it takes and you can talk to Suk Rhee and others from the health foundation how they shift dollars, so now three out of four dollars goes to communities of color. God gets angry as you all know, and we have many faith communities represented because we know if we don't work together lovingly, not just tolerantly no be brothers and sisters, Muslim and Jew, Hindu and Buddhist, native American spiritual leaders, people of faith and people of just good will to weave the love of community will lose it. I ask you to look closely at this going forward, imagine that this task force not only is creating something that's very tangible, but that will become the lens from which you look at this city. That you become the lens for police form, become the lens for housing, become the lens for employment, and if you open the newspaper and look at a leading real estate form, everybody's white. Look at a leading firm that does appliances, everybody is white, they put their pictures, that's not who we are. So this is much bigger as you know, I encourage you, \$750,000, I will ask you 10 times that and of course, others will come to the table cause we can multiply. People of faith know you put something out there to leaven and it will multiply and it will multiply and change who we are. The only way we're going to change is to change the culture of this city and nation to be the very exciting time of an inclusive and powerful for good loving people because god gets angry when the vulnerable, the poor, the widow, the orphan, when families are separated. I beg you, go to the belly of ice I've been there many times, with Stephen Manning, Francisco Geiring and others. Go in that little tiny room in that massive building on macadam avenue, go through security, go sit with other people who are waiting because they don't know why they are there. The fear and trembling, how every Portlander goes to bed at night and ask what it would be like to have a knock at midnight to come get me or my family. That is a terrifying figure, this is about life and death. Francisco geiring who lived at Augustana for 81 days and during that time start the national sanctuary movement from six congregations out of 1400 across this nation. His son was so afraid of living in Portland because of ice, his 18-year-old son Moses begged to go back to el Salvador, he was murdered on a soccer field. This is life and death, so I beg you keep doing what you are doing. Let's take it up 10.0. leadership 10.0., budgeting 10.0. Don't be afraid set the tone which you already are, but let's take it farther and thank you to this task force, your work is brilliant.

Eudaly: Thank you. Are you available for morning pep talks, reverend? [laughter]

Knutson: I'm ready any time. I know you are going to vote. Thank you.

Eudaly: We have one more guest. That is Romeo Sosa. Is Romeo still here? You are going to close it out for us.

Romeo Sosa: Ok. Good afternoon.

Eudaly: No pressure.

Sosa: Yeah. Good afternoon mayor and city commissioners. It's nice to see you yesterday on the panel for the sanctuary panel. I think I am here today also to support the.

Eudaly: Sit back or push the mic back a little bit. You are too close. That's great.

February 28 – March 1, 2018

Sosa: And asking you to support the recommendation of the task force, but also in this moment, I want to tell you some of the stories that I received that call because I am part of the Portland immigrant rights coalition. We have the hotline and there's several places I took personally but this is some of the closest case that happened, it's also a member of the soccer team vos worker rights immigration project. Which I'm the executive director, but I am in transition out right now. So he is a member of the soccer team and you have to play that day on march 17th, 2017 and so I received a phone call in the morning, like 7:00. and they say that ice got detained my brother in McLoughlin and Jennings avenue. So I couldn't believe that the moment but I was kind of in shock. I know him and I know his brother. So I have to ask him like tell me a little bit what happened. So basically they followed him from his house to work, they are going to work and they got stopped. They thought it was the police but it was ice and the rest of that day, and then immediately I take more information about like where did they take? And because also in the Portland immigrant rights coalition we have a verification team. So, they already transferred to the jail here in Portland in macadam avenue. This is a person went directly to see if he is there and he confirm he's there. Immediately I brought to the Portland immigrant rights coalition rapid response team, like what we should do and we took more information, we got, enough information to make mobilization because we went to stop him to be transferred to Tacoma detention center. So in less than 30 minutes, they were going to transfer him and that day and less than 30 minutes we would have 30 people in front of the macadam detention center here in Portland protesting that they should not transfer to Tacoma detention center, but also we contact a lawyer and she told us that we need to stop him here in Portland because it's going to be hard if he is going to be in Tacoma and then also part of this story we couldn't stop him. They sent to Tacoma, but the beautiful thing of this is that the neighbors, the church that they came with bags of food and also money to continue pay the rent. And also the community organize in those crucial moments, but I think it's part of the city council that to propose, to help us to a little bit to really stop all this suffering with people. Thank you.

Eudaly: Thank you. All right. I move to accept the report.

Fish: Second.

Wheeler: We have a motion from commissioner Eudaly, a second from commissioner Fish. Any further questions? Please call the roll.

Fritz: Well, thank you to everybody who came today on this important thing. In fact, I will start by saying thank you to the people of new jersey and Pennsylvania and New York and Oregon for welcoming me as an immigrant. I came here in '79 and to Portland in '86 and I am very grateful for the way the people of Portland have made me part of the Portland family. I became a citizen in 1992, right after measure 5 passed, feeling even if I was only one vote I would have been one vote to stop that nonsense. It wasn't until the beginning of 2017 when I went to an event at the Muslim educational trust, talking after the new president had announced all his travel bans and various other things. That's the first time I felt like a second class citizen since I became a citizen because people were being told even if you were a naturalized citizen, it was not safe to leave the country and go back to your country of origin because I might trust in the people who were there to have us all work together and that's what we are talking about here is we are talking about all working together. So thank you to the task force members, it's going to take all of us working together to figure out how to fund this program. The Multnomah county sheriff's office, the Portland police bureau, Portland public schools, David Douglas schools, Parkrose high school, actually, we have the young woman from Reynolds high school, the schools as we heard, children are so vulnerable here. American born children whose parents could be deported and so it's absolutely part of the school boards responsibility to figure out how they can help fund this. American civil liberties union, the American immigration lawyers

February 28 – March 1, 2018

association, thank you for your presentation. The dream activist, Multnomah county board of commissions. One Oregon, Oregon ready, Oregon commission on Hispanic affairs and tri-met and tri-met should have a part in funding this, too. We all need to feel safe out in public and everywhere else. Thank you to Winta Yohannas in commissioner eudaly's office and Goldann Salazar in mine and for all of the work in the office of neighborhood involvement. It will take all of us figuring out how to address this, we must address this, it's a very compelling presentation. How to find the money between us all is going to be a huge challenge. Commissioner eudaly, I appreciate your prioritizing, looking at the universal representation parts of this recommendation as the most urgent issue. I know that my dear friends at the Portland, new Portlanders policy commission are ready and willing to just continue ramping up your work. You have a good home in the office of neighborhood involvement and for now, the support that you are getting there will continue to enable you to do great work like this. I do think that the most urgent issue is the legal support, which has to be a wide community initiative with individuals, nonprofits, public organizations, private organizations we all need to be part of this. I know it will be a very difficult budget process, we will be making cuts within city services, the things like parks where that's where people are welcome to gather. We have a wonderful gathering coming up on March 16th, which we did the first one last year with the immigrant support celebration. I hope everybody will look at my website later and find out about that. We can celebrate together as well as being scared together and I think we have to do both. We should be diligent in addressing this terrible thing that's coming over our community and making our families so vulnerable and we can continue to revel in the glory of the amazing community that we have that we are willing to work together. We do value each other and we are going to figure out how to address this. Aye.

Fish: Well, I want to begin by thanking commissioner Eudaly, oni, the task force and everyone who participated today and testified so eloquently in favor of this report. Since we have spent the better part of today sharing stories, I will just begin by acknowledging and thanking my mother who was an immigrant, from Canada, and my wife's mother who was an immigrant from Cordova in the south of Spain. Neither of us would be in Portland doing what we are doing had we not had immigrant mothers who chose a better life and came to this country and started families. So I acknowledge and celebrate Julia and carmen and thank them. I also want to acknowledge the work that the council has done on both the sanctuary city and the dreamer resolutions and a lot of good collaborative work went into those resolutions and I want to particularly acknowledge Asena Lawrence a proud Turkish American women who's on my team, and Mariana Garcia Medina who is a proud dreamer on my team, who both worked hard on both of those resolutions. As I listen very carefully today to the testimony, here's my takeaway. I learned that it is beyond dispute that there is an enormous difference in the quality of people's representation and how their rights are affected as to whether they have a lawyer or not and the statistics are staggering. I don't think we have been presented with a clearer case of a disparity on any issue than we have today in terms of those who are or are not represented in this complex and byzantine system of immigration law. Second, I thought it was very powerful when one of the people testifying noted that because Oregon has chosen to be a sanctuary state, and we are bound by Oregon law so we are a sanctuary city, we have been in effect placed people in harm's way. That the heightened risk that so many families face in our community is in part because of the principle stand that Oregon has taken but that there is a cause and effect and we know that also because attorney general sessions seems to be somewhat obsessed with the state of Oregon and at various times he's threatened to take away all of our federal funding's, he sent letters, he's made demands, he's even threatened to throw a number of us in jail. I think he's beginning to mimic some of the worst habits of his boss in terms of hollow threats but they clearly were on their radar. Let's

February 28 – March 1, 2018

be clear that as a result there are people at greater risk in our community so we do have a responsibility. I had asked a question earlier about whether legal aid services, our federally funded legal services could play a role and as I suspected, the answer we got was that they are by law prohibited from providing these services and over time, legal aid lawyers have had the door closed narrower in terms of what they can and can't do because of the people in congress who would like to zero out legal services for the poor have as an alternative strategy just narrowed the focus of who they can represent. Let's remember only one in five Oregonians eligible for legal aid services receive services so we're woefully under funding that program, but I learned that there is no federal legal role here and I also learned that there's no federal right. That there is no established right for people to have a counsel, competent or otherwise. We also learned that the kinds of legal work we are talking about here is highly specialized and I was on a forum last night with a couple of people that are here today, and an immigration lawyer gave sort of an immigration law 101 for dummies kind of for my benefit, laying out the contours of the law and it was maddeningly complicated. It was almost incomprehensible how complicated the law is and so this is not uniquely not an area of where you can grab a lawyer and run go to a hearing and do your best, this is highly specialized and requires intense training. The question then becomes, does the city have a role? And I think what I have heard is that in a perfect world, there may be a role for the city and the state and the county. There may be a role for philanthropy and there also may be a role for law firms that have highly specialized people and that's a longer term goal, it's a worthy thing to think about but the question is what do we do yesterday? And what I come back to is what I think is at the core of Chloe's presentation today which is the most important principle in the law and it is the notion of equal justice under law. It is the cornerstone of our society. It is the language that's on most courthouses across the country, it's the language that is at the justice department in Washington, it is really our most cherished legal principle. Equal justice under the law and when someone doesn't have the right or the access to a lawyer, they cannot get effective justice. We just know that, that's a fundamental point. So I really appreciate the focus in these recommendations on providing universal representation because I think that is in a nutshell, in the short-term what's needed. I think the larger question of creating an office of immigrant rights or something like that makes a lot of sense. We have just established or have now our second tribal liaison at the city and I can tell that you in a very short amount of time she has done an amazing job helping us navigate very complicated waters involving sovereign nations and urban Indians that don't have the same rights. I think that that's a laudable goal. Those two recommendations I think are thoughtful, well scaled and I think in a budget cycle we are going to have to make tough choices. The one thing I anticipate is we are going to have a fair amount of one-time money to carve up and so I would like to have a robust conversation at council about launching this program with some one-time money, grabbing what we can and then scaling it over time. I think this is the right thing to do and if this becomes a catalyst for other cities and states to take the lead that would make me even prouder. Thank you all for your good work. Commissioner Eudaly, thank you for your leadership. Aye in accepting the report.

Wheeler: Well, today we heard some very powerful and insightful testimony and I want to appreciate everybody who came up and testified. I thought this was an extremely valuable community interaction. So thank you for that and thank you to all of the participants in the welcoming inclusive sanctuary city task force for all the work that you have done to coordinate efforts and support and protect the immigrant and refugee community here in the city of Portland. I want to be clear in restating the same goals that I state at all of these opportunities. Portland is a city where all people are welcome regardless of their immigration status. Portland is a place where all people are treated with dignity and respect. We're not going to be complicit in the deportation of our neighbors. We are going

February 28 – March 1, 2018

to protect all Portlanders, no matter their immigration status. We will protect Portland's status as a sanctuary city ensuring that our city remains safe and welcoming for all people. We are living under a national political climate where the rights of immigrants and refugees are under siege by an administration where sweeps and deportations instill fear and trauma, break up families, and as you heard today from some of our testimony, endanger lives. It's our responsibility here to take steps at the local level to ensure that everyone who chooses to live in Portland is protected, given basic human rights of dignity, respect, and acceptance regardless of their immigration status. Now, every time I say those words, my twitter feed, my Facebook feed, my email inbox, my phones get flooded by people from all over the country and they often ask the same question. They say, "mayor wheeler, and by extension, my colleagues on the city council, you took an oath when you took this job to uphold the law and uphold the constitution of the united states of America" and then they say something or ask something like, "what happened?" I want to be very clear everything that I just stated is consistent with upholding the law and it is consistent with upholding the constitution of the united states of America and every federal court that has had an opportunity to review these issues agrees with me, and they stand in opposition to the actions of the federal administration. So I agree something needs to be done here at the local level. Commissioner Eudaly, like my colleagues, I appreciate you honing in very pragmatically and correctly on this issue of legal aid. I think that is a great place for us to be able to focus. You have heard me and certainly you have heard some of my colleagues and others mention that there are discussions to be had around size, around scale, around budgets and I will look forward to working with my colleagues and all of you as we continue to evaluate the best path forward, but most importantly, I want to tell you how much I appreciate hearing this report today and I want to respect the incredible amount of time and energy and thought that went into putting this report together. Thank all of you and thank you, commissioner Eudaly. I vote aye.

Eudaly: Thank you, mayor and colleagues. I usually don't get to close the session, I don't feel like I have got a dramatic enough closing, so I might have to wing it here. When we passed the sanctuary city resolution last year, we knew that it was simply a first step toward protecting and defending our immigrant communities and we also knew that it wasn't enough and while we have implemented a few other policies or funded some defense. This task force was really our next big step in hearing from and collaborating with the community in order to determine what the most pressing issues are and I think unjust and unfair deportation poses a threat to a range of fundamental human rights and nothing else that we can do really matters if those people are ripped from our community. So I want to thank the task force for highlighting this issue, we hear you and it seems that we are all in agreement here. So as everyone has noted this is a challenging budget cycle, we are in a budget cut year and I have been looking hard at ways that I could, things that I could give up in order to put resources towards universal defense and while someone said I committed to \$750,000, earlier, I have committed to hustle for those dollars that's for sure, but I don't actually have \$750,000 to give to polo today who actually asked me for the check earlier. I am going to do my best for you and I do agree with the mayor and commissioner Fritz, there may be other entities, there may be ways that we can leverage those dollars, but I think we have got a really great initiative in the Oregon ready project and I would love to be able to get started on that as soon as possible. As to the office of immigrant support, I have already communicated this to the task force participants. It's a longer term request that will take a while to implement and we are really concerned with what we can do immediately. I want to note that this request has been made many times by the community over the years and I recently learned as a newcomer to city hall that such an office has previously existed in different, some of you, some of you may already know this. Raise your hand if you already know this. Yes. I see. Three people. Previously

February 28 – March 1, 2018

existed, Portland mayor frank ivancie created an office of refugee affairs in the '80s which led to today's new Portlander program which is currently housed in the office of neighborhood involvement. So, we can't immediately put together the office as represented in the report, I can commit to working with my colleagues, to see what aspects of the office we can implement now through oni and oehr while we consider the larger task of establishing a separate office. So these are my initial reactions. I look forward to engaging with the recommendations, continuing conversations with my colleagues and I am going to request a work session I think it might be my first. So finally, I have some thank yous. I want to again thank the task force members for being generous with your time and lending your support to the city's effort to strengthen our policies and I want to give a special thank you to Yesenia Ramos for your moving testimony. I try not to cry when I am up here, but you are in a tough situation, and I really appreciate your bravery in coming down here and all of your service to our community and she's only a senior in high school, folks. So I can't wait to see what you do next. I want to also thank oni staff, Suk Rhee, Diane Riley, polo Catalanai, may lo and Marco Meheya, as well as Winta once again. I don't think this would have come together in such a wonderful way without her and thank you for your work and finally, thank you to staff from every council office as well as oehr, ogr, and the city attorney's office who remain engaged throughout this process and have provided invaluable support. Thank you all for being here today and I vote aye.

Wheeler: Commissioner Eudaly votes aye. The report is adopted. Accepted and we are adjourned. [applause]

At 4:35 p.m. council adjourned