



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7th DAY OF NOVEMBER, 2018** AT 9:30 A.M.

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

Commissioner Saltzman arrived at 11:07 am
Commissioner Fish left at 11:27 am

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Denis Vannier, Senior Deputy City Attorney (Lauren King, Deputy City Attorney from 11:25-11:27 am); and Christopher Alvarez and John Paolazzi, Sergeants at Arms.

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

The meeting recessed at 10:04 am and reconvened at 10:08 am

COMMUNICATIONS

1136	Request of Craig Rogers to address Council regarding trust and local government (Communication)	PLACED ON FILE
1137	Request of Charles BridgecrAne Johnson to address Council regarding #BlueWave or #RedTsunami and congratulations Governor (Communication)	PLACED ON FILE
1138	Request of LeAnna Hunnel to address Council regarding being homeless with a registered Emotional Support Animal (Communication)	PLACED ON FILE
1139	Request of M. Goodwin to address Council regarding a topic deemed pertinent (Communication)	PLACED ON FILE
1140	Request of Star Stauffer to address Council regarding Portland Police targeting and assault of community members (Communication)	PLACED ON FILE
TIMES CERTAIN		
1141	TIME CERTAIN: 9:45 AM – Proclaim November to be Native American Heritage Month (Proclamation introduced by Mayor Wheeler) 30 minutes requested	PLACED ON FILE
1142	TIME CERTAIN: 10:15 AM – Proclaim November 11, 2018 to be Veterans Day (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 15 minutes requested	PLACED ON FILE

<p>1143</p>	<p>TIME CERTAIN: 10:30 AM – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk, and stormwater improvements and construct a mast arm traffic signal at the NE 42nd Ave and Columbia Blvd intersection in the NE 46th Ave and Saratoga Ct Local Improvement District (Resolution introduced by Commissioner Eudaly; C-10065) 20 minutes requested (Y-5)</p>	<p>37394</p>
<p>1144</p>	<p>TIME CERTAIN: 10:50 AM – Consider the appeal of Deborah A. Byrne against the Hearings Officer’s decision to approve a Conditional Use Review for a new eight-space parking lot on Imago Dei Ministries property at 1404 SE Ankeny St (Previous Agenda 1115; Findings; Report introduced by Mayor Wheeler; LU 18-174083 CU) 5 minutes requested Motion to adopt findings: Moved by Fish and seconded by Eudaly. (Y-4; Wheeler did not vote)</p>	<p>FINDINGS ADOPTED</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION Mayor Ted Wheeler</p>		
<p>1145</p>	<p>Reappoint Allan Warman as co-chair of the Portland Utility Board for a term to expire June 30, 2019 (Report) (Y-4; Saltzman absent)</p>	<p>CONFIRMED</p>
<p align="center">Office of Government Relations</p>		
<p>1146</p>	<p>Update Administrative Rule 3.01, Coordination of Government Relations to reflect the central coordination of State, Federal and Tribal Programs (Second Reading Agenda 1125; amend ADM-3.01) (Y-4; Saltzman absent)</p>	<p>189236</p>
<p align="center">Office of Management and Finance</p>		
<p>*1147</p>	<p>Authorize a grant agreement with Metropolitan Public Defender Services, Inc. to provide legal services to people affected by marijuana related arrests and prosecutions, in an amount not to exceed \$154,000 (Ordinance) (Y-4; Saltzman absent)</p>	<p>189237</p>
<p align="center">Commissioner Chloe Eudaly Bureau of Transportation</p>		
<p>*1148</p>	<p>Approve a license agreement and its renewal with infoUSA Marketing, Inc. and authorize payment of an invoice in an amount not to exceed \$15,000 for the purchase of mail lists (Ordinance) (Y-4; Saltzman absent)</p>	<p>189238</p>
<p align="center">City Auditor Mary Hull Caballero</p>		
<p>*1149</p>	<p>Amend contract with NAVEX Global, Inc. for extension of Fraud Hotline services for one year for an amount not to exceed \$5,000 (Ordinance; amend Contract No. 30003085) (Y-4; Saltzman absent)</p>	<p>189239</p>

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*1150	Assess property for system development charge contracts, private plumbing loan contracts and safety net loan deferral contracts (Ordinance; Z0834, K0176, T0192, T0194, W0061, Z1205, K0177, T0193, Z0835, W0063, P0155, P0156) (Y-4; Saltzman absent)	189240
*1151	Authorize permanent bonded lien interest rates for installment payment contracts financed by the Limited Tax Improvement Bonds, 2018 Series A (Ordinance) (Y-4; Saltzman absent)	189241
REGULAR AGENDA		
Mayor Ted Wheeler		
Bureau of Planning & Sustainability		
1152	Grant residential solid waste, recycling and composting collection franchises in the City (Second Reading Agenda 1023) (Y-5)	189242
1153	Authorize compliance and enforcement measures for the Bureau of Planning and Sustainability Administrative Rules for Energy Efficient Building Requirements for Planned Development Bonuses (Second Reading Agenda 1128; amend ENB-14.10) (Y-5)	189243
Office of Management and Finance		
1154	Amend the Heavy Vehicle Use Tax Code to remove the four-year revenue target (Second Reading Agenda 1130; amend Code Section 7.02.500)	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
Commissioner Nick Fish		
Parks & Recreation		
*1155	Amend the Parks and Recreation System Development Charge Code to clarify language and improve program implementation (Second Reading Agenda 1133; amend Code Chapter 17.13) Motion to add emergency clause to avoid delay in program implementation: Moved by Fish and seconded by Eudaly. (Y-5) (Y-5)	189244 AS AMENDED
Commissioner Dan Saltzman		
Portland Fire & Rescue		
*1156	Accept and appropriate a grant in the amount of \$2,053,728 from the Department of Homeland Security through its Federal Emergency Management Agency for the purchase of new self-contained breathing apparatus (Ordinance) 10 minutes requested (Y-4; Fish absent)	189245

At 11:41 am Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7th DAY OF NOVEMBER, 2018 AT 2:00 P.M.

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

Commissioner Eudaly arrived at 2:01 pm and left at 3:03 pm

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney; and Christopher Alvarez and John Paolazzi, Sergeants at Arms.

S-*1157 TIME CERTAIN: 2:00 PM – Adopt the FY 2018-19 Fall Supplemental Budget and make other budget-related changes (Ordinance introduced by Mayor Wheeler) 1 hour requested

Motion to accept substitute ordinance and exhibits: Moved by Wheeler and seconded by Fritz. (Y-5)

Motion to increase bureau expenses in the Office of Community & Civic Life General Fund Budget by \$125,000 to fund additional costs related to Census 2020 Coordination and Response. Reduce General Fund unrestricted contingency by \$125,000 to fund this change. Update Exhibits 1-5 as needed to reflect this change:

Moved by Eudaly and seconded by Fish. (Y-2 Eudaly, Fish. N-3 Fritz, Saltzman, Wheeler. Motion failed.)

Motion to increase bureau expenditures in the Office of Community and Civic Life by \$125,000 for Census 2020 Coordination and Response. Reduce General Fund unrestricted contingency by \$125,000 to fund this change. The Office of Community and Civic Life will provide a multi-year work plan to the Mayor before funds are expended. Update the Ordinance and Exhibits 1-5 as needed to reflect this change: Moved by Wheeler and seconded by Fish. (Y-5)

Motion to increase bureau expenses in Portland Parks & Recreation General Fund budget by \$50,000 to fund outreach programming at the Interstate Firehouse Cultural Center. Reduce General Fund unrestricted contingency by \$50,000 to fund this change. Update Exhibits 1-5 as needed to reflect this change: Moved by Fish and seconded by Eudaly. (Y-3. N-1 Saltzman. Eudaly absent)

(Y-4; Eudaly absent)

1158 TIME CERTAIN: 3:00 PM – Accept Portland Utility Board Annual Report (Report introduced by Commissioners Fritz and Fish) 10 minutes requested

Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4; Eudaly absent)

SUBSTITUTE
189246
AS AMENDED

ACCEPTED

At 3:25 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **8th DAY OF NOVEMBER, 2018** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:20 pm
Commissioner Fritz left at 5:36 pm
Commissioner Fish left at 5:37 pm

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory
Kraut, Senior Deputy City Attorney; and Ovie Griggs and John Paolazzi,
Sergeants at Arms

The meeting recessed at 4:37 pm and reconvened at 4:38 pm
The meeting recessed at 4:47 pm and reconvened at 4:51 pm
The meeting recessed at 5:20 pm and reconvened at 5:20 pm

***1159**

TIME CERTAIN: 2:00 PM – Amend ordinance for interim use of
the Multiple-Unit Limited Tax Exemption Program for affordable
housing in housing developments not subject to Inclusionary
Housing to be in accord with Multnomah County modifications
(Ordinance introduced by Mayor Wheeler; amend Ordinance No.
188869; replace HOU-3.02) 15 minutes requested
(Y-5)

189247

S-1160

TIME CERTAIN: 2:15 PM – Authorize the Commissioner in
Charge of the Police Bureau to order content-neutral time, place
and manner regulations for demonstrations held in the City
(Ordinance introduced by Mayor Wheeler) 2 hours 45 minutes
requested
Motion to accept substitute: Moved by Wheeler and seconded
by Fish. (Y-5)
**Motion to amend directive k to require the written report also
be provided to the public:** Moved by Fish and seconded by
Saltzman. (Y-5)
Motion to change the expiration date to June 30, 2019: Moved
by Fish and seconded by Saltzman. (Y-5)
**Motion to add directive m to direct the City Attorney to report
to Council no later than January 10, 2019 with an evaluation of
additional legal options to allow Council to consider
additional tools to address concerns with demonstrations
identified in the ordinance:** Moved by Fish and seconded by
Saltzman. (Y-5)

**SUBSTITUTE
PASSED TO
SECOND READING
AS AMENDED
NOVEMBER 14, 2018
AT 9:30 AM**

At 5:41 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.**

November 7, 2018 9:30 a.m.

Wheeler: Ladies and gentlemen, commissioner Fish has asked if we could have a brief pre-gavel session and I think that's a good idea. Commissioner Fish.

Fish: We had an election last night, and everybody has their take-away of something that happened last night that they liked, whether it's Scott walker going back into the private sector or maybe it's the house turning democrat or maybe it's tammy Baldwin holding her seat or the first native American woman to be elected. Two native American women to be elected to the house and we can go on and on with things that happened last night. I would like to take a moment and thank the Oregon voters for supporting affordable housing. We had two ballot measures yesterday, ballot measures 102 and 26199. Each almost got to 60%, which if you go back, and lightning is nodding, and lightning follows this closely, you go back six months ago, and people were saying that both of them were a heavy list. Oregon voters said yes for affordable housing on both. Almost to 60%, and something representative Sanchez that we are very proud of is -- the housing bond one in all three counties. So in Clackamas, in Washington County, and in Multnomah county. This is not just a Multnomah county, and what does it mean? What does it mean with having both passed? It means that as many as 12,000 people will now have a safe and stable place to call home when it's all built out, and the share that Multnomah county is going to receive is \$250 million. So as I was saying to my friend earlier, I don't know what I feel greater about today, the fact that for me this is day 443 of surviving cancer, or the fact that Oregon voters did something historic, the largest housing bond in the history of our state. Can we take a moment to acknowledge 26199 and measure 102 and thank the voters, thank you mayor.

Wheeler: Commissioner Fritz.

Fritz: I want to say, commissioner Fish thank you for all of your work for passing those, the bond measure and the constitutional amendment. These things don't just happen. They take a lot of work and thank you very much for taking that in addition to your own re-election earlier this year and your ongoing battle on behalf of the council. I very much am appreciative of that. Congratulations to representative Sanchez and just excited about the people that I get to work with both here at the county and metro and Washington county. Oregon did our part. Thank you voters.

Wheeler: Commissioner Eudaly?

Eudaly: Well, November 7, was that election day in 2016, was one of the best and worst nights of my life. I didn't really get to enjoy my victory considering who was elected as president. Last night was -- I feel like I got to experience that feeling of victory and exuberance. I am thrilled about our new colleague who will be joining us in January. The ninth woman to be elected to city council. The third african-american to ever serve on city council. The first woman of color to ever serve on city council, and we will have our first women majority council. So I would like a round of applause for that. I was very nervous about 105. Did I miss -- very nervous about 105, which would have repealed the sanctuary state policy. We prevailed. We know that we are on the right side of the issue morally, and the courts across the country have shown that we are also on the right side of the law, so thank you Oregon for protecting our immigrant and refugee communities. I am stunned. I think that there is maybe -- there is very few elections that went not the way that I would

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have liked to see them go, but all of the measures that I was supporting, including the Portland clean energy fund, which is going to be tens of millions of dollars a year for green jobs and green energy and creating economic opportunity for those who have been left out of the rising tide in our economy. We are going to change the face of our city and I don't feel proud every day of Portland or Oregon, but I am proud to live here today, so thank you voters, and thank you Portland.

Wheeler: I will chime in, and first since we are pre-gavel, I just want to put a thought on the record, I had a chance last -- late last week to go to the Kenton women's village. I know most of you are familiar with that. I had the privilege of meeting two women there who have a entrepreneurial initiative that they are running out of the Kenton women's village called okie dokie. They make these incredible handbags out of the materials, recycled material that comes off of the highway advertising signs, the billboards. They are made of a canvas-like material, and I didn't know that because I have never been close enough to one to actually understand that and I just thought that it was really a very positive thing to see women who are experiencing homelessness in an environment where they are respected and part of a community, and taking an incredible leadership initiative to start a company that is, actually, quite successful. I believe that you will see their products all over the place. I thought it was really cool, and I wanted to shout that out. With regard to the election, it was a good night. Voters in the state of Oregon said yes to affordable housing. They reaffirmed overwhelmingly their commitment to sanctuary status for the state of Oregon. They said yes to letting women make their own reproductive decisions and we returned the governor to office who I think is going to have a fantastic second term, and I wish governor brown all the best as she embarks on the second term. So thanks to everybody who took the time to vote. The voter turnout was very strong and I am appreciative of the fact that people, regardless of how they voted, they took a real interest in what was going on and participated, so I thought on the whole it was a really excellent night for our state and for our community, and i, too, I look forward to Jo Ann Hardesty joining us here at the dais, it is historic she comes with a long history of accomplishments. She and I worked together on many issues over many, many years and I look forward to her sitting presumably right here in this seat. And unless for any reason that we decide we are going to change the seating arrangement.

Fish: She asked if you would switch seats with her.

Wheeler: She would be careful what she asks for. At any rate, thank you, so with that, good morning Karla, and we are ready to go into session.

[gavel pounded]

Wheeler: Good morning this is the morning session of the Portland city council. This is the November 7 session. Karla, please call the roll.

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

Wheeler: Here, good morning.

Denis Vannier, Senior Deputy City Attorney: 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 that everyone can feel welcomed, comfortable, respected, and safe. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to speak briefly about any subject. You may also sign up for public testimony on resolutions or the first hearings -- I am sorry, 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

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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 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 helping your fellow Portlanders feel welcomed, comfortable, respected and safe.

Wheeler: Thank you. Communications is up first, please. Karla.

Item 1136.

Wheeler: Good morning.

Craig Rogers: Good morning. My name is Craig Rogers. I live in Portland where everything is okay and nobody is responsible. Where the bar is so low I need a shovel to find it. I listened to npr, and I was listening to a speech pathologist. She stated that for someone to really hear what you are saying, you need to repeat yourself three times. Well if you've been married, you know that's true. Actually I think that she is wrong because if you come down here to city council with some members of the council, you can say it 100 times and they won't hear you. I am really excited because throughout your life you come across this questionnaire, which would you rather be. One of the things is invisible. The way that you are invisible, you come down to city council and you tell the truth. So the cornerstone of a functioning democracy is transparency and accountability. Right here the Washington post, which was instrumental in exposing Watergate, it says right here, democracy dies in darkness. And this was ground-breaking, this 2016 community survey. If you look at it, everything is headed down. This was November 2016. Things have not gotten better since then. Now there is another survey going on. It's not out of the auditor's office, so I really have questions as to whether I am going to trust it or not. I am wondering, ted, if it's just to make you feel good and fool the citizens that everything is better because here you are saying in the tribune, the mayor believes the city's future is bright. Well, I am not seeing it. When you had your Portland is not a tent city news pow-wow down here, I could walk out my front door and see one right next door. Because there is a Portland park there, and it became a bed and breakfast for the homeless. There were numerous assaults going on there. I've been down here more than once and told you the face of the homelessness in the city is the with a black eye and bloody nose, and nothing, nothing was done about it. I had to do it. See these phone numbers, I was the guy. And I connected the school district and everybody else to get things taken care of. So, I have heard something that really opened my eyes, where you stand on an issue is determined by where you sit. You sit down here. I invited you numerous times to come out there. You never did. I don't think really you know what's going on. I started a kind, cordial, I am past that. No more kind and cordial. You would not accept my invitation to meet me at the community center. So at this time I don't have any doubt that you would sacrifice my neighborhood and this entire city for another rung on your political ladder.

Wheeler: Can I ask you a question? When did you invite me to the east Portland communities? I've been this many times and I don't recall receiving an invitation. I would be happy to go.

Rogers: Michael Cox and I spent literally hours having coffee together before you were elected and after you were elected. I got a large union to endorse you. It's not easy to get in touch with you personally. So via Michael Cox sending pictures, descriptions.

Wheeler: We have many conversations in this council chamber and I don't believe that you have ever asked me. I am more than happy to do it.

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Rogers: I've been down here several times, same subject comes up. Where it's at. So if you wanted to help, and actually it was from a group testifying, a group of women that they had about 100.

Fish: I think what he's saying if you extend that invitation again he will accept it.

Wheeler: I would be happy to do.

Fish: You made a compelling argument.

Wheeler: I will also bring somebody from the joint office of homeless services because I know that they have been in touch with people.

Rogers: You tell me what kind of coffee you drink and I will get it from Starbucks and have it ready.

Wheeler: The stronger the better. I prefer gas station coffee but the stronger the better.

Rogers: How can I be in touch with you, ted?

Wheeler: Just leave me your contact information.

Rogers: That email thing you told me that before.

Wheeler: I have 640,000 constituents, and I am telling you right here in public, I will come out and I will meet with you. You come here on a regular basis. You raised this issue, I tell you what we do, and I am going to go out there and I will show you what we do. I will bring the people who actually do the work with me. We can have a conversation and hopefully it will be a very positive one. You are looking sharp today.

Fish: You raised a question focused not so much at the mayor as the council. I want to give you an update. The community survey used to be done by the auditor's office. It is now going to be done by the independent budget office, and as you know a number of people on council fought hard to make sure that the budget office is independent, and operates independently, and they are issuing what's called an rfq or request for qualifications this week or next week to hire a polling firm, a professional outfit that does scientific survey work. I did not find the survey particularly helpful at budget time because it did not help me to decide what we would do, with forced choices. One of the things that I would like to see is a survey where the public is telling us what they care about, if they had one extra dollar to invest, where they would invest it, as well as giving us grades and in how we are running our bureau. If you have thoughts for how you think that survey can be improved, would you stop by and talk to Jamie in my office?

Rogers: One very brief thing. The most intelligent thing I ever heard said about data was old uncle joe stallin. He said it's not those who vote that determine the outcome of the election, it's those who count the votes.

Fish: Thank you.

Wheeler: Next individual please.

Item 1137.

Wheeler: Good morning.

Charles BridgecrAne Johnson: Good morning counselors. Thank you voters of Oregon. As you may have noticed when Karla read that it only says to address council regarding blue wave or red tsunami, and congratulations governor, and I was terrified that I might have to finish that sentence saying governor-elect newt buehler, but the voters of Oregon have enough sense to prevent the \$2 million man from becoming our governor. We still have some issues to address, for example, that means that there are people in the state that even as we went from the county voters overwhelmingly approving an issue to limit money in elections, and now city voters have reaffirmed that same necessary and brilliant democratic ideals that we need to limit money in elections. People are still throwing money into elections. Fortunately, at losers. Hopefully Mr. Knight will resume his course towards philanthropy and stop trying to buy the governor's mansion, although he can make it look beautiful for you if you ever get there, ted. So the next interesting thing, I think that we will talk about the time certain that are coming up, the election has been well discussed. I

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think that it's, considering how much, since the time of a decent republican Abraham Lincoln, the fall in November has been a time of national thanksgiving, we should not necessarily make that the only time available to honor our native indigenous neighbors, and we don't just need to honor them, we need to apologize for a gross genocidal dishonest American history. So we are doing it in November probably because of some historical things that were not really under their control, and I hope that we will empower their voices so that they can tell us, you know, as we move towards listening to them on every interest that matters to them, including climate change, when local tribal nations and peoples feel the best time not to tuck them in with thanksgiving, we also do a good job of letting them lead and bring the message that we need to hear back on the holiday formerly known as columbus day. I think that it's an important historical thing that it turned out that as we approach 11-11, the 100 anniversary of the armistice in Europe, we have to know that America has had brave soldiers but we have not always bravely and heroically used our military, so I see that Mr. Walsh is here, and I want to thank all of the vets that encourage us to really put the values of equality and the equity and serving those in most need first. Thank you very much.

Wheeler: Thank you, appreciate it. Next individual, please.

Item 1138.

Eudaly: She needs a clear path to come through.

Wheeler: Can you please move the bag, thank you and the microphones move if you want to slide microphone.

LeAnna Hunnel: I find myself in a precarious.

Fish: Can you give your name please.

Hunnel: My name is LeAnna Hunnel. This is sam. Sam is my esa. I have had her ever since she cracked her shell 34 years ago. She was born with brittle bone syndrome. She's broken just about every bone in her body. Now she is just as dependent on me as I am of her and we are very bonded. When I found myself homeless over a year ago, I was not able to take care of my home that I had lived in for 25 years and because I didn't pass my inspection, I lost my housing. Two weeks later, because they did not believe my body was breaking down, that I was faking this. Two weeks later, the surgeons up there at the us of o said that she has a life threatening operation that she needs very soon because her next step could be her last. So yeah, I already lost my housing, so I find myself living in my car with my bird, and during the heat, as the summer, we were not allowed into the libraries or a lot of shelters, and because I cannot go down on the floor, you know, the shelters -- a lot of them would not accept her, and so I find myself, you know, living in my car on the side of a street.

Wheeler: It's all right.

*******:** No, it's not all right. House the people, use money to house the people and stop the sweeps.

Hunnel: I am so sorry.

Wheeler: Don't interrupt her. You are in violation of the rules.

Hunnel: I am sorry. She's my main concern. We did get accepted into a shelter that had animals. The third floor was set up for cats, dogs and people that had animals, but it was the third floor, and because my disability, I am so sorry, okay.

Wheeler: Why don't you take another minute.

Hunnel: Because of my disability I was put with the pods with the rest of women, and in a lower bunk, but she got so stressed out that she was chewing on her fabric, and she got wound up with fabric inside of her, and she wouldn't talk to me for about four weeks. She is just now getting to talk to me. I had to take her to the vet. It's just -- I don't know what we're supposed to do, where we're supposed to go or what we are supposed to do. And it's too cold for us.

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Wheeler: Let me do this. Why don't you -- let's go out in the hallway and see if we can resolve this. Can we do this? Okay. Thank you.

Hunnel: Thank you.

Maggie: The disability awareness team.

Fish: Maggie please, ok Karla would you please read 1139.

Item 1139.

Fish: Is m. Goodwin here? Okay, we will get m. Goodwin next time. 1140?

Item 1140.

Fish: Ms. Stauffer welcome. You have three minutes.

Star Stauffer: It's sort of weird being here again. I have gotten to enjoy sleeping in on Wednesdays. I apologize.

Fish: Who was that? If there is one more outburst, you will be asked to leave the council chambers and please don't be disrespectful to someone who is testifying. It will not be accepted. That's your last warning. Go ahead, it will not be counted Against your time.

Stauffer: I am not everybody's flavor, okay.

Fish: If you are sitting in that chair you will be treated with the respect of the house.

Stauffer: I will talk about neutrality. In light of recent events, it's important to point some things out with the unconstitutional protest ordinance coming into play. This first line is directed at wheeler but he's outside doing a little bit better work, so I am going to continue. You and the rest of this council behave as though you were not warned of the implications of accepting hate speech as free speech. Many, including myself have all come to you on multiple occasions in an attempt to help you understand the danger to the community. You ignored our cries, injuries, victims of murder on the basis of hate and undeniable evidence presented repeatedly. Yet you sit describing an event where patriots traveled from neighboring states to come and harass a family that was attempting to grieve for their loved one that had been gunned down by police. That is not neutral, that is complicity. Your own police chief, Danielle outlaw, has gone on to public radio and news agencies in an effort to discredit the residing members of the community who take time and effort to show up regardless of the potential danger to their lives, stand in the way of white supremacists, nazi's, right wing extremists and those who protect them. You sat oddly by while the cop belittled our community one day after gher cops brutalized 100s of people including children, those with disabilities and those most targeted by the rhetoric these extremist bring to our community. That day cops almost killed members of our community. That is not neutral. Reports have been published citing proof that Portland's cops favor right wing attendees over those they view as antifa, leftists or black lives matter. Not only is that not neutral but that is a clear stand on the side of those that invade our community and attempt to antagonize, attack and harm. And yet time and again it is those that oppose these fascists that are targeted by the weapons of the regime. That is aiding, platforming an endorsement of dangerous beliefs, not neutrality. Neutrality is defined as a state of not supporting or helping either side in a conflict or a disagreement. Your part in history is already written as those who chose not to stand against white supremacy, rape culture, racism, genocidal ideologies or those identified as hate groups that hold indisputable records of nation-wide violence and murder. You will be remembered as those who so badly pretended to be Switzerland while choosing to ignore the threat or accept the fatal consequences of the resurgence of nazis in the more derogatory definition, and to answer outlaws rhetoric with lars larsen, we know who the white supremacists are, who the nazis are and who the violent extremist are because we do our research. You have belligerently ignored the threats that are allowed to run rampant in our home. You have shown yourself to be a danger to our home with your abuse of dismal and refusal to accept what's right in front of your faces. We have lost members of our community who said it clear and a definitive example of what many of us are willing to sacrifice to stands against the

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ideologies that have historically and currently led to genocide. If we were to wait for you to muster bravery, this will never end.

Fish: Star, thank you very much.

Stauffer: I have a couple lines left and I would like to finish them.

Fish: You can wrap it up, yea.

Stauffer: You solidified our beliefs as members of this community and beyond that we cannot count on elected officials to be anything but for their own agendas. Those that understand the consequences of racism, fascism and bigotry will continue to do the hard work of making real change. This is how you will be remembered in history, but at least you will have your footnote. Let's not forget Charlottesville police also stood the same ground at the cost of heather hire.

Fish: Thank you very much. Okay folks, please, if you want to show your applause, wave your hand but don't applaud. Mr. Walsh, applies to you, too. Karla please read our first time certain, 1141, excuse me, lets take up the consented agenda.

Fritz: We can't do that because we need four and president Fish I think that maybe we should take a recess because I know that the mayor would want to be here for the native American proclamation.

Fish: Let's do this, let's ask our honored guests to come forward and we will take a three-minute break and we'll ask the mayor to come back and if he's not available I will introduce the panel. So Laura if you could bring the guests forward. Karla, let's take a three-minute break.

At 10:04 council recessed.

At 10:08 council reconvened.

Wheeler: Please call the remainder on the consent agenda please.

Eudaly: Before I vote I want to quickly highlight item 1147 which is the mpd grant to expunge records, this grant is the product of a very intentional process led by my office and commissioner Fritz's office to identify and fund the most important community needs since cannabis became legal. It was clear before we began that expungement of past cannabis charges was the most urgent, most directly effective issue that we could tackle. Especially since we have a state representative in the room, I do feel compelled to remind the state that they, not the city of Portland should be taking responsibility for expungement of cannabis charges since this is a state level law. Tawna wasn't there when this decision was made. Instead of spending hundreds of thousands on our cannabis tax dollars the state could fix this for everybody with the stroke of a pen. These laws were made at the state, changed at the state and the state should bear the burden of correcting the mistakes that cost people their jobs, housing, and stability. I look forward to continuing this conversation with our representatives in Salem and with that I vote aye.

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

Wheeler: Aye. The consent agenda is adopted. We are at the first time certain, item 1141, please.

Item 1141.

Wheeler: Colleagues, I am excited about the opportunity once again to bring a proclamation before you to declare the month of November native American heritage month. This designation is a reminder that we shall recognize the significant contributions of the first Americans who have made our country to the pacific northwest and to our city. Last year I shared that we just filled the city's tribal liaison position within the office of government relations. Today I am proud to say that we made significant strides over the last year to strengthen our relationships with the areas tribal governments as well as improved engagement with Portland's urban native American community. In September we welcomed tribal leaders and delegates from seven tribal nations to city hall for the inaugural tribal nation's summit. The conversations between the visiting tribes and city

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leadership made it clear that there is numerous ways in which the city and tribes can work to go for the common good. I urge all city of Portland employees and residents to take up the opportunity during the month of November and beyond to celebrate native American heritage. At this point I would like to turn the program over to Laura John. Good morning Laura it's good to see you.

Laura John, Office of Government Relations: Good morning mayor wheeler and city commissioners. Thank you for allowing time this morning for us to come forward. For the record my name is Laura john, I am the city's tribal relations director in our office of government relations. I am very excited to bring our guests forward today, each are distinguished and well revered in their own ways here in our urban native community as well as beyond the Portland area. Before I introduce our guests I want to first start by providing some background on how native American heritage month came to be. I have to say that as a young woman I was not always a fan of native American heritage month. It was oftentimes for me as a young girl in school a time when it was uncomfortable because we were expected to make certain projects in classrooms that did not fully capture our culture, our history appropriately. I carry that discomfort into adulthood, but I do have to say that there is so much value in having these proclamations and these designations. Native American heritage month is an opportunity for us to show our appreciation for Indian country history, culture, and people but also to honor the vast contributions of native people not only to our city but our state, our country, and to the world. This morning I wanted to share the origin of the native American heritage month, which I didn't know until just a handful of years ago and found the similarities in the origin with my own origin quite striking. As you all know, I am a black feet, come from the black feet and Seneca nations. So this is an excerpt from the national native American heritage month website. Quote, "what started at the turn of the century as an effort to gain a day of recognition for the significant contributions the first Americans made to the establishment and growth of the united states has resulted in a whole month being designated for that purpose. One of the very proponents of an American Indian day was dr. Arthur c. Parker, a Seneca Indian and also a relative of mine who was the director of the museum of arts and science in Rochester, New York. He persuaded the boy scouts of America to set aside a day for the first Americans and for three years they adopted such a day. The year before this proclamation was issued, red fox James, a black foot Indian, rode horseback from state to state seeking approval for a day to honor Indians. Several miles later and months on December 14, 1915, he presented the endorsements of 24 state governments at the white house. There is no record, however, of such a national day being proclaimed at that time. In 1915, the annual congress of the American Indian association meeting in Lawrence, Kansas, home of Haskell institute at the time, formerly approved a plan concerning American Indian day. It directed its president, reverend Sherman Coolidge a Arapahoe, to call upon the country to observe such a day. The first American Indian day in a state was declared on the second Saturday of May in 1916 by the governor of New York. Several states celebrate the fourth Friday in September. Moving forward in 1990, president George h.w. Bush approved a joint resolution designating November 1990 as national American Indian heritage month. Similar proclamations under variance on the name including native American heritage month, and national American Indian and Alaska native American heritage month have been issued, each year since 1994. Each year over the past handful of years and even going back into the 70s and as early as the 50s, our city has proclaimed native American heritage day or month and each year we move closer to moving beyond a month of education to a month of engaged celebration. I am honored to bring this proclamation to the city council this morning not only as your tribal relations director, but in particular, after last night's historical election of the first, not one, but two native American women who will soon be serving in the united states congress house of representatives.

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These women will be the second and third native Americans to serve in congress in our country's history. I am also honored here this morning to introduce our state's second native American, Oregon legislator, representative Tawna Sanchez.

Wheeler: Good morning.

Tawna Sanchez: Good morning, I am a little crocky this morning so forgive me, for the record I am representative Tawna Sanchez, house district 43, north and northeast Portland and I am very excited to be there obviously I was on the ballot yesterday, but I did not have an opponent, so I am all good.

Wheeler: Congratulations.

Sanchez: Thank you, other folks had a more difficult time and we are very excited now to be for the majority in our house. We are excited to have our governor be able to move forward and actually have a full term of being able to actually do the work that she needs to do, so I think that we will be seeing great things moving forward. Hopefully what you are getting at commissioner Eudaly. This proclamation, as was mentioned, is, you know, obviously we've been doing this, this time of thing for a while and over and over again is that recognition that native people have been here forever, and as I teach a class now at Portland state university and native American communities, and the school of social work, and I am teaching people every day to recognize the history that we have dealt with and the laws that affect only native Americans, the struggles with land and water and all of those issues, and I am so excited that every day we get closer and closer to helping people recognize what that looks like. What that really means. And the fact that we will have two native women going to congress will be an amazing thing, as well, but only the second and third native American person ever. What that says to me is that we have a long way to go. It's so very, very important that we have this partnership with the city, and, of course, have a greater opportunity to make greater partnerships within the state and the country and the world to recognize what we have dealt with here in this country. It's a difficult thing as Laura mentioned to be a child growing up and dealing with native American heritage month as something that may be was a bit hard as a younger person. I remember it as a parent, when that would be the time when people would call me to come and speak at the school and I would remind them that I can speak just as well in April. As I can in November. So this should be every day that we are reminding people that we have an innate connection with this land and we have a culture and languages and spirituality and very intense connections that really should be looked at every day. That we should recognize every single day that things have to shift and change and recognition has to happen, and that we are sovereign governments. That's the real issue right now. We are sovereign governments and we have things like the Indian child welfare act, which is a federal law that is under attack yet again. And we could sit in a time where the current administration could be very difficult to deal with regard to our sovereignty. That's the partnership that we need to build differently. We need to make sure that people understand that this is a huge issue. Our existence is very, very important. We have obviously seen that termination happen and restoration happen in particular here in this state. We need to make sure that the people understand and know that our very existence is what is so very important at this moment in time. So again I want to thank you for this opportunity, and just again to remind you that we are here, and we are not going anywhere.

Wheeler: Excellent. Thank you representative. We are honored to have you here today. Thank you and congratulations.

Paul Lumley: Thank you, mayor wheeler. It's an honor to be here and before all of the city council members, commissioners today, I want to thank you for your many years of benefits you provided for the native community, and I am looking at commissioner Fritz and Eudaly. You have got a beautiful medallion on today, it looks very nice thank you for

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wearing that and I realize dan Saltzman is not here today, but he has served many years on this council and has provided great benefits to not just the whole community of Portland, but the native community with his advocacy in the Portland Children's levy and the foster care. He's also helped the native American youth and family center where I work with our property at the campus and also with our affordable housing generation, so even though he's not here I want to thank dan for his many years of service. I also want to acknowledge we have an amazing tribal liaison, her name is Laura john.

Fish: Here, here.

Lumley: She's just rocking it and had a wonderful tribal nation summit, and also led the way for the indigenous people's day proclamation, and it's really helped bring the city bureaus closer to the native community, so I want to thank you Laura for that. I also want to congratulate Tawna Sanchez on her reelection to the 43rd district of the state of Oregon, congratulations Tawna.

Sanchez: Thank you.

Lumley: And the election last night made me feel very good. There was some positive steps forward in the areas of housing, health, education, and the environment as well as jobs, so I feel really good about the election last night, I just wanted to share that with folks. Now, I mentioned the city's help, and it has expressed itself in many ways, the -- first I want to mention is parks and recreation, they have a wonderful native American community advisory council. We also have the office of community and civic life, with their civic leadership program its helped the native community in many ways to organize, especially our leadership and advocacy, the regional arts and culture council has done great strides in bringing monumental art to the community and supporting the native arts we have Lillian Pitt and preston singletarian installations that are beautiful. Prosper Portland has stepped forward to help with community investments as well as micro-enterprise, we have the joint office of homeless services and Portland housing bureau that's addressing the many housing needs which are very great in the native community. We also have been doing quite a bit of work with gang prevention, so you have invested in the native community in many ways, and I just wanted to express our appreciation for that. Now it's true that we do have much more to do, we do have native Americans who are overrepresented in the homeless population. We want to have a more direct partnership with the city to address those issues. We also want to break the cycle of poverty and provide good paying jobs for our community. We do need to make still many more strides with education for the native community, and obviously my organization is advocating and collaborating on those fronts, we also have quite a few environmental concerns for the city. So that being said, we look forward to the ongoing partnership with the city, and I want to thank you again for all that you do for the native community and thank you for proclaiming November as native American month. Thank you very much.

Wheeler: Thank you. It's good to see you, Paul.

Lumley: Tawna has reminded me I forgot to say my name. There is a big sign here. Paul Lumley, executive director, native American youth and family center and citizen of the Yakama nation.

Wheeler: Thank you very much for your partnership, good morning sir.

*******:** Good morning. I would like to take my deep appreciation and sincere moments to share with our governors who I have shared a lot with them before and it's always been an honor and pleasure to see what they have done for our native community and to express the feelings that I have for their work that they have to do. I am a snamo ogolalo lakota from Lakota from pine ridge, south Dakota. I am a marine corps veteran, I served in the marine corps, and I am here to -- I've been in Portland for 50 years working in the native community, and I have seen the improvement that we have had like Laura john. We worked all these years to try to get our young students to go to college, come back and

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take over the native programs and to move into these native spots, and we have seen some of them today that are elect the into the commission, and it's a great feeling to know this. In my heart that our native people are finally being recognized by the world. We have seen a lot of it, our greatest thing that came from the respect that we have received in the whole world as native community, and it's really good to be able to sit here today and to think back of what we went through here, what we started with in the last 50 years. I was one of the founders of the native American rehabilitation association, which is an alcohol program that is \$29 million program today, that's one of the founders of the naya program, and I shared our native community with everyone here with our commissioners down through the years. It's a great honor. I could sit up here all day and express my thoughts and my feelings of what you have done for our native people, and why it's so important that we keep this going, and we do have deep thoughts and thanks for what you have done for our people. Our native community and like I said I was a marine corps veteran, and I have seen the progress of our native veterans, the success that they have had, and the recognition that we have had from the world as native veterans. Native people have always been warriors. We have always volunteered to protect our people and our country. We continue to do this, and to this day we are finally getting the recognition of the veterans, all veterans to this country getting the recognition that they deserve, and the help that they deserve. We see a lot of them on the streets today as homeless, and they need the help bad, and if we continue to do this, I think that it's one of our greatest things that can happen to our veterans today, but they are really being recognized as heroes and warriors, that they should have been recognized, and seen years ago, and this is one of the grace things that I feel today that our veterans. I have seen what happened to our veteran people years ago. Our veterans come home, and they are disrespected, they are cursed and called baby killers and so forth, and kids are over there fighting for their country, fighting for their world, for their people and to come home and get that kind of, you know, recognition, it's really heart-breaking, and today to see where they are at today, the recognition that they have as veterans and the veteran day, it's a great honor and a great privilege to realize that I was a veteran and to serve my country, and again, I could say that I could go on and thank Mr. Wheeler and the commissioners and Mr. Fish and Mr. Fritz and all of you that we served with you before. And we want to continue serving with you and helping you and that you give the help that we need from you, and thanks to our native, from our native community. Mostly I am here today to thank you and the recognition that we have received through our native veterans and the native people from all of you. I want to thank you. Like I said, I could go on forever talking about the thanks in what you have given us, so thank you very much and don't stop. Keep going.

Wheeler: And thank you for your years of partnership with us here. We appreciate it. You give and give and give in this community, and I just want to acknowledge that. It's really appreciated. Thank you.

*****: Thank you.

John: To wrap up our presentation I want to say that my hope for the city of Portland is that our native American heritage month serves as a reminder that in order to be a well functioning city government, we must include a tribal lens in every corner of the work that we do. In doing so, we help take steps to that time that our elected officials, our leaders, our employees, our advocates and community leaders all together can build a city that will provide equitable opportunity and inclusion for native American people. I am working with a number of city bureaus to support their efforts to host an event for this year's heritage month. These events include speaking panels, film screenings, reading discussions, brown bag lunches, so we have lots of events that are being hosted by city bureaus this year. I am very happy about that. Lastly I just want to thank you for your time and thank you for

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your support of the work that I do, and thank you for allowing me to bring guests to chambers this morning.

Wheeler: Thank you. So without it Laura I will read the proclamation. Very good. Whereas native Americans, the indigenous peoples of this land flourish with vibrant cultures, developed one of the largest trade economies, and are the original stewards of mother earth; And whereas the city of Portland now rests on the land, the confluence of the Willamette and Columbia rivers, a major crossroads for the economic, social, and political interactions of the indigenous tribes for thousands of years; And whereas indigenous people hand down oral histories, science, governance, a distinct relationship with the water, land, rocks, and native plants, birds, fish, and animals, an invaluable cultural knowledge and rich traditions that continue to thrive in Portland, supporting community health; And whereas indigenous people who have been here since time and memorial, continue to contribute immeasurable to our county, state, and city's heritage, distinguishing themselves as scholars, veterans, teachers, athletes, artists, entrepreneurs, and leaders; And whereas the indigenous population of the Portland metro area is over 50,000 people, descended for more than 380 tribes, bands from across the nation; And whereas the community continues to contribute to the cultural fabric of the city of Portland through many events throughout the year such as the traditional pow-wows, festivals, celebrations, active community organizations, and tribal intergovernmental relationships. Now therefore I, Ted Wheeler, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim the month of November 2018 to be Native American Heritage Month in Portland and encourage all residents to observe this month. Thank you. [applause] Colleagues, do you have any remarks? Commissioner Eudaly.

Eudaly: What an exciting moment with so many Native American women assuming positions of power across the country at every level. I want to thank our honored guests today, and I want to particularly thank Laura John, our Tribal Relations Director, I think that there's been growing recognition of Native American heritage, survival presence in our community, but I don't feel that the city has taken many meaningful steps and concrete actions to actually addressing the unique challenges, concerns and needs of the community. I want to commend the Mayor for hiring Laura, she's been here less than a year, and I feel that our understanding and relationships have grown by leaps and bounds with the Native community. I just want to commit my support to you moving forward. It did occur to me as you were talking about your experiences with Native American Heritage Month, and how kind of awkward and maybe infuriating those experiences were. Oregon is the only state in the country that has required ethnic studies curriculum for K-12 students. So I want to just put on the table that perhaps we should develop a new Native American heritage curriculum, and at the very least, offer it in Portland schools, and perhaps throughout the state and hopefully correct the kind of more unfortunate and embarrassing traditions that it has been perpetuating, so thank you for being here, and happy Native American Heritage Month.

Fritz: Thank you for honoring us with your presence and gracious words and thank you for all that you are doing to help us to correct the wrongs of the past and for being willing to do that. I just love seeing the six flags of six of the most prominent tribal nations here in council chambers, it's a great reminder that we are on land that my ancestors only came, too, and yours looked after, in many cases, for time and memorial, so thank you for that. I am honored to have the Bow and Arrow Club having made this medallion for me and giving it to me at the pow-wow. It sits front and center on the coffee table in my office so every day I am looking at it and being reminded that by treaty, I am empowered to correct those wrongs and acted in collaboration with the tribes. I want to thank Patty Howard, who in my first term was my policy advisor who established the principle of the city acknowledging tribal sovereignty, and that we do need to work together and yes, it does take time to

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correct and move forward. It took hundreds of years to get to where we were, and so in order to be able to have everybody at the table in collaboration, it takes time to fix it, so thank you Laura John for your work on that. We will continue now, I know, to gather momentum and to honor the roles that you and the voters in the area have now given to us on the dais here. Thank you very much.

Fish: Mayor.

Wheeler: Commissioner Fish.

Fish: So one of the things that I have learned in my service on this council is that on many of the issues we are spending time addressing, there is not necessarily consensus among the native American leaders. That's not surprising, but until we had a tribal liaison, we were not really focused on understanding the political landscape the way that we are now, the conflicts within recognized tribes and between them, conflicts between our recognized tribes and urban Indians, different views on important questions from superfund to how we make our budget to how we utilize the land to how we honor native history through our various bureaus and on and on and on. What Laura John has allowed us to do is better understand the lay of the land, better understand the views of sovereign nations as well as urban Indians and others, and you know, we have, we have some really hard work ahead of us. It's not going to be easy to knit together some of the things that we are working on because there are disagreements with, within the community, but what Laura has given us is a relentless focus on how we can, in a more respectful way, engage sovereign nations and also our urban Indians and she has helped all of us through our bureaus figure out ways of becoming more engaged and respectful. From time to time she's come in and said that there is something coming to council, it's about to become a train wreck, and we are going to pull it or rewrite it or we're going to rethink it or haven't done the necessary outreach, so I am, as someone who fought for this position I am confident that she is the right person for the job, and I have seen remarkable progress in a short amount of time so Laura, thank you for your leadership and thank you to our honored guests for being with us today.

Wheeler: Thank you. Should we have a photograph up front? The next item is 1142, please.

Item 1142.

Wheeler: Commissioner Fish.

Fish: Thank you, mayor. I have some opening remarks, but what I would like to do is invite our honored guests to come forward. Christopher Sun, Eddie Van Buren and Nicholas Carroll and they are members of the city's veteran empowerment team, and I think that they are joined by Eric Best? Is that correct? Eric is the son of Rick Best, the dedicated public servant taken from us last year when he was confronting hatred. Welcome, and we are honored to have you with us. A few opening remarks mayor. I am, obviously, very proud that this council honors veterans every year with a proclamation. I would like to also tie this proclamation back to the one council just issued. Native Americans are regarded within tribal communities for their dedication and commitment to serving in the armed forces. Native Americans have been members of the United States military throughout our history and currently serve at a higher rate than any other group in our community, so we honor and thank them. This is the first year during my service on the council that I will not be attending the Hollywood veteran's day parade. Unfortunately my chemotherapy schedule prevents me from participating but I will be there in spirit with all of my friends. This year marks a particularly important veteran's day. It's the 100th anniversary of the end of World War I. Think of that. Now my grandfather lived to 102, and he was not shy about sharing stories with his grandchildren, and he was particularly proud of the fact that he served in World War I in the trenches of France during some of the bloodiest conflicts in our nation's history. He was a captain in the 369th U.S. Infantry Regiment, known as the Harlem

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hell fighters, an all black regiment. Henry Johnson was the most celebrated member of that regiment. Many of you will remember when president Obama served, he acknowledged sergeant Johnson posthumously with the medal of honor, which is the highest award that we give for heroism to a member of the military. My dad also served in the military. He was in the navy so I grew up hearing about all the decks he swabbed. Inherently through their service they became committed to peace. It was their history of being in the military and seeing so many sacrifices that they spent their remaining years looking for ways to avoid conflict through diplomacy and other peace-making. They knew the sacrifices that brave women and men make each day for our country, and it is, in fact, the warriors who are often our greatest peace-makers. Finally, I want to say a word about the tomb of the unknown soldier because this is another historical tie here. In 1921 my grandfather again deeply moved by his experience of seeing the carnage of war up front in the trenches of France introduced a congressional resolution to establish what we now call the tomb of the unknown where we honored at that point an unidentified soldier who perished on the battlefield in France. It is in some ways the most hallowed ground in Arlington national cemetery, and there is a museum attached to it and I encourage people who go to Washington to take a moment to go to Arlington national cemetery and pay their respects, to visit the tomb of the unknown among other things. Well, it turns out that the 100th anniversary of the memorial will be celebrated in 2021. That's not that long from now and I would like to just announce that the council and the city will be partnering with the society of the honor guard, which are those veterans that have the high honor of safeguarding the tomb and who march in front of it on a daily basis, rain or snow or sleet. We will be partnering with them for an appropriate celebration in Oregon and I look forward to being part of that. It is a great honor to be on a council today to be able to thank and celebrate our veterans and their families for their service and sacrifice this past year and frankly for over 200 years. Mayor, we joined by three members of the empowerment team. They are Christopher Sun, Eddie Van Buren, Nicholas Carroll, and after the mayor reads the proclamation we will ask Eric Best to accept the proclamation on behalf of the team and his family. So who is going to go first? Welcome and thank you for joining us.

Christopher Sun, Portland Bureau of Transportation: Thank you. Good morning mayor and commissioners. My name is Christopher Sun, and I am a capital project manager at the Portland bureau of transportation. I am a co-chair for the city of Portland's veterans empowerment team or vet. Prior to my current position at the city I served for six years in the united states army, including two voluntary back-to-back deployments to Afghanistan as part of a special operations task force. I am joined by four of my colleagues from vet to testify in support for the 2018 veteran's day proclamation at city hall. I will begin. First thank you all for the opportunity to share our story before you, the city, and our city. I am honored to sit here today to represent our affinity group, a diverse and multi-cultural membership of city employees with unique personal backgrounds, united together by our shared identities as veterans, current and former military service members, military family members, and our allies. We are organized under the diverse and empowered employees of Portland and #wearePortland. 2018 was a busy year for vets as we sought to raise the profile of our members working at the city. At the start of this year Eddie and I were new to the positions as co-chairs and an organization on the decline. A quick survey of the handful of regular members revealed the interest from the membership was down, and interest in membership was down, and an interest in our membership was ambivalent. It was the best way to start the new year because veterans loved challenges. Now it is November and in a few weeks we will have a meeting to discuss the year end review. At that meeting I will be talking about the incredible work that we have all accomplished together this year. In summary, we partnered with the bureau of development services in April to volunteer on rebuilding day to repair and clean the home of a disabled senior in our

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community who has been a resident of Portland for 30 years since leaving his life at sea as a merchant marine. We hosted the meteor army event in may, which we worked with the program administrator to expand the original agenda to focus on how we as a city can leverage the skills and experience of all service members, current and former, and their families in public service. We worked with the bureau of human resources and other partners to improve our veterans outreach, recruitment and retention, as well as to support the current executive recruitment efforts. And we collaborated with you, our leadership, to deliver an amazing veteran's month program in honor of the 100th anniversary of the signing of the armistice ending world war i, including a lunch and learn panel, veteran's day parade, this proclamation and reception, and, of course, the beautiful display in the atrium. Showcasing the historical legacy of the military service members at the city and the diversity of the current membership. We would like to give special thanks to Jamie Dunphy from commissioner Fish's office and the production crew at open signal. I can go on but I promised a short testimony so I will wrap it up. In closing I would like to clarify that vet stands for all veterans, current and former service members, military family members, our allies, and as an ally. Supporting vet and what we represent is not a political statement. It's simply acknowledges the sacrifices and the service of our sisters and brothers in arms and our families and affirms a commitment to helping others understand that veterans are people, veterans are diverse, and veterans are resources. We look forward to working together soon. Thank you.

Fish: Mr. Sun, I owe you an apology, we often overthink things. My notes spelled your name phonetically as sun, and it is Sun. Again, we over think these things, and I apologize for getting it wrong.

Sun: Thank you.

Fish: Mr. Carroll?

Edward Van Buren, Portland Bureau of Transportation: I was waiting for the timer to kick down but it's staying static, good morning mayor wheeler and commissioner Eudaly and Fritz and Fish. My name is Edward Van Buren, I am currently the co-chair of the veterans empowerment team for the city. In another chapter of my life I served a decade as an air bourne ranger, qualified infantry officer in the united states army. I serve as the safety and training manager of the Portland bureau of transportation. I would like to reiterate that I serve in my current role within pbot and take pride in serving this wonderful community. Like many veterans and city colleagues I chose public service many years ago, seemingly before I was an adult. Service is the backbone of the veteran community, and especially with our veterans employed here with the city of Portland. My personal journey of service has taken me from the sand and wind-swept cities of northern Iraq to the beautiful landscapes, streets and parks of Portland. During this time I have challenge and sometimes questioned if the sacrifice of myself and my fellow veterans was acknowledged or appreciated by those back home. I can tell you today that I am enthusiastic, excited, and appreciative of the support and the acknowledgment that we are receiving from our peers, colleagues, and friends within the city. Our veteran community is richly diverse, trained, and ready to lead. We look forward to our growing relationships and collaboration with fellow deep groups within the city and also with the city bureaus. On behalf of myself, the veteran empowerment team, we thank you for your continued and growing support. We would especially like to thank Jamie Dunphy of commissioner Fish's office, who has been consistent ally and supporter of vet. We hope to continue together becoming a leader of veteran support in this country, so thank you very much.

Wheeler: Thank you. Mr. Carroll?

Nicholas Carroll, Office of Community and Civic Life: Good morning mayor and commissioners. My name is Nicholas Carroll. I am -- I work with the office of community and civic life in the noise department, so I handle most of the noise complaints of the city

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of Portland. I am also the admin for the vet group, and I've been involved with that since I worked in the city for 2.5 years. My background is -- my great grandfather served in world war i. His two sons, my grandfather and his younger brother served in world war ii. My grandfather was fourth armored Calvary regiment in Germany and his brother, Jim, was a paratrooper on d day, and I had the honor of speaking at his funeral last year, and I was surprised to learn that his voice is recorded in the museum, the Minnesota history museum, so any time that I want to hear it, I can go there and listen to it, it's part of the greatest generation display. My father and two of his brothers served in the air force. My father was in the air force during the Vietnam war. He was stationed in Thailand, Taiwan, in the Philippines during that conflict, and he met my mother in Thailand. The next time his parents saw him, he had a wife and two kids with him that he brought back and he was an officer when I was growing up, and we had the opportunity to live in Germany during the cold war, but I still hold it against him to this day that I am the only member of the family who never got to see the border with east Germany with the guards. Everyone else in my family got to see it, and that's a history that, it's in the history books now. I joined the navy after high school and it was not because I was born in a navy hospital, that was a joke that he always said, that I was required to join the navy because I was born in the navy hospital. I liked the aircraft carrier, and maybe the movie top gun had something to do with it. I had an idyllic service in the military, so it's different from the ones that served in the war. I got to pick my duty station from a list of 23 stations, and, of course, I picked Sardinia, the island in the middle of the Mediterranean, that's a great place to have a duty station for three years. I work on the submarine community. They tried to get me to volunteer sub duty, and it's a different community they are very passionate about their work on the submarines, but it was not for me. I served on the aircraft carrier for my last year in the navy, and that is the ship to be on. It's the most exciting ship, I think, in the navy. So with the vet display I have done this for three years now. The first year we had 18 participants on the profile. Last year it increased to 26. This year I found out that, from commissioner Eudaly, Pollyanne that the display panels look better than what we have had before, so I was grateful for that, and we have 32 profiles with 14 new participants and because this is a 100th year anniversary of the end of world war i, I would thinking of a theme that we wanted to use, and one of the things that I've been reading about, world war i, is that the war was both caused by the alliance system and was won because of the alliance system. When I see on the national level the shredding of our alliances with Europe, that we have had for 100 years, it's a concern because I think alliances that we make with other people, within the bureaus, inter-bureaus, within other governments, foreign countries, it's important, we cannot get everything done by ourselves, we can't do things alone so we need alliances. That was the inspiration for the theme, and I appreciate that we also had uniforms that were on loan to us that one of our neighbors was able to get for us, tony Garcia, and the city archives also contributed the display, and one of the things that I appreciated reading was there was a member of the military who requested from a mayor back in world war I for pen pals, and letter writing is a lost art, I have done it since I was eight years old, it served me well in the military, and we don't do it anymore, but it was just great to see that in the archives display that somebody wanted pen pals and one lady felt called to do it. So that, that's our display for this year and I wanted to thank you for the opportunity.

Wheeler: Thank you. Thanks for putting the effort to do it.

Fish: Eric, do you want to say something before?

Eric Best, Bureau of Development Services: Commissioner, mayor, Eric best, I'm a csa at the Portland development services. I would like to take this time to thank you for your recognition of this selfless service of veterans everywhere.

Wheeler: Thanks, Eric.

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Fish: The mayor will read the proclamation now.

Wheeler: Commissioner Fritz would like to say something. Why don't we have you do that first and I have a few remarks as well before I read the proclamation.

Fritz: Thank you for your service, if you are in the audience and you have served in the military, could you please raise your hand? Thank you very much. My grandfather also served in world war i. He was in the trenches in France and Belgium, and he wouldn't talk about the fighting for the rest of his life. He talked about what they did to help each other through the artwork, the writing, the letter-writing. I think my grandfather ever purchased a piece of paper because he would slit open the envelope, write his letter back on that and put it in an envelope and for the rest of his life, and so that -- my family's momentous are those letters written on envelopes. And this is something that, that is magical about that that does not get conveyed in an email, no matter how many emojis you put in it, but I want to thank the community members who wrote in about this proclamation to talk about the armistice day was about peace. It was about the united states coming in and joining the war and ending what was supposed to be the great war that was going to end all wars. I remember my grandfather did say over and over, we were just hanging on until the Americans came in because we knew that when the Americans came we would win. It was the same in world war ii, that the rest of the world was hanging in there until America came in. So thank you, and thank you for bringing up that we are greatly at risk for having that all shattered. I was really impressed last night, not only with how many women and people of color that were elected but how many of those women and people are also military vets. We have helicopter pilots and others, and m.j. Hagar, who wrote shoot like a girl, which is a compliment, read the book. m.j. Hagar narrowly lost her race in Texas, but she was the one who took it to the supreme court to allow women to be in combat roles, so we are making progress even when we think that we are not and public service, military service, it's about serving our communities. It's about trying to make things better, and I just so appreciate that, and I also appreciate remembering that the 100th anniversary is about peace, which I can't imagine anybody would be happier about peace than somebody who is serving and the veterans who can now stop fighting and have peace and go back to their families safe and sound, so thank you.

Wheeler: Very good. I just have a couple of brief comments. First I want to say that our country is obviously indebted to veterans for their quiet courage, their selfless sacrifice continues to inspire us today as we work to advance peace. We are continually grateful for the freedoms we enjoy in Portland and across the united states thanks in large measure to the very personal sacrifices many veterans have made. On this and every day veterans deserve not only our thanks, but they deserve something more than gratitude's. They deserve our respect, and they deserve our support in a very tangible way. As commissioner Fritz just said very eloquently, veterans are probably the best advocates for peace in our country. Just this morning I received and I think my colleagues probably received an email from a constituent, a gentleman named daniel shea and he leads an organization called veterans for peace. He wanted us to remember and he wanted me to remind you as commissioner Fritz just did that the original purpose of veterans' day was to celebrate peace. And as she correctly pointed out, it was started after armistice day and the whole point was that the first world war would be the last war. It would be the war to end all wars and of course that has not come to pass, but it is important that we remember that veterans' day at its core is about peace and the veterans are the ones who work harder than everybody else to make sure that is the case and I want to thank you for that. I would also like to take a moment to appreciate the 243 military members and veterans who work for the city of Portland. They honor us with their dignity, courage, and their valor every single day. No matter what they do for the city of Portland. That includes Khanh Tran, one of the newest employees in my office. I saw Khanh floating around somewhere

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earlier. He's hiding from me over there. He doesn't want me to embarrass him, but we're thrilled to have him as part of our team and we thank you. The city of Portland veterans empowerment team is sponsoring the veterans profile display as you just heard in the north atrium I would certainly encourage people to take a look at it. So without further ado I will read the proclamation.

Fish: I want to acknowledge, looks like we have some demonstration going on at city hall. I'm quite confident it has nothing to do with this proceeding. We don't control the timing and when people choose to demonstrate and sometimes the noise filters into our chambers but I'm sure it has nothing to do with our ceremony honoring each of you and as the mayor said 243 employees of the city who have served our country.

Wheeler: Whereas November 11, 2018 marks the 100th anniversary of armistice day, the day on which fighting ended during world war I; And whereas since the inception of our country of courageous men and women of our army, navy, air force, marine corps and coast guard have exemplified and continue to exemplify selflessness and steadfast commitment while risking their lives to protect our freedoms; And whereas by tirelessly defending our homeland veterans have earned deserve the highest degree of respect and support; And whereas veterans and military members who endured and overcame personal suffering and injury, honor us with their inspiring dignity, perseverance and valor; And whereas we admire stand beside the families and loved ones of those who have served or continue to serve and the determined resolution with which they bear their hardship; And Whereas we are forever grateful for the freedom that we are able to enjoy in Portland and across the united states thanks to the service and sacrifice of our military. Now therefore, i, ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim November 11, 2018, to be veterans' day in Portland and encourage all residents to honor those who have served and those who currently serve to preserve our values of justice, freedom, democracy and peace. Thank you. [applause]

Fish: If we could take a picture and officially is you could hand the proclamation to Eric best on behalf of the veterans empowerment team. I want to again do a shout out to Jamie Dunphy who is standing in the back, Jamie is looking for work in tv and film so he's got a beard and Portland glasses, but he has been working tirelessly on this. Jamie thank you. Let's grab a picture.

Wheeler: Let's take care of -- let's do the second readings then let's do the emergency one if we can. There's commissioner Saltzman. -- let's take the second readings for commissioner Fish. 1152.

Item 1152.

Wheeler: This is a second reading of an ordinance. It's already had a presentation, public testimony. Any further discussion? Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Next item, 1153.

Item 1153.

Wheeler: Please call the roll.

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

Wheeler: Aye. The ordinance is adopted. Please read item 1154.

Item 1154.

Wheeler: Colleagues, I'm going to pull this back to my office without objection. Please read item 1155.

Item 1155.

Fish: Mayor.

Wheeler: Commissioner Fish.

Fish: Could I be recognized for an amendment?

Wheeler: Commissioner Fish.

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Fish: It's actually important that we have this in place on an emergency basis so that we can implement the new systems development code. I'm passing down an amendment 1 which states as follows. Section 27 council declares an emergency exists because Portland parks and recreation needs to proceed with updating its system development code to clarify and improve management of the program. Therefore this ordinance shall be in full force and effect from and after its date of passage. I would ask for a second.

Eudaly: Second.

Wheeler: We have a second, please call the roll on the amendment.

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

Wheeler: Aye. Main motion.

Eudaly: Aye.

Fritz: Thanks again to Sarah Huggins, aye.

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

Wheeler: Aye. The ordinance is adopted and then we will go back to 1143 please.

Item 1143.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, mayor. This project is made possible by a partnership between the city, trimet, cully, the Portland freight committee and property owners participating in the lid. This project will reduce the backlog of unpaved streets in cully while supporting creation of hundreds of jobs at trimet's new Columbia bus garage. It also supports pbots vision zero objectives providing sidewalks and a new safe crossing along high crash Columbia boulevard which currently has no signalized pedestrian crossings for a 26 block stretch including northeast 42nd and Columbia intersection which will be signalized. That's a new word for me. Signalized. I would like to introduce Andrew Aebi from pbots and Steve Witter from trimet to present the project details to the council. Welcome Andrew and Steve.

Andrew Aebi, Portland Bureau of Transportation: Thank you very much commissioner Eudaly. We'll switch to the presentation of -- thank you. So the first slide here is a map of the area of the lid so the map on the right gives you a general overview that this lid is north of northeast Columbia boulevard and west of northeast 47th. Just pointing out here the map on left side of the screen, that is the lid area and the green rectangle you see is a new east-west street connection that we want to build to provide better access for these businesses and I also just circled a couple of street names to the south. One of the things that we have heard from property owners in this area is not only do they need their street improved but the way finding is a little bit difficult with different street names in this area, Columbia boulevard north of the railroad tracks, you have Lombard and Portland highway south of the railroad tracks, so we're having conversations about how to improve that. Here are the objectives of the project and the project scope, so we want to improve unpaved northeast 46th avenue. I have been getting complaints for northeast 46th avenue for 13 years, so this project is a long time coming. I mentioned the new east-west crossing we want to build. Commissioner Eudaly mentioned the new traffic signal. As a transit rider I have had the very unpleasant experience of trying to cross Columbia boulevard without the benefit of a traffic signal. This will make it much easier to cross the street. We want to add street lighting to the area, relocate the bus stops in the area, construct a new stormwater outfall to the Columbia slough and just earlier this week I met with the bureau of environmental services watershed division. We are very intrigued about the possibility of pbots and bes partnering on some improvement to the Columbia slough related to this project so commissioner Eudaly, we may have another party for you to attend after that gets done.

Eudaly: Boy, my favorite, lid parties.

Aebi: I can't promise a band, though. What I'm excited about is this is the largest lid in the history of the city outside the central city. It's going to be the most racially diverse

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neighborhood in the city of Portland. So we have worked really hard to pull together all the different partners to make this a possibility. We're looking at over all lid amount of nearly \$12 million, and trimet would pick up a little over three-quarters of that. We had a property owner meeting in September. We approached the property owners, some of whom have been calling us for 13 years, and they said, we posed the question, we're already going to be building at least half street improvements for trimet. Would you like to join in and build full street improvements? There was no opposition to this proposal when we had the property owner meeting in September and all the property owners were notified of this hearing today. Couple other things, we may be even expanding this lid further to build some relief points for buses on Columbia boulevard. That's not included in the \$12 million project total. I should also note that trimet is generously funding scope elements that were not part of their required development such as northeast Saratoga court. This is what majority east 46th avenue looks like today. No stormwater management facilities on the street. It's an industrial freight area, streets are really a wreck, property owners have had a hard time keeping up with the street. This is the north end. One of the folks who showed up at my September property owner meeting said he was now a grandfather, he had been trying to maintain the street since 1967. He was getting a little weary from doing it, he really would like the street fixed up and let somebody else take care of it. If you look at the far end on the picture, what you've got right now is you've got stormwater making its way into the Columbia slough completely untreated. This project will treat that stormwater before it outfalls to the Columbia slough. This is a picture I took at the end of last month on northeast 46th avenue approaching Columbia boulevard. This is a really difficult left turn maneuver to make, you have a four-lane cross-section on Columbia, no traffic signal, high speed traffic, high volume traffic. You're trying to look around that telephone pole on the left side of the picture. One reason why we wanted to build that Saratoga connection is so business owners including but not limited to trimet could go out Saratoga to 47th and go to a traffic signal at 47th and Columbia. This is northeast 42nd avenue approaching Columbia boulevard, this is where we are proposing to put a traffic signal in and this will make a much easier for businesses to get out on to Columbia boulevard. I drew a pink circle around the alligator pavement on 42nd avenue. We're going to reconstruct that portion of 42nd in concrete so when trimet buses start operating on it we have a good pavement section for them. I showed this picture to council a couple of years ago but this is an example of marine drive and 1st avenue intersection where we similarly had alligator pavement many years ago. We rebuilt that, marine drive concrete and after 22 years our inspectors went out and it was in perfect shape with all the trucks going up and down. What we're trying to do is spend just a little bit more money on this lid but build something that won't become a maintenance liability for the future. Here is a recap of the infrastructure in cully. Cully has more than tripled the ratio of unpaved streets as the rest of the city. They have less than half the proportion of sidewalk coverage as the rest of the city. As you can see from the equity score we have a lot of people in cully that need this infrastructure that don't currently have it, so we're pleased to be providing that. One other thing I would just note before I wrap this up and turn it over to Steve, that traffic signal on Columbia boulevard is on the Columbia Lombard corridor. Columbia boulevard is among 8% of the streets in the city of Portland that make up 57% of Portland's deadly crashes, so we're very excited to be able to provide a safe signalized crossing on Columbia boulevard. So, I just want to put things into perspective a little bit. The last time trimet opened the bus space was in 1980. Back in 1980 Portland had no light-rail service, and the population of the metro area, not just Portland but the metro area that trimet served was a little over 1 million. In 38 years that's increased to over 1.8 million. Average employee earnings for employees has essentially quadrupled over the last 38 years, but I would point out that the average earnings in cully is about two-thirds of that, so prosperity has not made its way to

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cully. Trimet is still working with three bus spaces and they have very ambitious service expansion strategy. One reason pbot had a sense of urgency with this lid was to hit the ground running and help build the infrastructure so they could expand their service as they have planned for the next few years. My final slide here before I turn it over to Steve is just to show you where the three existing bus bases are, the two dots that are in red are bus spaces that are in Portland. Those bus spaces are completely full, there's no room for more buses. So any service expansion, for example in east Portland they have to shuffle bus lines over to the Beaverton garage which is in yellow. I was riding a bus last month, the inner northeast Portland is very strange to ride a bus operating out of the Beaverton garage to serve Portland. There's a lot of deadhead time that buses are having to do and when trimet opens up that bus space they can spend less resources deadheading it and more resources actually carrying riders and passenger service. With that I'll turn it over to Steve.

Eudaly: Andrew what's the word you're saying? Deadheaded?

Aebi: Deadhead. Colloquially known as windshield time. That isn't stopping and picking up passengers and taking them where they need to go. That's just leaving the bus space and driving a long distance.

Eudaly: Not the traditional definition of deadhead but I'll take it. [laughter]

Steve Witter: Good morning I'm Steve Witter, I'm trimets executive director of capital projects and construction. Thank you commissioner Eudaly for supporting the lid to efficiently move and improve the transportation network in the cully neighborhood. I also want to commend your staff in particular lid administrator Andrew Aebi. His diligence in leveraging economies of scale to the benefit of our community makes him an exemplary public employee.

Aebi: Thank you.

Witter: Commissioners, to support trimet's historic expansion of bus services we need another bus garage as Andrew mentioned. After a regional site search we selected the property on 4421 northeast Columbia boulevard. In our search for bus bases it was amazing that this one actually had the lowest deadhead cost and deadheading just one more time what kind of music they play on the bus I'm not quite sure at that time. Essentially get a bus out of the garage to where its route would start and oftentimes that bus is empty and not generating fares. The strategic location will help minimize our footprint in traffic and also bring jobs to the cully neighborhood. In order to continue with our bus service expansion we need to be up and running within the next two years, so it's a pretty accelerated schedule. This lid helps us meet the critical schedule while leveraging additional street improvements for the community as needed and wanted for years as Andrew mentioned. Our project's initial phase will include storage of up to 170 buses and jobs for about 330 bus operators plus 100 maintenance, cleaning and traffic management and other support positions. We are pleased to contribute to this lid to improve the sidewalks, pedestrian crossings, traffic circulation and the stormwater treatment in the Columbia corridor. We're also in conversations with the community basic organization about other benefits we can bring to the neighborhood and we look forward to that collaboration. This is another effective partnership between the city of Portland, trimet and the community and I thank you for your support. Back in 1980 I never remembered the fare being 39 cents, but -- there we have it. Thank you.

Aebi: That concludes our presentation. We're happy to answer any questions council might have.

Wheeler: Any questions? Commissioner Saltzman?

Saltzman: No.

Wheeler: Public testimony?

Moore-Love: We have two people signed up.

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Wheeler: Three minutes, please. Name for the record and the microphone slides around, thank you.

Frank Jozaitis: Good morning. I'm frank Jozaitis, I work for mackins auto body. We actually own a piece of the property in the lid. It's right on 4211 northeast Columbia boulevard, and we're putting a call center in there. We have already been in the process to improve the sidewalks and stuff by the city been required for the construction on it. We have been working on that plan since January 2018. So we're totally behind the project.

Eudaly: Full disclosure, I'm a mackins auto body customer but I did not know mackins was part of this lid until this moment, so happy to hear its going to benefit your company and your employees.

Pia Welch: Good morning, my name is pia welch, I am the chair of the Portland freight committee. I also work in this area. I wanted to come here just for a few minutes and say I'm very supportive of this project and looking forward to having trimet as our neighbor. Thank you.

Wheeler: Thank you. Does that conclude public testimony?

Moore-Love: That's all who signed up.

Wheeler: Commissioner Fritz.

Fritz: That's very nice of you both to take the time to support. Thank you.

Welch: You're welcome.

Wheeler: Very good, please call the roll.

Eudaly: Well, I'm becoming an official transportation nerd. I love these lids. This is particularly exciting because of its scope, multiple benefits to the city and collaboration with other bureaus as well as trimet and the neighborhood. Wins on all side, I'm pleased to vote aye.

Fritz: Very glad that the community's voice has been heeded and that we're getting there after 13 years. That's actually quite fast in some processes. I know that commissioner Saltzman you and matt grumm have worked on this for a long time also. So, thank you and commissioner Eudaly for bringing this forward. Aye.

Fish: Andrew thank you for your good work, you always make this look easy but this work is really hard. Building consensus at the community level is what you do better than just about anybody I know. Thank you very much. Commissioner Eudaly, congratulations and in future efforts I'm very pleased at the progress we're making in the partnership between the Portland bureau of transportation and the bureau of environmental services where we're leveraging our resources to get community wins. So, very pleased to support this aye.

Saltzman: Thanks, Andrew, again, for the great job and this one has been around for a while. It's great to have trimet adding a bus base. Thank you. Aye.

Wheeler: Thanks, everybody, for your hard work. Thank you, commissioner Eudaly, thank you Andrew, thanks to the whole team. I vote aye. Resolution is adopted. Thank you. Next item, please will be 1144. I just want to state up front today's hearing is just calling the role to vote on the findings. I was not present for the hearing so I will not actually be casting a vote. I have to leave. Please call the roll.

Eudaly: I need a clarification.

Moore-Love: I need to read the title.

Fish: I would make a motion.

[speaking simultaneously]

Item 1144.

Wheeler: Commissioner Eudaly did you have a question?

Eudaly: Yes, sometimes the language is a little confusing and since I'm the first vote I want to make sure that I'm saying the right word. We are voting on whether to approve or accept the appeal.

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Lauren King, Deputy City Attorney: Yes. The tentative vote last time was to deny the appeal and uphold the decision of the hearings officer and then this would be also to adopt the findings, so it would be a motion to deny the appeal.

Fish: Yes and no. Last time we took a tentative vote denying the appeal. Today we're formally accepting the findings and I move to adopt the findings.

Eudaly: Second.

Wheeler: We have a motion and second. Call the roll.

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

Wheeler: I'm not voting. The ordinance passes. Thank you and then the last thing is 1156 and we have four present.

Item 1156.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. We're very happy that fema has chosen Portland fire and rescue for a grant to help us purchase new self-contained breathing apparatus for all our firefighters. I'll turn it over to chief Myers.

Mike Myers, Chief, Portland Fire and Rescue: Thank you, commissioners, thank you mayor and commission. My name is mike myers, I'm the fire chief with the city of Portland. To my right I have a couple of individuals that assisted with this grant, I'd like to recognize them Deborah harrison, gordon williams and jay glow. Absent is deputy chief sarah boone. She's out of the country or she would be here as well. The purpose of the legislation is to accept, authorize and appropriate a grant in the amount \$2,053,728 from the department of homeland security through its federal emergency management agency for the purchase of new self-contained breathing apparatus, scba. Occupational safety and health administration osha requires that the national institute of occupational safety and health niosh certifies spscba is used in any immediately dangerous to life and health atmosphere including emergency responses to uncontrolled releases of hazardous substances and emergency operations covering interior structural firefighting. Pf&r last purchased full scba sets in 2002 and have upgraded several parts of the equipment to remain in compliance with the national fire protection association and niosh standards. It's no longer a viable option to upgrade pieces of the equipment to meet these standards. The grant will provide replacement of essential personnel protective equipment and all pf&r firefighters. Thank you for hearing the legislation this morning, my hope is we can support the \$2 million grant.

Wheeler: Could you remind me? In last year's budget, I forget the name of the apparatus, the pullups. Did we fund new breathing apparatus as well?

Myers: We did. We met together in a budget hearing probably in April. Sara boone was here with the division chief ken burns and showed you the sbca apparatus. You allocated approximately \$2.4 million, it was broken up into these three parts. \$600,000 from the general fund discretionary, \$1.1 million in general fund capital set aside, \$700,000 carryover from pf&r 2017-2018 budget year. Just to set the scene, at the time we discussed the total amount a proximate amount that we thought the sbcas would cost, about a \$3 million coverage. We were able to come up with those three different buckets to provide about \$2.4 million and we were going to look for some other avenue. We knew we had a grant out with the assistance for firefighters. We weren't confident that we would win that grant and about a month ago we did. So we now have the \$2 million from fema. We still need to cover the \$1 million dollar gap to meet the \$3 million total purchase price and if you recall, mayor, one of the issues that you made very clear to me was that the reason we were in this situation is over the past 10 to 15 years Portland fire and rescue did not establish a capital replacement fund for these scbas and I was bringing it to you at the last minute with the intent this would not happen again. So, we are in a position today where I am very proud of the team, that they went out, it was a competitive grant. We found the

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dollars, were able to receive \$2 million today, that's a big win, I'm excited about that, I think we probably all are. We still have \$1 million we need to cover the total cost and I would still encourage some thought about building some capital replacement fund going forward so that in 10 to 15 years I'm not here, whoever is here at that time won't be in the position I was in last year.

Wheeler: Thank you, commissioner Fritz.

Fritz: My understanding from the city budget office is that decision will be made in the spring bump that we will decide whether fire gets to keep that, whether it comes back to other maintenance needs, whatever. At that time they will know exactly how much the breathing equipment costs and that's the time to make that decision.

Wheeler: Very good. Thank you. Is that the end of your presentation?

Myers: That's the end of the presentation.

Wheeler: Is there public testimony?

Moore-Love: Yes. I think some of them have left. We have Lightning, Robert West, Star Stauffer, Maggie. Can't read this other name and Charles Bridge Crane.

Wheeler: Is there someone who thinks they are on the list that didn't hear their name read? Very good. You're up Maggie.

Maggie: Okay, I have six minutes because you skipped over me dealing with the citizen with the bird.

Wheeler: You get three minutes.

Maggie: Please don't start my time yet. I can't breathe because I'm in safes. Salvation Army female emergency shelter, which is America's trained Auschwitz. The reason is we have people in there, they go older folks who go get their vaccines, and then they get sick because they get all their vaccines at once and then they get a fever and then everybody gets sick, and so now -- can you please like pay attention, Ted? You know, that's not very respectful. You talked about respect at the beginning of your time and that's not respectful to talk while I'm talking.

Fritz: Could we just stop the clock for a second, please? I want to explain I noticed that you didn't speak when it was your turn. You were actually called but you chose not to speak.

Maggie: It wasn't a choice on my part. It was Ted's.

Fritz: I'm sure the mayor will keep that in mind as you do this testimony and that was something I wanted to bring to his attention.

Maggie: So I get my six minutes? Okay.

Wheeler: No, you do not get six minutes. Were you not sitting in the chamber when the attorney read the council rules? Where you sitting in the chamber?

Maggie: Yes, I was.

Wheeler: What did he say about public testimony and how long public testimony is?

Maggie: For communications I'm on that piece of paper.

Wheeler: Was your name called? Karla, was her name called?

Moore-Love: You weren't on that. [speaking simultaneously]

Fritz: Is your name M. Goodwin?

Maggie: I was here. Yes. You went on with the lady with the bird and when I came back you did not -- no one called me.

Maggie: She was not listed as individual communications and she was not on the request.

Wheeler: You were not on today. Continue. We're wasting time. Continue your testimony.

Maggie: So anyway, everybody is sick in there, everybody has bronchial, viral, bronchial thing and we can't breathe and so it's great that firefighters will get, you know, apparatus so they can breathe, but I would like to breathe. All the people in safes would like to breathe. You know, every year the health department from Washington D.C. says, oh, everybody's flying in on planes and that's why everybody is getting sick, no, no, it's coming

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from the shelters. All those babies getting whooping cough, that's coming from the shelters. Ted, if you do this and this, it doesn't go away. So the next thing I would like to go to is a couple of weeks ago I spoke to you about a woman who was excluded because her bed wasn't paid for. So it turns out that after two days of being out in the freezing cold.

Wheeler: Maggie, we played this game before.

Maggie: This is not a game.

Wheeler: Its not relevant you're wasting everybody's time. Stick to the issue at hand.

Maggi: Okay.

Wheeler: Please, I asked you 50 times in the last month.

Maggie: We can't breathe because our microbiome is destroyed by the cleaning products the dial in there. That goes on in the stomach and on the skin and then you get asthma. We can't breathe so I would like some of that homeland security money to go towards women being able to breathe in the shelter.

Wheeler: Thank you.

Charles BridgecrAne: Good morning Charles BridgecrAne johnson and I would congratulate Portland fire and rescue for finding this funding opportunity and successfully getting the bizarrelly \$2,053,728 interesting total there. Even though we had great results in the Oregon local election and the federal situation is less depressing, I hope that voters and citizens and yourselves when you talk with us will say it's kind of absurd that tax money has to leave Oregon, go through the department of homeland security, and come back in grants so that we can finance contained breathing apparatus for local firefighters. It's great that we're astute and on the ball here in this municipal government and can chase down that \$2 million, but the idea that we're not exactly dependent, we could have found the money elsewhere. The overall idea of good governance which I hope you are great advocates for, you've said so in the past, it's just a mess. It's one of the things that I think is diluting some of these red voters into making crazy choices that the department of homeland security collects tax money through the irs, it goes to Washington d.c and now it filters down here to become the \$2 million we need so our firefighters can have safe, up to date breathing apparatus. I'm glad there wasn't a capital fund that took care of this with our local money and we found this money but things are not going to get better in the bigger picture until we find a way to really shrink some of the federal funding monstrosity and have revenue models where Oregon money stays in Oregon and serves Oregon citizens without layers of bureaucratic shenanigans, but thank you to the team that the chief congratulated and the lucky one that's on vacation or doing interesting work out of the country for finding this \$2 million to get from the feds. We live in a state that doesn't have any major military bases so sometimes I think Oregon gets short shift on the whole federal tax scheme picture. Thank you Portland fire & rescue and commissioners for voting yes to grab this money, thank you.

Wheeler: Thank you. Please call the roll.

Maggie: And so can I have my three minutes.

Wheeler: No, you may not please call the roll.

Eudaly: I remember this conversation.

Wheeler: Excuse me, ma'am. You're being very rude to everybody else in this chamber who has waited their turn. You signed up and you got your time. Now either be quiet or leave. Sorry. Continue.

Eudaly: Is chief Myers still in the room? There. No, you don't have to come back. I was just going to say I remember this conversation. I'm glad you found the money although I question if you really need a breathing apparatus because I think you read your presentation without taking a breath. Very happy to vote aye.

Fritz: I'm glad to see that the good work of Portland fire and rescue won over the -- abusive rhetoric coming down about sanctuary cities and how no federal money is going to

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come to us. That in fact good sense prevailed that this is a worthy cause and particularly glad we're going to have that discussion in the fall bump as to whether this should start a maintenance fund for Portland fire and rescue or whether there are other needs that money should go to. Aye.

Saltzman: Well, thanks to chief Myers and all the people at Portland fire and rescue for chasing down this grant and winning it. That's a great win. We're really happy to accept it and I do think that for what it's worth this is an opportunity for Portland fire and rescue to establish a capital reserve fund, which is very necessary so we can avoid situations like this where we have very predictable capital replacement needs but no fund being set aside to help pay for those needs. So this is an opportunity that the council in the sprung bump will have that opportunity to consider. Aye.

Wheeler: Good work, chief. Appreciate your planning, your team, you're trying to put some foresight into this, trying to plan in advance for significant capital expenditures. I did admonish you last year during the budget process to do that and once again you deliver and I appreciate it. I vote aye. The ordinance is adopted and we are blissfully adjourned.

At 11:41 a.m. council recessed.

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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.

November 7, 2018 2pm

Wheeler: Good afternoon everybody this is the Wednesday afternoon November 7 session of the Portland city council. Karla, please call the roll.

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

Karen Moynahan, Chief 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 city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings you must sign up in advance with the 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'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 are in the audience and would like to show your support feel free to do thumbs up. If you want to express that you do not support something feel free to do 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 will result in the person being ejected from the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Karla we have two items before us today, could you please read the first item.
Item 1157.

Wheeler: Before us we have the fall supplement budget, also known as the fall bump. The fall bump is meant to address technical adjustments to true budgets between our fiscal years. This year I issued with the support of my colleagues budget guidance to strengthen the framework under which the bump requests are looked at. The budget framework for my fall bump proposal it holds the line on new investments, I even withdrew one of my own requests to honor this. Somebody called it out last week, I agreed with that, I withdrew it. Only funds urgent one time needs that absolutely cannot wait and it funds obligations that the council has previously committed to. The city budget office has advised us to retain as much in general fund contingency as possible this year due to the existence of potential large liabilities occurring over the next 18 months and my fall supplemental budget adheres to this recommendation. A focus for me in this proposed fall supplemental budget is promoting a more fiscally resilient city. My proposed budget addresses critical infrastructure liabilities by addressing needed replacements of traffic signals and lamps. This budget fully pays for the Anderson settlement liability saving the city \$400,000 in ongoing general fund resources beginning next fiscal year and it seeks to address future liabilities by providing \$2 million in ongoing funding beginning in the 2019-2020 fiscal year to address ada needs in the parks bureau and bureau of transportation. My proposed fall supplemental budget also provides funding for key council priorities including the creation

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of the office for community technology as a stand-alone office including funding for a new director position for legal counsel and for a cost study. It includes funding for implementation of the rental registration system. For the creation of a pilot program to expunge records to facilitate housing. For the completion of the Portland united against hate pilot project including implementation of a hate tracking tool. Funding to provide safety guards on city trucks to enhance our ability to adhere to our vision zero safety goals. And funding to begin census 2020 outreach work in coordination with jurisdictional partners to make sure all Portlanders are counted in the upcoming census. Due to unique circumstances the city budget office only recently became aware of additional available contingency. I'll be making a motion to move the substitute ordinance and exhibits with these changes to recognize additional resources. First I would like to invite Jessica Kinard, our interim city budget director, to walk us through the supplemental budget ordinance in this update to the contingency.

Jessica Kinard, Interim Director, City Budget Office: Thank you mayor and good afternoon mayor and members of council.

Wheeler: And Jessica I'm sorry I'm going to have to leave for a few minutes. Could I do this slightly out of order, can I put the substitute on the table and then I know what you're going to say because we have gone through it. I'll turn the gavel over to commissioner Saltzman. I would like to move the substitute.

Fritz: Second. Can I clarify? That substitute has the extra \$2 million in capital set aside continuing to be set over for future position.

Wheeler: That's correct. Very good.

Fritz: That's what I support.

Wheeler: We have a motion and second. I will be back in ten minutes. I apologize. Thank you.

Kinard: Thank you. As the mayor mentioned my name is Jessica Kinard, I'm the interim city budget director and here with Jane Marie Ford, the supplemental budget coordinator in our office. We held a work session on October 30th where we reviewed the details of the proposed supplemental budget. Today we're going to review the mayors proposed bump including the changes that have occurred since that work session and also discuss proposed amendments. After amendments are proposed we'll have a brief presentation from the office of community and civic life on the Portland united against hate or puah program as requested by council during the work session last week. For the benefit of listeners in the audience and at home I want to briefly provide contextual information related to the bump which was discussed last week. In the fall bump we true up general fund ending balance to account for cumbrance carryovers and other technical adjustments related to allocating resources and expenditures between fiscal years. For the last fiscal year which was fiscal year 17/18 the remaining excess fund balance after the adjustments totaled \$11.9 million out of a \$668 million general fund budget. This is similar to the previous fiscal year and is consistent with what we would expect given city financial policies of forecasting conservatively and continued strong economy. As you're aware December is higher than what we discussed last week dues to a number of circumstances occurring this month most notably related to the declining of our outdated budget system which we have been replacing with a new system that will thankfully be going live next month. Available capital set aside stands at \$5.9 million. The mayors substitute ordinance assumes allocation of \$3.9 million to major maintenance projects which is in line with the available resources discussed last week and the \$2 million balance sits in policy set aside contingency for appropriate towards capital set aside projects. I would note that as part of your packets you have a color copy of the capital set aside ranked projects with a column that denotes current funded amounts and a box at the bottom that articulates the available balance. As a reminder these projects are ranked by asset managers according to set of

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established criteria that seeks to measure the risks, likelihood and impact of asset failure that council may allocate capital set aside resources to any project on that list. That document has the blue header here. That's for your reference. Unrestricted contingency with the mayor's proposed substitute supplemental budget decision now stands at \$6.3 million. Cbo continues to recommends that council reserve as much in funding and general fund contingency as possible for current year and future year liabilities. Council has in recent weeks had a number of very compelling discussions around the need to better plans for and address financial liabilities and these one time resources may afford an opportunity to act on some of the strategies brought forward most notably in the work session led yesterday by cfo cooperman. You have before you also substitute exhibit 4, which is the document with the orange header. This is a document that lists all of the changes to the general fund that are proposed in the substitute ordinance and there are two items that I would like to highlight for council which represent a change from the materials that we discussed last week. First under new discretionary revenues, on page 2, you'll see a negative number of \$6.3 million. This actually the negative numbers in this document reflect returns to the general fund and this is the recognition of the comcast settlement revenue is being placed in policy set aside to fully pay for the Anderson settlement due in September of 2019. This is what the mayor alluded to will save the city \$400,000 in ongoing general fund beginning next fiscal year. The second change is one that the mayor mentioned in his opening remarks and that is to remove the \$150,000 in funding for prosper Portland for the pcc swan island training center. This also was discussed in the work session and has been removed from the materials you saw last Tuesday. With that my staff and I are available to answer any questions before we move to the next item, which is to put forward amendments.

Fish: Mr. President, I have an amendment.

Saltzman: Questions before amendments? Okay.

Fish: Pass my amendment out then I will read it and Karla, do you have a copy? Jessica, can I hand this to you?

Kinard: Absolutely.

Fish: Let me read this. Amendment Fish amendment 1 is increase bureau expenses in Portland parks and recreation general fund budget by \$50,000 to fund outreach programming at the interstate firehouse cultural center, reduce general fund unrestricted contingency by \$50,000 to fund this change, update exhibits 1 through 5 as needed to reflect this change.

Eudaly: Second.

Fish: That's now on the table.

Eudaly: I also have an amendment, just bear with me for a moment, I didn't expect that to come so quickly. My amendment is to increase bureau expenses in the office of community and civic life general fund budget by \$125,000 to fund additional costs related to census 2020 coordination and response by reducing the general fund unrestricted contingency by \$125,000 to fund this change and update exhibits 1 through 5 as needed to reflect this change.

Fish: Second. Mr. President, I have a legislative history I would like to put on the record, we may also get testimony on this. In the full budget last year, council ended up agreeing to a budget note instructing the bureau of planning and sustainability to come back with an explanation as to how this would implement a so-called dark skies initiative. They delivered the explanation to council and a potential budget but did not forward a budget request through the fall bump. We understand there may be testimony about that particular request. I would like to simply establish as a matter of legislative record that the request will be addressed through the regular budget. While I'm disappointed that we're not making a down payment now I understand why that is not like likely to happen but my expectation

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that I have as one of the sponsors is it will be included by bps in the full budget this coming summer. I would like that reflected in the legislative history.

Saltzman: Any other amendments? Okay. Did you have anything further to present?

Kinard: I believe next is actually to invite civic life up to provide a brief presentation as requested on the puah program.

Fish: Isn't our normal sequence to take testimony first on what's on the table and then bring civic life up?

Eudaly: This is not an amendment, it's a presentation.

Fish: I understand. We now have -- I'm not picking a fight on this I just want to make sure we have the substitute motion, we have amendments. We have people who want to testify on those matters that we go to. I'm wondering does the testimony come ahead of a presentation on a matter for which there is no amendment?

Eudaly: This isn't testimony. This is an invited staff member. I'm sorry, I'm also confused because it's in the budget but we have been requested to give a presentation.

Fritz: I was expecting there to be an amendment asking for more money than is in the budget, since there isn't I don't necessarily need to have that but I wasn't given that information.

Eudaly: As far as I know it's still in the mayor's proposed budget, the request for puah funding.

Kinard: That's correct, the current proposed supplemental budget includes the requested I believe total \$221,000 for the extension and expansion of the puah program that is included --

Fritz: Is that different from what we discussed in the work session?

Kinard: That's the same package that was discussed at the work session. It's a new request in the fall bump, but is what was discussed in the work session yes.

Fritz: It was not previously recommended for funding or it was?

Kinard: It has been included in the mayor's proposed as it was discussed as well last Tuesday.

Saltzman: Let's take public testimony first. If we still need the civic life presentation -- I'm not sure we really need it since it's in the budget, we'll allow for that. Was there any --
Karla.

Moore-Love: We have four people signed up.

Saltzman: Welcome. We just need your name and then you each have three minutes and we'll start with you, bob.

Bob Sallinger: Good afternoon. My name is bob Sallinger, I'm conservation director for the Portland Audubon society and I'm here as commissioner Fish noted to testify in favor of including funding in the fall bump for dark skies ordinance for creation of a dark skies program. I do appreciate the comments that commissioner Fish made about including it in the spring budget. I understand the logic behind the decision not to include it now, I hope you will reconsider, though. We have been coming to you for many years talking about this issue. It's an issue that affects human health, wildlife populations, aesthetics, its consistent with the city's goals of addressing climate change. We have light pollution in the city and it's getting worse and worse. Example after example especially in this time of rapid development of doing things exactly wrong, we're doing things in a way that is not consistent with current standards. Even the new tillicum crossing bridge is five times higher than is necessary for pedestrian walkways. Its 25 candles on that bridge, it should be five. We have a long history of over lighting. We do it in some cases with the idea that it makes things safer, actually studies show it makes things more dangerous when you have bad lighting. We have had many people testify in the past on this issue, we have over 700 people signed up to support our dark skies imitative effort. We decided not to flood the zone today, we decided spare you repeating all that testimony, but I have no doubt if we

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put out the word they would come here and be here, there's a tremendous amount of interest in this issue out there. I do feel that understand you don't want to introduce new things into this budget bump. Our feeling is it has been something discussed over and over in the past. We tried to get it into the central city plan, the feeling that bps was it made sense to wait and do it as a stand alone project at the time that was adopted. Council talked to the need to move that forward quickly. When the last budget came around bps was not ready so there was a budget note put to bring it back at the fall bump, now we're hearing maybe this spring. From our perspective it's not a new thing its something that has gotten kicked down the road waiting for bps to come back with a budget number which they now have. If it's not possible and again we appreciate the logic behind that, you know, we get it, we do really hope you will move forward in the spring and make this happen. Thank you very much.

Saltzman: Thank you. Sir?

Donovan Smith: My name is Donovan smith, I'm a member of the ifcc, interstate firehouse cultural center community advisory committee. I'm here as an artist and a community member coming to you all to vote in favor of the fall bump for ifcc's process to continue for \$50,000. I don't have my talking points in front of me so I'm just going to kind of spitball to you but the ifcc is an important fixture in the black community here. We're sitting in a very important moment right now in this city where the city and all the different parts that make this thing go are recognizing the racist history and present and how it plays out and trying to offer repair in various ways. The ifcc is one of those small ways that we can make a big difference and recognize black arts, black arts excellence and, you know, as an artist I'm a part of that tradition. I'm friends with many people who are part of that tradition, and if we miss out on this opportunity we will be doing a great disservice to the direction that the city is saying they want to go. So I would just say that as we're looking towards priorities to put our money towards, this is an excellent opportunity to put money where your mouth is. You know that old saying. Yeah, we can do that. I'm going to end my testimony there.

Saltzman: Thank you.

Cynthia Sulaski: Good afternoon. My name is Cynthia sulaski and I'm a member of the ifcc community advisory committee as well. I've come here today to ask that you do approve the \$50,000 request in the fall bump to allow us to continue our community engagement process and to make the ifcc available for community use. Having lived in Portland and the overlook neighborhood for 22 years, I have been very grateful for the existence of the interstate firehouse cultural center. I think Charles Jordan and the other Portland city council members in 1982 for funding the transformation of a mothballed fire station into the unique multi-cultural resource that ifcc has been. Unfortunately for the last few years ifcc has again been mothballed but now we have an excellent opportunity to reopen it into a center of excellence that presents, displays and honors rich and vibrant african-american arts and cultural offerings, but we need the funding to continue our work. I thank you for the opportunity to speak to you today.

Saltzman: Thank you.

Sallinger: I have one thing for commissioner Saltzman I want to thank you. You were the one that actually kicked off the dark skies and bird safe initiative many years ago. I've testified and worked with you on a lot of environmental initiatives. I want to say thank you, probably the last time I testify before you, appreciate your work.

Saltzman: Thank you, bob.

Moore-Love: There were two signed up on the line.

Fish: They are next. They are signed up for the next presentation.

Eudaly: No?

Saltzman: So that completes public testimony.

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Colleen Johnson: We actually have comments to make for the bump, we signed up for the right bump.

Fish: So you're testifying on both?

Moore-Love: The other one is a report.

Fish: I'm sorry.

Saltzman: Come on up.

Fish: You're going to get your money's worth today.

Allan Warman: Thank you, commissioners and mayor. The Portland utility board serves as community advisory --

Saltzman: Give us your name.

Warman: Alan Warman, co-chair for the Portland utility board. The Portland utility board serves as community advisory board to city council for the bureau of environmental services and the Portland water bureau. In that capacity, we review the bureau's requested budget adjustments, submitted for your approval during the city's fall budget monitoring process, and offer you the following input for your consideration. Pub is supportive of the request included in approval in the mayor's proposed proposal but wanted to take a few minutes to raise some items with the council as a whole. Last fall pub had a lengthy and deliberative process and discussion about the role of the budget advisory process. In the budget management and we recommended six principles as guides for evaluating the changes to the bureau during that budget process.

Colleen Johnson: Colleen Johnson, co-chair for the Portland utility board. Those principles are included in the letter that we sent you. The request from the Portland water bureau aligned with those principles and pub is supportive of those adjustments but notes the changes to capital projects are significant. Bes requests align in part with pub stated principles but several issues were raised in our discussion. The accumulated biosolids at the Columbia boulevard wastewater treatment plant should have been known and mitigated if the bureau was using proper monitoring and management techniques. Bes knowingly reduced scheduled trucking for biosolids lacked contingency plans to address risks posed by weather and fire and didn't monitor biosolids inflows and outflows to address net buildup until it became an emergency. As a result bes will spend \$7 million for emergency contracts, twice as much per dry ton for removal than it would have under normal operations. Also given recent trends in underspending pub recommends bes use its budget monitoring management techniques to reallocate existing resources rather than draw on contingency for items that have risen to high priorities for the bureau. With regard to capital spending, pub continues to be concerned about the ability of the bureaus to execute on the amount, size and complexity of capital projects and feels this should be closely monitored. Actual capital spending by both bureaus has been well below planned in the last few years and the capital plans assume far more capacity than the bureaus can deliver. While the budgets are adjusted over time annual rates are built on assumptions that include higher cost recoveries than needed. Thank you for the consideration, and our feedback. And we would be certainly be happy to review the request with you or provide any additional input if you'd like.

Saltzman: Thank you.

Wheeler: Does that complete the testimony? Very good. Any further questions? I'm sorry, I do. Commissioner eudaly?

Eudaly: I just received the run of show, and I am unclear as to when we discussed the amendments that we moved forward.

Wheeler: So you've not discussed the amendments yet?

Eudaly: We put it on table.

Wheeler: Great cause I have some questions about the amendments.

Eudaly: I'll just trust at some point we'll talk about that.

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Wheeler: Why don't we do that now? Could we please have staff up in case of follow-up questions? Commissioner Eudaly.

Eudaly: Commissioner Fish, do you want to begin since you put the first amendment on the table?

Fish: We have had a prior discussion about this. This allows us to continue with the public process. My understanding is that my amendment has sufficient votes on council to pass is my understanding and I think it's been discussed with each office so I don't have anything to add.

Wheeler: Very good.

Eudaly: Yes, if I could have Michelle Rodriguez from civic life come up to answer any questions council may have. Mayor, you were out of the chambers. My amendment is to increase bureau expenses in civic life by \$125,000 to fund additional costs related to the census 2020 coordination and response. I have a lengthy rush now that I can share with you or we can start with questions. I do not know if I have the support of the council. This is all just coming together kind of quickly.

Wheeler: Maybe I'll ask a question and that will start a conversation. In the bump itself we have allocated resources towards the beginning of this process, correct.

Kinard: That's correct. There's \$100,000.

Wheeler: The ask was substantially larger than that, I cannot find it.

Eudaly: 222.

Wheeler: 225 very good.

Eudaly: 245.

Wheeler: 245 and I did not fund it in the bump for two reasons and perhaps you can answer these questions to my satisfaction, I just didn't have the information. Number one I didn't have plan, I don't know what it is actually funding. What is the outcome that we are getting in exchange for \$225,000, number one? Number 2, why do you need it now? And number 3, why can't this wait until the budget process? I don't know if that's a question for the commissioner or a question for staff.

Eudaly: Why don't I share the rationale I have prepared and see if Ms. Rodriguez has anything to add. As everyone knows the census has been conducted every decade since 1790. We know and can predict the decennial census yet for whatever reasons the function of preparing for, engaging community and bureau partners and ensuring a complete count is not institutionalized within Portland city government thus making this request urgent and long over due by a couple hundred years give or take a decade. The office of community and civic life should be the convening bureau to coordinate city activities for each decennial census to come beginning with the 2020 count. This request was not included in fy-18-19 budget proposal so bureau did not have the opportunity to assess the city capacity for census preparation, we have a new director who came in in the middle of the budget process nor was the community -- conversation at the stage of readiness in January 2018. So coordination across jurisdictions and communities is essential to the 2020 effort and too many efforts fractures our ability to deliver on the count. This is why civic life and the census funders group have been meeting since January this year and agree this proposal will help us achieve an accurate count. We know that increasing the count by 1% can result in \$7.4 million in federal funding, it's very likely that we will find that 1% increase with the right effort. With the increase in population the amount the city can lose by not counting anyone can be evening greater. We projected \$675 billion will be disbursed annually based in part on census data this includes investments in transportation, housing, head start, home services, supplemental nutrition assistance programs and more. If Portland is under counted then the entire state suffers. There's also tremendous political cost to all of us but especially for the emerging electorate if the city does not meaningfully prioritize this work. The introduction of the citizenship

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question by trump administration on the u.s. census has put fear into many communities who are already being undercounted and we need to dedicate local resources to organizations who can go and educate individuals on why participating in the census matters. We must not let fear keep our communities from being counted. Working with culturally appropriate organization means we get organizations dedicated to serving populations who are historically undercounted. In a request we asked for what we absolutely need, which was probably our mistake. We should have asked for more and then we wouldn't be having this conversation. To meaningfully join community partners and census funders group and eventually the state in our collective effort. I have removed the request for civic life staffing but hope any colleagues will support me to secure \$225,000 for this work. As the largest metro area the amount of investment from city of Portland is an important signal of our seriousness to other partners including other jurisdictions. With just \$100,000 as proposed our ability to reach hard to count communities would be diminished as will the return on this investment for the city. The census matters because counting our community members matters. If we start this earlier than the city has before we work with community organizations who will put boots on the ground ensuring that severely undercounted Portlanders are counted. This means better counts for native americans, africa americans, latino, immigrants and refugees, better counts for multi generational families community members who have generations under one roof, better counts for children, this means better counting for renters who move often due to lack of affordable stable housing. This is not better for just those populations, but for all Portlanders. This means significantly more federal dollars as well as possible gains in seats in the u.s. house. What we saw in the election last night matters. Who control the process of redistricting matters. Ultimately if you want to see the city better prepared for and support the efforts of a better count we need to pay our fair share. Luckily we are not going it alone. Civic life has worked with community funders and efforts to leverage city dollars. They are merely waiting on us to show up. So I urge my fellow commissioners to show up. Let's not wait any longer. We have a letter of support which I cannot find at this moment but it includes organizations like northwest health foundation, the collins foundation, meyer memorial trust, several major philanthropic organizations who are going to be participating in this effort and who support this coordinated effort.

Wheeler: Commissioner Fritz.

Fritz: I think we all agree commissioner with everything that you said, of course it's important to count everybody and that we need to get started early. My question follows up on the mayor's, which is why do we need all of the money now, what would you do with this additional \$125 that you can't do with the first 100 and then consider exactly how much more we need in the regular budget process after the process that you're going to use is a little more defined.

Eudaly: I think Ms. Rodriguez can speak to that.

Michelle Rodriguez, Office of Community and Civic Life: Mayor, commissioners, thank you for having us. To answer that question is to address that immediacy has to do with all our partners who are already putting their money on the table. It's to be clear not all of the money. We will be coming back for more ask over the course of the next three years. This is kind of the kicking off and meeting where all of the funders have started allocating and doing that work and sort of saying the city wants to be at the table too and doing so earlier.

Fritz: Why would \$225 make that statement in a different way than 100 when we can allocate more in just six months in the budget? The question is not are we committed, it's what's the appropriate process to figure out what's the right number and how and when to do that.

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Rodriguez: Right. The community organizations worked with our director Suk Rhee to discuss what the right dollar amounts were and the money that came out, the \$200k goes to eight organizations. 100k essentially would have who the organizations would be in half.

Eudaly: It essentially means we reached half of the population, the hard to count populations we're attempting to reach. We can't tell you who the eight organizations will be because we have to put out an rfp, but they are organizations who are already equipped to connect with these communities whether these are culturally specific organizations, their people who often experience language barriers, and so waiting until next July at the earliest to get funding to get this work started is too late.

Rodriguez: Also, as somebody who has done grants, it's not even just July. It's the time that it takes to actually get all of that grant funding and the contracting out too. It's pushing us further and further into the cycle that's already happening.

Fritz: Is there a comprehensive written plan for how this census work is going to be done?

Rodriguez: I think that was submitted with the bump request.

Fritz: That didn't seem to be as specific as I would expect for a campaign like this. It's very similar to an election campaign, making sure you get the turnout, who is targeted. Mayor wheeler told me when he worked at the county commissioner Cruz Walsh led the 2010 census.

Wheeler: May have been even earlier. 2,000.

Fritz: This does need to be all hands on deck. Again, I hear what you're saying in terms of the grants, but what's the plan, what will they be doing or are we essentially funding organizations' ongoing operations and they won't be actually doing anything until later.

Rodriguez: No. It's not for ongoing operations. It's specifically for census work. In the bump -- let's see. I can read the language from there. Shows the \$200,000 for eight organizations embedded in the hard to count communities, the activities include working with the specific subset of populations as per commissioner eudaly's remarks that are harder to count. The outreach activities would include the identification of a barriers to census, self-response such as who are filling out census addresses that house multiple renters or unregistered apartments, identifying households with internet access in anticipation of the emphasize of digital participation in, developing shared strategies across organizations to address those barriers, developing and implementing interactive education campaigns that help community members return their forms such as practicing filling outs the forms emphasizing the importance of counting children because we know children are severely undercounted especially in groups where its multifamily. The \$200,000 investment to those eight organizations is staffing outreach and accommodations. Then there's the actual split-out of it is supporting staff for census at \$20,000 each, 2500 with the targeted outreach and language specific groups and 2500 for program expenses as well as joint 5,000 that would go around development of collateral to start engaging folks.

Eudaly: I have the letter here from the census equity funders committee of Oregon. That committee is made up of representatives of the cohens foundation, grant makers of Oregon, southwest Washington, meyer memorial trust, north star civic foundation, northwest health foundation, the Oregon community foundation, pride foundation, spirit mountain community fund and united way of the Columbia Willamette. I'm not going to read it in its entirety but I'll read the section that addresses the plan most directly. So since January of 2018, as I mentioned earlier, this group of organ funders has been meeting to learn about public philanthropic and nonprofit plans to engage in the 2020 census. We have heard from the u.s. census staff, city and state partners, state based and national philanthropic partners across the country and community based nonprofits. We believe that collaborating and coordinating our approach as funders is the best way to support an accurate and equitable count in 2020. To that end we have developed a set of shared

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principles and goals chief among them to align our funding to increase the response rate in hard to count communities. This effort will begin with an rfp to identify a coordinating organization to develop a plan for statewide get out the count campaign and help coordinate and align implementation of that plan across the state and the Portland metropolitan area working with and cross public-private community based sectors. We as funders are committed to staying engaged with this process and supporting fundraising efforts to raise and align public and private dollars to this effort ensuring resources are invested in communities that are hard to count rather than being disbursed without intention. They close with thank you for taking the time to consider this critical request. We are hopeful for an effective 2020 census and look forward to working with the office of community and civic life and others to improve our city, region and state. The funding we're requesting would go to eight organizations who will be charged with these specific outreach to these specific hard to count populations within the city of Portland.

Saltzman: How much of these community funders committed to this process?

Rodriguez: It's -- to date between 300 and 400,000. I'm not sure of the exact number, we can get that back to you.

Saltzman: The same rfp effort?

Rodriguez: Into this effort, the joint effort.

Eudaly: It's a statewide effort.

Fritz: So we're looking at about the same so far in Portland as for the statewide. Jessica could you remind me what the city budget office's response to this request was please?

Kinard: The city budget office primarily only recommends funding for packages for new requests that fit into three primary criteria. That is the request should be urgent, unforeseen and unable to be absorbed within the city budget. With this particular request, the concerns that were highlighted I will say that the request in detail talks about the many benefits of investing in the census work and how important it is for all of the reasons that the commissioner articulated. One of the concerns that we had was sort of the unknown -- the commitment to funding something where the total amount of funding that is required is unknown at this time. One of the other thoughts was around the unforeseen nature and the ability whether or not the bureau had the ability to absorb some of this funding within their existing resources. It would push out other work that is being done by their current contractors so there would certainly be a tradeoff there. So that was our recommendation sort of drew that hard line around the unforeseen and unable to be absorbed within existing resources but again council must consider our recommendations as well as other criteria in making their final decision.

Fish: May I make a comment?

Wheeler: Commissioner Fish.

Fish: I think we can debate this all afternoon. Let me offer a perspective. We have two amendments to a fall bump which is probably something of a record in terms of council discipline because I remember bumps where we have spent a long time. That's number one. Number two, it seems to me from what I'm hearing in this conversation that someone -- any of my colleagues could approach this in one of three ways. They could decide that it's not appropriate for the fall bump and depending on whether they want to give weight to the independent budget office or they think this is one where we're especially discerning or their questions have not been answered or they don't think the plan is fully baked, whatever, we uniquely get to make that judgment. We could because of the importance of this issue take it up as a free-standing matter outside the budget. That is the council could direct that we want to see a plan that's sharper and bring it back, it doesn't have to be part of the budget process. It seems the census thing stands on its own and the up side to the city of getting a robust count is beyond dispute. I think the council could decide this is something we want to take on and do outside the budget process. The third is we can do it

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through the normal budget process and I think we ventilated those three options. The only question before us today is does the majority of council want to fund this through the bump. I think we have had a good discussion, we have two amendments, we a substitute to adopt, we have two amendments which are on the table. I would just move to a vote and see where council is on this.

Eudaly: I have a couple more comments. Waiting for the next budget process is too late. The urgency is that we have a hard deadline. We know the census is happening in 2020 and we have an administration who is attempting to strike fear into the very communities that we need to count. So there's the urgency and the unforeseen nature of this situation. It's also unforeseen by me being a new member of council I have not been here for two years yet, I couldn't have known that the city in the last 150 years has never gotten around to preparing for the census, so I'm attempting to make up for this historic oversight and ensure that hard to count communities who happen to be the very communities that we are constantly talking about when we're talking about vulnerable populations, when we're talking about diversity, when we're talking about equity, I just am having a hard time understanding why this is remotely controversial. It's a pittance for what we stand to gain, and it's absolutely incumbent upon us to do it. So we have major organizations that are partnering with us on this. We have an opportunity to leverage the small investment --

Fish: May I respond to one thing? I'm inclined to support this request but I will tell you that your most recent comment is not accurate. I would be happy as a new member to talk about what we have done. Chair Kafoury and I chaired the last city-county effort to get out the vote, and I don't remember all the aspects of it but it was a large community-wide effort with community organizations that was precisely designed to get a more robust count. We had a logo, we had a kickoff, we had community partners, there was funding. We don't have to go back to 1790 and I think there's a tendency on this council to minimize things that have happened yesterday. There is history for doing this. You made a case it's a small amount of money, there's a timing issue and an upside to the city. Given the belt tightening we have done on this particular bump and our broad discretion to each of us to decide whether it's appropriate I'm inclined to support it but I want you to know there was very good work done ten years ago and we would be happy to unearth some files and talk to civic life about it because it's not true the city and county put its head in the sand. It may not have been robust enough but it did have an impact and I remember it had council support.

Eudaly: My apologies commissioner, that was not the intent of my comment. The point I'm trying to make as we talked about on Tuesday in our work session, the city has not been setting aside money or enough money for anticipated expenses. This census count can be anticipated every ten years so it was surprising to me to learn that there was no plan or fund in existence and we're attempting to make up for that. I was not meaning to suggest that significant efforts have not been made in the past.

Fritz: Commissioner Fish I appreciate your suggestion this could be done as a separate request from contingency once we know the full extent of the entire package and that would give certainty to the ongoing process. I'm wondering if we could have a brief presentation from the Portland united against hate because I would imagine many of the same organizations are going to be our partners I census work and I would like to know the status of deliverables that were funded with the previous \$350,000 and what the request in the bump will be for.

Eudaly: Puah is not part of the census count. Are you saying you want the presentation --

Fritz: At the beginning of this hearing we talked about whether we would have a presentation about Portlanders united against hate.

Eudaly: Oh and we decided not to.

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Fritz: We deferred that discussion. So as I just said, I believe that many of the same organizations will be involved and I would like to know about capacity and deliverables and what we're asking our community partners to do, if we're providing the right level of support.

Eudaly: Puah will not be speaking to the census request. If you want the report from them for the budget request that has already been included in the mayor's proposed budget that's fine. They are still in the room, but they cannot speak to this. We'll be putting out an rfp. We don't know who our community partners will be on this project.

Wheeler: I have another idea. It might be a stupid idea, but let me throw it out there.

Fish: There are no stupid ideas.

Wheeler: You haven't heard my idea yet. [laughter] I appreciate your sense of optimism, commissioner Fish. I think we're all agreeing with commissioner Eudaly about the importance of this and we all get the value of a proper census and we also all understand as commissioner Fritz said this has to be run like a competent field campaign. There has to be a plan behind this, who is doing what, when, how and where. Maybe the third path here is we could agree to put some amount in a reserve pending a work session or further discussion that outlines the plan explicitly. We could spend all day here wondering whether the plan is solid or not. I would actually like to see the plan.

Fish: Can I make a tweak to that? We have done that in the past. You're channeling the way we resolved a couple of similar disputes in the past. I would not make it contingent on a work plan. I would simply say it's contingent on the submission to the mayor of a work plan that the mayor considers satisfactory for the release of the funds. I really don't think it warrants a work session which are hard to schedule particularly in budget season and we have used that trigger in the past to release funds. I think we should be very clear what you're asking for is just a plan with the funding and the deliverables that you're satisfied at this level, which is at the very beginning of the process, is satisfactory to launch this with the money we have set aside. I would urge that as the proposal.

Wheeler: I would like to hear some discussion on that. I would like commissioner eudaly's thoughts as well.

Eudaly: The mayor wasn't in chambers when I made the amendment I want to make sure that you realize the request was to reduce general fund unrestricted contingency for this request. That we are already almost too late to start this process and approving this ask today doesn't mean we're going to have this money to distribute tomorrow. It's a very lengthy process. So I respectfully request that we include it in the fall bump and trust that my bureau and these organizations that we are partnering with, which I read into the record earlier, have a -- have a plan and we certainly don't need a work session to go over it.

Fish: Mayor, can I be recognized?

Wheeler: Commissioner Fish.

Fish: My suggestion, then cause we're also bumping up against the next item. We have a number of things to work out today, I would suggest we take a vote on the request, the person who puts the request in for an amendment has a right to a vote of the council. I'm inclined to support it. If it doesn't have sufficient support on council, mayor, you signaled a third way that I understand you may be willing to make an amendment that you can confer with commissioner in charge and if that has support then that can be put to a vote, but I think we're at the point of almost a land use hearing. Let's have a couple votes and see where we are, I think the sponsor has a right to have the council vote on the request.

Wheeler: If that's your desire, certainly.

Eudaly: Thank you commissioner, I just want to mention director Rhee is in chambers and if anyone has questions for her I can invite her to the table. No? I would like to take a vote.

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This is really important to me, to my bureau, and to the city, and I would like to move forward on it sooner than later.

Wheeler: Can I just clarify Karla, we completed public testimony.

Moore-Love: We were through with that.

Wheeler: What I would like to do is first take the vote on the substitute to get that done. Then let's get to the question of the amendments. Please call -- this is to adopt the substitute. Please call the roll.

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

Wheeler: Aye. The substitute is now on the table.

Fish: Now we have Eudaly one and Fish one.

Wheeler: Please call the roll on Eudaly one.

Eudaly: Aye.

Fritz: I absolutely agree we need an accurate census count. We need to get started early on it and I would like more information and a more defined plan as to whether even this amount is being requested is enough. I prefer the mayor's approach. No.

Fish: Aye.

Saltzman: Well, I'm going to oppose both amendments on the grounds I feel these are not urgent and unforeseen. With respect to the census it is important. We're putting \$100,000 into it today and the least we can expect for that \$100,000 is some sort of detailed plan rather than the promise that we're going to ask you several times for more money without knowing where it's going. So it's not an urgent and unforeseen request and I think we're trying to get back to basics about bumps. That's what the bump process should be about. That's why I will oppose both amendments. No.

Wheeler: I'm going to vote no because I want the plan. I'm going to stick to what I put in, which was the original, \$100,000. Is that correct?

Kinard: That's correct, mayor.

Wheeler: I'm also going to make a commitment. In a moment I'm going to offer up an amendment where commissioner Eudaly and I in the next week look at the plan and I'm going to ask you all for the authorization that commissioner -- give commissioner Eudaly and me the ability to look at the plan and I'll walk it around and we'll get it done. I hear what commissioner Eudaly is saying about the urgency. I vote no. The amendment fails. I would like to put another amendment on the table.

Fish: Second.

Wheeler: I guess I already did, its on the table, call the roll. So the amendment to clarify is commissioner Eudaly and I over the course of next week by the end of next Friday you will give us the authorization to evaluate with director Rhee and anyone else a plan and when we have the confidence I have the confidence that we have a clear plan for expenditure, you will give me the authorization to deploy those resources and the amount is?

Kinard: \$125,000.

Wheeler: \$125,000.

Kinard: And to be clear mayor technically would you like, is your amendment to place this funding into a policy set aside for this purpose?

Wheeler: Do a policy set aside.

Fish: I'll second that.

Wheeler: We have a motion and a second, discussion?

Fritz: Are you sure a week is enough time for that?

Wheeler: No.

Fritz: Authorizing \$100,000 wouldn't be it better to make sure you have a robust plan?

Wheeler: Director Rhee give me a realistic estimate.

Eudaly: Lets hear from my bureau staff.

Wheeler: How much time will you need?

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Eudaly: I think they are probably the best judge for the turn-around.

Wheeler: I would rather not have to get it next week but I can if I'm forced to.

Fritz: I know how hard it is to schedule time with you mayor, so I accept if you have it on the schedule already.

Wheeler: That's what the pre non-hours are for.

Suk Rhee, Director, Office of Community and Civic Life: Yes, Suk Rhee director of the office of community and civic life, apologies for not being here earlier. In terms of -- let me say this. Everybody is at this stage of preparedness. They are getting their institutional commitments. We're coordinating. A few organizations have already put their -- had their investment requests in but almost everybody is at this exact stage. The point is we need people to make their commitments now to work together and to invest. The funders committee just last week tried to align their funding and rfp strategy to better align with the city's so actually trying to adjust at the same time in real time because everyone's decision making processes are not perfectly aligned. Within a week we would get to you our best effort of where the statewide and Portland metro regional funders are coming together in terms of coordinated statewide strategy. It starts with a campaign analysis.

Wheeler: Here's where I'm hanging up on this. I want to know what are we spending taxpayer money on. I get it, we're trying to get to a full count census, but I don't understand what does the \$100,000 actually go towards? What is the plan?

Rhee: The first one --

Wheeler: And then the 125. What is the plan? I don't need it today.

Fish: The only question on the table if I can just jump in here, the mayor is proposing a set aside the money in a policy set aside and to have sole authorization to release it. You're on the cusp up of a big win here. The only question here is, do you need more than one week to present the mayor with some written plan that gives him something to review in terms of phase one of what you're doing or do you need additional time to put pen to paper?

Rhee: I would actually like to take the week and accelerate this process where we can get to you is our approach to put together a statewide coordinated plan. We're already in conversations with analysts and listening to the conversation of the drive in. Yes, this is actually a three-year campaign approach. The first \$20,000 of our request was for a coordinator to put alongside the investment of other funders because we actually need to do the planning together. So within a week I can deliver something to what level I cannot tell you at this time.

Wheeler: Here's the question, I'm not forcing you to do it in a week. Commissioner Eudaly said there's a sense of incredible urgency to this. Can it wait a month?

Rhee: I would actually like to try to deliver it within a week.

Wheeler: Then you're lighting the fire. I respect that. I trust you commissioner Eudaly we will get it done.

Fritz: You could have it as an aspirational goal, but have it within a month within the rules so you don't have to be midnight on Friday next week making decisions if you don't have all the information.

Kinard: If I may suggest, I have some language or technical language we typed up as the conversation was going on for the amendment. It's not necessary --

Wheeler: Related to my -- great. Let's hear it.

Kinard: So the amendment could read increase general fund contingency policy set aside by \$125,000 for census 2020 coordination and response, reduce general fund contingency by \$125,000 to fund this change. The office of community and civic life will provide a detailed multi year work plan to council. Upon acceptance council will increase bureau expenses in the office of community and civic life's general fund budget by \$125,000 for this purpose through a separate ordinance.

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Fish: To the mayor. We have given the mayor the proxy here.

Kinard: Oh. Okay.

Fish: The mayor's proposal was he have the proxy.

Wheeler: Basically I'm going to take my amendment off the table and with your approval and accept your written language as the amendment.

Eudaly: Now it's coming back to council?

Kinard: Now it will come back to council rather than go directly to the mayor?

Wheeler: No, no, no. That's cumbersome. Just give me the authority. I'll work it out with the commissioner.

Fish: There's precedent for doing this, we have done this before where we have given the mayor the authority to make the trigger.

Wheeler: We'll do the rounds. We don't need a big to-do over it.

Fish: Second.

Wheeler: I have a motion and second call the roll.

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

Wheeler: Aye. The amendment is adopted. Fish one. Call the roll.

Eudaly: [audio not understandable]

Fritz: This in some ways -- commissioner Saltzman I want acknowledge, I appreciate you sticking to emergency unforeseen. This is somewhat unforeseen that this process has taken longer than it should be and as was testified to I think it's a significant equity issue to halt this process to decide what to do with the interstate firehouse, which is such a cultural icon in the african-american community at this time. What I think would be very damaging to our equity efforts. Therefore I support this. Aye.

Fish: If I could add to that, this also could be one of our test cases under the arts affordability plan. Everything is on the table in terms of how to make this a thriving center and that includes whether it continues to be a parks property or spinoff as an independent entity or operates through some other bureau assignment. We have to be creative but this is a process launched by commissioner Fritz. There are community members devoting enormous amounts of time. Without this additional resource it stalls, and this is a liability to the parks bureau at a time when we have been asked to come up with a detailed report on cost recovery. This is not a moment where we can afford to lose any momentum. Commissioner Fritz launched this. It was a thoughtful process. We need additional resources to conclude it so I would ask for support. Aye.

Saltzman: No.

Wheeler: I believe this does fit within the parameters of the bump process given that it is a process under way. I sort of liken it to the work we're doing with other organizations where the work is under way. I'll concede to commissioner Saltzman, it's just barely, but I'll vote aye. The amendment is adopted. To the substitute as adopted. Any further discussion? Please call the roll.

Fritz: This set of funding is not entirely perfect in my regard, but it's very, very much better than we often do in allocating all kinds of things in the fall budget monitoring process so I appreciate, mayor, your leadership in showing restraint for this and I am very glad we're saving as much as we can in contingency to fund the things that we know are coming down the pike. Aye.

Fish: Well, let me first compliment the interim director and her team for guiding us through this process. I have made no secret of the fact that there was at least one additional ask that I had in this process, but given the ground rules which we established and desire for discipline, and some unforeseen expenditures that we wanted to prepare for, I think over all this worked smoothly by our standards. I'm pleased that we not only have set aside money for unforeseen matters we have also will live to fight another day on the additional

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capital contingency money. So nice job. Jessica and I appreciate the thoughtful consideration of my colleagues. Aye.

Saltzman: I appreciate the work everybody has done. I appreciate enormously the restraint that's been shown around amendments to the bump. We're getting there. I know the mayor -- we're all sort of psychologically there, the bump process which has no public involvement around how money is spent other than what happens the day of the vote, we have no budget committee looking at this, making recommendations to us on any of this, and it's not -- we're not offering things that arguably are not urgent and unforeseen. That's why I think the bump should be back to the basics of urgent unforeseen expenses and anything else should be pushed over to the full regular budget process where we do have residents at the table with us helping us deliberate. We do have public hearings. So we're getting there. I'm happy to support it. Aye.

Wheeler: I vote aye. Substitute is adopted as amended. Next item, 1158.

Item 1158.

Wheeler: Commissioner Fish.

Fish: Allan, are you going to testify on this one again too?

Allan Warman: I'll identify myself this time, though.

Fish: Mayor and colleagues we have the distinguished co-chairs of the Portland utility board here to present their annual report to council and we're grateful for their leadership. [laughter]

Fritz: The Portland utility board, known as the pub, provides council members with valuable input regarding our water environmental services bureaus. Pub members volunteer their time, a lot of time reading material, listening to presentations, engaging in thoughtful discussions to create recommendations. These recommendations have been compiled to create a report before us today. Their report includes important information regarding the pub feedback on strategic planning, communicating with the general public, bureau programs such as the water bureau's financial assistance program, and budget proposals for the water bureau and the bureau of environmental services. As the new commissioner in charge of the water bureau I was honored to attend the meeting last night, learned a lot. Also to work with commissioner Fish to oversee the bureau of environmental services who has already given his remarks and I'm very glad we will continue to collaborate together.

Warman: Okay. Thank you. I'm Allan Warman, co-chair of the Portland utility board.

Colleen Johnson: Colleen Johnson. Second co-chair.

Wheeler: That's not on.

Johnson: Colleen Johnson. Second co-chair.

Wheeler: Thank you.

Warman: We'll make this quick. As advocates for the citizens of Portland, pub members have needed and have broad understanding of utility management, bureau operations and the city's budget process. In our third year, the pub has dedicated more than 650 hours of service. We have held 22 board members plus seven subcommittee meetings. We have had offsite meetings including going out to the Johnson creek watershed, the interstate facility for the water bureau, and construction of the Washington park reservoir project. Last year in September we had a plan to go to the bull run watershed but it was canceled due to the wildfire but tomorrow we are going to go out and look at the watershed. As part of its role, our role, as the budget advisory committee for both bureaus, pub submitted its initial observations for the fiscal year of 2018-19 requests in January. This included ten values that pub would use as a framework when we provided our input. In March pub provided additional information to the council, this council, including the in-depth recommendations on the final decision packages specifically fte requests. Last fall we developed principles we felt would be a useful guide in evaluating the mid year changes to

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the budgets of these bureaus and you heard just a short while ago what our comments were. Other policy items come before the board as well. During the fiscal year 17-18 this included the city's consideration of water treatment options and after of course finding the cryptosporidium in the bull run watershed and also we made comments with regards to the strategic plan for both bureaus. In addition to our regular board meetings, five pub members participated in 11 administrative review committee hearings for the bureaus. In our report we highlighted a number of challenges and opportunities, and that we would like to touch briefly on. For both bureaus the operating budget in five-year capital improvement plans are products of previous developed programs, plans and studies that guide management of the bureau's infrastructure. Pub spent in the last three years working with these bureaus as they are or are beginning to update their strategic planning processes to allow the pub earlier input in planning and design phases. This year the city is changing its budget process to move away from decision packages and have bureaus submit program offers, which is intended to focus on intended outcomes for the city program. Pub thinks this will allow review of the budgets in a more holistic way of looking at it. We're focused on outcomes as you are for the Portland residents and we look forward to being a better partner with the bureaus and the city during this transition.

Johnson: The annual budgets of both utility bureaus are driven in large part by investments in system infrastructure. Most projects to invest in capital assets are the outcome of facility planning and systems studies that span many years and result in large, complex, expensive investments that bureaus will implement over several years design and construction once the project is included in the capital budget. To provide assessment and recommendations to city council, pub needs to be incorporated into the initial phases of capital projects that will have long term impacts on customers. Pub requests assistance from both city council and leadership of bes and pwb in this manner. As we talked about in the previous session on bump request pub continues to be concerned about the ability of the bureaus to execute on the amount, size and complexity of the capital projects and feels this should be closely monitored. Having the utility bureaus under the management of one city commissioner was a recommendation of the blue ribbon commission, Portland residents receive a combined utility bill and the individual decisions of bes and pwb are combined in their effects on customers. Pub has observed improvements in coordination between the bureaus over the last two years under the leadership of commissioner Fish and we thank him for that direction and thinks there can be additional improvements in how the bureaus present information to the public and in coordinating similar work such as communications, equity, budgeting and financial planning. Pwb and bes now have separate commissioners in charge. Pub encourages commissioners Fish and Fritz to manage the bureaus with an eye toward combined impact on customers and to continue the efforts to coordinate on the work of the bureaus. We appreciated the joint letter on budget guidance that we received from commissioners Fish and Fritz, and we do look forward to working with commissioner Fritz in the future. Thank you again for coming last night.

Fish: I know you have a lot of comments.

Johnson: No, just one.

Fish: I'll wait until you're finished. I want to give you what I think you'll consider good news.

Johnson: Pub was created to advise city council on behalf of and for the benefit of the residents of Portland. In the past year pub has encouraged pwb and bes to increase outreach to communities about capital projects and low income assistance programs. Pub sees an opportunity this year to increase its engagement with increased communication initiatives and hosting meetings in neighborhoods across the city to elevate its presence. Increase the understanding of the system challenges facing the bureaus and build trust

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with the public. Thank you for your time. Please enjoy reading our long, detailed, wonderfully written report. Thank you.

Fish: Mayor, if I could, I want to just address two points that you made in your oral presentation. The first had to do with the benefits that you saw of having a single commissioner oversee both bureaus, something that the blue ribbon commission recommended, something that former mayor Hales, obviously, fought strongly enough that he tagged me. I don't think since commissioner Saltzman about 15 years ago that that had happened so there had been a gap. Commissioner Fritz and I have had a number of conversations. It's our intent through the budget process to coordinate. So we'll be talking about our budgets. We'll be working to -- off of a similar script in terms of how they are presented. One of the benefits of having both bureaus is that we charge both of them with using a similar budget model so that you could sort of -- they were comprehensible. Commissioner Fritz and I are going to continue to try to make that happen. We're going to have some joint meetings around budgeting and then try to find tune our presentation so they are comprehensible and the story is one bill, two utilities. We're channeling the concern that you have raised and we hope in this first year under this new budget process to get that right. The second thing I want to respond to is you talked about capital projects and ramping up and other things. I want to just make a plug here for the bureau of environmental services because I think -- we have asked them to do something unique. We have asked them to do something that is groundbreaking, but we have asked them to do it in an environment where they are also experiencing high turnover because of retirement. They have to recruit new people because they have to staff up. So what you've identified around ramping up of staff and some of the uncertainties around capital projects, the ten-year plan to sustainability, which council has said we're prepared to live with 3%, 3% rate increases for some time to fund a capital plan that's going to put all of our assets at hopefully good or better at the end of a decade, requires substantial change within the organization and it requires ramping up hiring. You have been skeptical of some of those hires. If I recall commentary has been not so much they are not potentially necessary but you have not demonstrated you need them now. You have raised questions about sequencing, but I will say I just want to put a plug in from the sense that what further complicates the task and water is not immune from this either, we're losing a lot of our key people who are retiring so we're having to recruit people to fill those positions. That's enormously time-consuming provision and in many positions we're not competitive with the private sector, so the really good people we are competing for can make more money working for some of the vendors we work with. I hear your point. We'll continue to try to get it right, but to do the kind of ramp-up that we have directed bes to do to reach a goal, which is pretty audacious, is very challenging and is made more challenging by the fact that we're seeing across the board in the city the graying of our work force, people choosing retirement. Some are retiring because they are uncertain what's going to happen to pers. You have a whole class of people walking in their pers benefits because they are uncertain what the legislature or the court may do with their benefits. So, there's a lot of factors, I appreciate you calling it out. I also want to put on the record that the task that we have asked director Jordan to do is very, very complicated and I'm hoping with your continued guidance we'll get it right. Thank you.

Johnson: Thank you.

Wheeler: Very good. So this is a report.

Fish: I move to accept the report.

Fritz: Second.

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

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Fritz: Thank you very much for your time not only at the public meetings which I'll remind everyone they are open for everybody to attend, but for coming here during the day as well and for all the thought you put into the work that you do. I really appreciate it. We did approve your reappointment as co-chair this morning on consent.

*****: I heard that.

Fritz: I hope that's all right with you because it's too late if it's not. Want everybody watching at home to know we're having a public meeting for the water bureau tomorrow evening at 6:00 to 7:30 at irco 103rd and northeast glisan to talk about water treatment options. Whenever you talk about treatment options for our precious bull run water people should be paying attention. We're required to add things to the water and do things to the water by the federal government, so we want to be open and transparent and include community members in the decisions about the filtration plant, council has decided we'll have a filtration plant, where it is, how big it is, what kind of filtration are things that we want people to give us feedback on. So there will be free lead kits available. Nice free water bottles and information on how to get your water bill reduced. Thanks to commissioner Fish for his leadership in that program to make sure that everybody can afford to keep drinking our great bull run water. Thank you to Melissa Merrill, our great staff person for the pub, Janice Thompson of the citizens utility board who provides great feedback and Carroll Cushman of the league of women voters was there last night and finally Cristina Nieves on my staff who is, as I am, very excited to be associated with the Portland water bureau and the pub. Aye.

Fish: Commissioner Fritz, what time does that start tomorrow at irco?

Fritz: 6:00.

Fish: Just an fyi, we may lose a quorum tomorrow somewhere between 5:00 and 5:15. Just in terms of how we manage what will be the first reading of your ordinance.

Wheeler: We have a light agenda. I think there's only one item.

Fish: Its also first reading. [laughter]

Fritz: It's an insider joke. It's the mayors proposal to have rules about demonstrations. There may be a few people showing up.

Fish: Allan what commissioner Fritz about what we took up on consent today, if you're having buyer's remorse it's too late, my great great-grandfather was offered a high office by a president and he declined it mostly because he was older looking forward to his retirement. Concurrent with the request submitted to the senate and it was approved that day. So for those of us who look back wistfully when our federal legislative body worked with some dispatch hey actually confirmed him before he could reverse that. So he ended up serving. The president can play that card now. If the president tried to play that today we would still be subject to six months of hearings and six months of filibuster. Thank you both for your service. Thank you for the report. Thank you for the hundreds of hours you put in. It has been our hope that after three or so years that you would begin to develop the kind of institutional memory, understanding and expertise around our budget that you could go deeper and I know that was your goal that you felt at the beginning of the process there was a lot to take in. You're now becoming old hands at this now and this is your second or third budget you're reviewing. I anticipate that with each budget year you will be able to go deeper and broader and with more confidence bringing along your colleagues. I am very invested in the success of the Portland utility board. While it was a great honor to lead both utilities, I also think that having two commissioners that are committed to working together gets you almost the same place, and we're both sensitive to the impact of rates on the people we serve gets us almost to the same place. You'll be the judge of that during the budget process. Thank you for your report and continued service. I hope that my direction in writing to bureau of environmental services is to participate fully and be a

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resource and if at any point you feel we fall short as a bureau I know you'll let me know personally. Thank you both very much. Aye.

Saltzman: Thanks, Allan and colleen, for your service and for the other members of the Portland utility board. Really appreciate it. Aye.

Wheeler: Thank you for this presentation. This is very, very important in terms of public transparency and accountability, letting people hear firsthand what independent citizen advisors and overseers think and reporting back to us is great. I'll really appreciate tough of your taking the time to do this and thank you for your service. Aye. The report is accepted. We're adjourned.

At 3:25 p.m. council recessed.

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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.

November 8, 2018 2pm session

Wheeler: Good afternoon everybody this is the November 8, 2018 afternoon session of the Portland city council. Before I ask Karla to read the roll I want to apologize for my tardiness. We were, commissioner Saltzman and i, were at the ribbon cutting ceremony for the new Beatrice morrow in northeast Portland. This is the first affordable housing project that has actually opened under the north northeast housing strategy, so its a great milestone for the city of Portland but I do apologize for my tardiness. Karla, please call the roll.

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

Wheeler: Here, good afternoon.

Lory Kraut, Senior Deputy City Attorney: Welcome to Portland city council. City council represents --

Fish: Can you bring the mike closer? Just a little louder.

Kraut: 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 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 are 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 feel free to do 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: Thank you. Karla, please read the first item.

Item 1159.

Wheeler: Colleagues, the adoption of mandatory inclusionary housing prompted many developers to enter their unbuilt housing projects into the permitting queue in advance of the inclusionary requirements that began in February of 2017. I worked with the housing bureau to create an incentive program for those projects to still include some level of affordability. In March of this year the council approved interim use of the multiple unit limited tax exemption program for projects not obligated to make units affordable under inclusionary housing. The housing bureau is back before us today to make some adjustments to the program, greetings.

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Matthew Tschabold, Portland Housing Bureau: Thank you, mayor. For the record Matthew Tschabold, with the Portland housing bureau. As the mayor mentioned because it's a tax exemption authorized under state statute requires concurrence of 51% of the taxing jurisdictions. After you passed the ordinance earlier this year we have been working with the county and the county just today adopted a resolution, a modification to the ordinance you passed, and we're here to walk you through it and hopefully get your concurrence so we can put the program into place. So, I'll turn it over to dory van Bockel.

Dory Van Bockel, Portland Housing Bureau: Good afternoon mayor, commissioners, my name is dory van Bockel, I am the manager of our development incentives team including our tax exemption and inclusionary housing programs. As Matthew mentioned we were at the county today with the same presentation. I'll go through there's probably more detail than you need, so afterwards we'll leave room for questions if there's something you want to weigh in more on, but I will try to move through it quickly. Just for some background and clarification that Matthew already covered a little bit when inclusionary housing went into effect February 2017 it included use of the multi program as one of the financial incentives provided to help offset the affordable housing being included in the new construction of new development. In March of 2017, and in may the city and county adopted a rolling cap on the amount of foregone revenue available for use with the multi program which kept the original \$3 million cap in place but allowed it to adjust to any housing surges, any cycles of development that increase during a given five-year period. As Matthew mentioned in March we were here to adopt the multi program for use of for projects prior to inclusionary housing and have just today been at the county board of commissioners who approved a resolution to concur with that program and we have a couple of slight modifications. The reason and why we are pursuing this is as of the onset of inclusionary housing in February of 2017, up to 19,000 permits were in the pre-vested queue so subject to zoning requirements prior to inclusionary housing. The program adopted originally was for the interim use for these projects outside inclusionary housing was for a two-year period, we have a year and a half or so left of that and is a ten-year tax exemption for ten years of affordability city-wide with a \$3 million cap on foregone revenue that is part of the rolling five-year cap already approved by both the city and the county. Then we also have a \$500,000 cap on each individual project applying within the program making it available primarily for smaller projects. There's no additional fiscal impact that hasn't been considered. The changes made after working through things with the county are two. One is to limit the program only to affordable levels at 60% of area median income rather than having some options up to the 80% option before and additionally making some allowances to increase the number of family size units that might be provided in the program by reducing the total affordable units provided if they are two or more bedrooms. So as of today, the 19,000 units in that pre-vested queue has decreased significantly but there are roughly 8200 or 8400 units, excuse me, that are still within the pre-vested pipeline. In our investigation of working through that data --

Fish: Why has there been such a decline?

Van Bockel: A number of those have either moved forward with permitting, so in our 2018 inclusionary housing update we have more specifics as to what has happened to that actual pipeline.

Fish: Can you remind us Dory how long does the entitlement, if they file free inclusionary housing how long does that entitlement last?

Van Bockel: It depends how they reached the entitlement. If it was through a permit process they have a limited two years of time but can get extensions. For the land use actions they also could have vested a project. They have two years and then also need to - - could enter permitting at that point and have additional time. It's not a set time frame but yes, at some point some of those would expire.

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Fish: Thank you.

Van Bockel: So at this point after again waiting out then further projects that would exceed the \$500,000 cap presumably, either have moved forward into permitting or wouldn't be eligible for other reasons we estimate there's a little less than 2900 units in 42 projects and so 20% could be affordable. Obviously we don't anticipate all of them participating nor would there be room within the cap but there are projects that could utilize the program and we have heard from a number of developers at least interested in moving forward. As far as the number of projects in the pipeline they are distributed across the city. Primarily on the east side with a couple in north Portland and about a third of them, though, in the central city still. There's plenty of cap authorization so within our five-year rolling cap of first year foregone revenue there's still over \$11 million available for the multi program as a whole both within the interim use as well as through inclusionary housing. To give an idea of what the value of the exemption is for a particular unit, based on our current pipeline of projects receiving multifamily tax exemptions, it averages out to about \$10,000 a year of foregone revenue or \$833 a month. About a third of that is the portion that the city would forego in taxes. In comparing that to the benefit to the tenants in these cases, compared to average rents within the central city average rents have been about \$2,000 whereas the 60% of area median income rents would be eight or \$900 under the program amounting into roughly \$1100 subsidy. There's still need, obviously. The housing bureau and the county both see a need for units across the affordability spectrum. At least 47 to 49,000 units are known to be lacking as far as the housing stock for households below 60% of area median income and this is one tool to help make affordability available. We're happy to answer any questions.

Wheeler: Any further questions about this? Very good. Thank you. Excellent report. Public testimony?

Moore-Love: Yes. We have two people signed up.

Wheeler: Come one up good afternoon.

Gwenn Baldwin: Good afternoon. Mayor wheeler, members of city council Gwenn Baldwin I'm the executive director of Oregon smart growth and I'm here today in support of this revised ordinance modifying the multi program. I want to extend my appreciation to the mayor and his office for engaging with us 20 months ago to find ways to incentivize the pre-inclusionary housing projects to include affordability in what would otherwise be 100% market rate unit production and to the city council for acting on this in March and again today. I also want to acknowledge the collaboration with the housing bureau and deputy director Tschabold in working with our partners across th river at the board of commissioners to arrive at a program that may incentivized additional family sized apartments in Portland for those making 60% area median income or less. As we have noted earlier, the majority of vested projects and the units associated with have already moved to permitting and are no longer eligible nor are the vast majority of remaining units that are in the queue with half million in property taxes or that have fewer than 20 units. It has taken a while to get resolution on this program and my hope is that together we can move perhaps more swiftly with future efforts. We're very, very pleased with the work that has been done updating the legal templates within the housing bureau related to the inclusionary housing program, as well as visiting with you last month related to the five to one far built or base offset package. Those are things that really moved quickly when the need was identified. We do believe that this program revision is important for the opportunities that exist within the remaining viable projects in the pipeline and I look forward to our ongoing work together to provide the housing needed at all levels of affordability. Thank you.

Wheeler: Thank you. Good afternoon.

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Charles Bridgecrane Johnson: Good afternoon. It feels wired to say that. Charles bridge crane johnson for the record. As you know this was at the county before earlier today item r4. I think we want to look at also this in a bigger context. Tuesday night was terrific. We have in the chamber city councilor elect Jo Ann Hardesty who is going to be working hard on housing policy which includes the fact that the city in addition to over \$250 million passed with the city's own bond is looking to get another quarter billion dollars from the metro bond and measure 102 passed so we'll be looking for partners. When we're partnering, we don't want to be partnering with developers who thought, oh, my god iz, I'm not going to cooperate. In addition to voting yes on this measure 1159 I think this should be an acknowledgment there should be open framework to look at which developers have participated in this program to improve results with iz, or quasi-iz, on these projects in the pipeline so that when we're doing proposals maybe rfp, rfqs for future development, there's not quite a half billion because we spent some of the first quarter million with the housing bond. The people that participate in those projects should be the ones that were most enthusiastic in making sure that we don't have 100% luxury buildings, that we don't have developers 100% resistant to having a diverse population of income levels within their buildings. So please vet yes on this 1159 but also be aware of who is really interested in quality diverse housing for all income ranges in this program as you go forward with the next few years and work with the money from the metro bond. Thank you.

Wheeler: Thank you. Any further discussion on this item, colleagues? Please call the roll.

Eudaly: Thank you for the report. I vote aye.

Fritz: Pleased with these changes. I'm happy to remain in the chamber and enthusiastically vote aye.

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

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

Item 1160.

Wheeler: Colleagues, I would like to preview the road map for today's hearings and clarify a few items. First of all I'm going to give a few brief remarks, then we'll have an informational presentation by the city attorney and the chief of police. Then we'll have some council discussion where I'll offer a substitute ordinance. The substitute ordinance I will ask my colleagues at the end of the session to vote for, but I want to be very clear, by voting for the substitute ordinance all they are agreeing to do is put the ordinance on the table for discussion. So it may be that a colleague would choose not to support this legislation. This ordinance, but I will ask them to vote aye to put the substitute on the table for further discussion. The substitute ordinance which was released yesterday includes some proposed revisions based on input from my colleagues as well as others in the community. I'll ask my fellow commissioners who have any amendments to put those amendments on the table. We will then hear invited testimony. After invited testimony we'll hear public testimony. Due to concerns about quorum and scheduling, at 5:00 p.m. I'll ask council to discuss and vote on the substitute ordinance. Again that means just putting it into the record as the ordinance under discussion, and I will ask them to vote on the amendments. We will not be voting on the overall ordinance today. We have heard from a number of my colleagues who would like to have time to reflect, to offer input based on any public testimony so we will not be voting today. We will be moving it to second reading. I don't -- we do plan on voting on the substitute amendments and will vote on them towards the ends of the hearing before we lose the quorum. There will probably be a lot of people who would like to give public testimony. We will be losing at least one member of the council who has an important community event this evening. I will certainly stay and if we have two other folks who are staying to keep the quorum we'll keep taking public testimony. So with regard to my introductory remarks, I want to start by stating the obvious. Portland is a vibrant, livable and economically prosperous community. It's viewed that way

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by the rest of the nation, but it's also true that in recent months we have become something of a magnet for folks who are either coming from outside the community or elsewhere with either a history of or an express intent to come to our community to commit acts of violence. Demonstrations have been increasing in frequency and unfortunately they have also been increasing in terms of the violence that we're seeing. This creates danger to the demonstrators, it creates a danger to bystanders, and it increases the likelihood of risk to public property. It's also unfortunate that our city has gained national recognition for these increasingly frequent instances. It's bad for the reputation of the city and the brand of the city. There's no question that it has the potential to create a negative impact on travel and tourism and the economy over all, but I think more importantly it makes people feel less safe in the community. I want to be clear that I understand that this ordinance is not a panacea to this issue. This ordinance would provide one more tool along with enforcing existing laws along with setting clear expectations about what is and what is not acceptable, along with helping to educate folks on how they can come and express their first amendment rights freely and fully and remain safe at the end of the day. The major objection to this ordinance has been at least what I have heard so far is that we should enforce the laws that already exist on the books. I want to be clear. I agree with that completely and we should also as I say continue to educate the public and establish clear expectations. These demonstrations I believe that we have seen and this is my personal opinion are a reflection of the national dialogue that are playing out on our streets. Our response as a city and a community serves as something of a rorschach test on what our city values. Let's be clear. I hope all of us today can agree that we value expression and dialogue and that we reject violence. Much of the opposition that I have heard to this ordinance is reflective of the national dialogue that I just referenced. Some people believe that the ordinance goes too far and could potentially curtail first amendment rights. That's certainly not my intention. Others have expressed concern that this ordinance doesn't go far enough in addressing the increasing presence of the alt-right in Portland specifically. As a city we have not had all of the necessary conversations around race that are reflective in our values as a welcoming, inclusive and sanctuary city. That is certainly factored into this conversation as well. So that's a long way of saying I believe it's important that we acknowledge the context in which I'm introducing this proposed legislation, but understand that whatever we do to address the behavior has to be content neutral in order to be constitutional. This ordinance is not about ideology or speech. This is about public safety and preserving the right of peaceful demonstrators to assemble. What about the constitutionality? I know there's a lot of questions about this. Freedom of speech and association are amongst the fundamental rights guaranteed and protected by the united states and the state of Oregon's constitutions. The city council enthusiastically supports the exercise of these fundamental rights. The law also recognizes the need for reasonable content neutral time, place and manner regulations to ensure that speech and assembly rights can be exercised safely and without significant disruption to the rights of other members of the public. For example, the united states supreme court has explained, "even in a public forum the government may impose reasonable restrictions on the time, place or manner of protected speech provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest and that they leave open ample alternative channels for communication and information". Applying the supreme court standard, the 9th circuit court of appeals has upheld time, place and manner regulations for demonstrations. As the 9th circuit court explained, "no one could seriously dispute that the government has a significant interest in maintaining public order". Indeed, this is a core duty that the government owes its citizens. Further, once multiple instances of violence erupt with a breakdown in social order, a city must act vigorously and more extensively to restore order

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for all of its residents and visitors. Adding large numbers of police on the street might be the solution in some cases, but in other cases could lead to more intense violence. As the 9th circuit court reasoned “we do not think even the most vital first amendment expressions can be said automatically to overcome the need of a city to maintain order and security for its residents and visitors in the face of violence”. Similarly, under the Oregon constitution's article 1 section 8, the Oregon supreme court has held that, “some burdens on expressive activities are permissible such as time, place, and manner restrictions”. As mayor, it's expected that I will do everything I can to uphold the public safety. We cannot deny the increasing rate of demonstrations and increasing violence. This ordinance seeks to remove violence from demonstrations and preserve the public's right to express speech meaningfully. This ordinance enacts reasonable content neutral time, place and manner regulations for demonstrations held in the city with the goals of protecting both freedom of expression for demonstrators and the safety of the entire community. This ordinance does not apply for any demonstrations for which a permit has been issued. What this ordinance functionally does is give us the ability to take preventive steps to ensure public safety by setting the rules of the road when we have advance knowledge and we have stated what that advance knowledge is that leads us to believe that there's a significant threat of violence. Jurisdictions around the country have similar protections. There's some basic ideals that we should be able to agree on as Americans. We don't tolerate violence in our streets. Violence is not and has never been a legitimate means to a political end. I will not allow continued planned street violence between rival factions to take place in Portland, Oregon. So with that I would like to turn it over to our city attorney and the chief of police. Thank you for being here.

Robert Taylor, Chief Deputy City Attorney: Thank you, mayor, members of council. My name is Robert Taylor, chief deputy city attorney. I would like to discuss just three things briefly and then I would be happy to answer your questions. The first is the purpose of this ordinance. The purpose is to give the police commissioner a tool to issue time, place, manner regulations over demonstrations and counter demonstrations in the city when there are facts that make us believe that violence is likely. The main goal is to provide peaceful demonstrators and counter demonstrators, the rules in advance. It has become clear based on past demonstrations that it's very difficult to manage these crowds on the fly the day of the event. Where we know that these are coming and we can plan in advance, this allows the police commissioner to let peaceful people know what the rules are so they can act accordingly. Then the police can focus their limited resources on those who are intent on not following those rules. This ordinance certainly assumes that if we give Portlanders the rules in advance that they will follow those rules. [shouting] we are hopeful that this will give the police a tool and the commissioner -- police chief will speak about this, an additional tool to help manage these demonstrations with the goal of reducing violence, increasing peaceful demonstrations, reducing arrests, and reducing lawsuits. The second thing I would like to talk about is how it would work. There has been two main parts of this policy in the ordinance. The first is in the directive talking about the criteria where the police commissioner could issue these written orders. Those criteria are there must be a history of violence between groups, and the safety of participants and bystanders is at risk, and third, there is a substantial likelihood of violence based on statements or conduct of those groups indicating an intent to do violence or other credible information from law enforcement.

Fish: Can I note for the record, mayor, that the city attorney has just set forth a standard that is in your substitute but was not in the ordinance originally filed. So the key that I see on page for those following this at home, on page 5 of the original ordinance, paragraph 10 c, the sub provisions 1, 2, 3 used to say or meaning any one of three would be sufficient. Based on your presentation and the substitute the mayor is going to offer just want to be

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clear it now says and meaning they are all three are necessary conditions that must be met. Is that correct?

Taylor: Thank you for pointing that out. Absolutely. That's an important change between the ordinances that was filed and the ordinance presented in the substitute. When there were ors in the ordinance it did provide more flexibility for the police commissioner to respond to different situations, but there was a concern about wanting to clearly limit the authority of the police commissioner and make it clear that it could only be used if all three of those criteria were met. That change has been made in the substitute so now you need all three of those. The history of violence, the safety of participants is at risk, and a substantial likelihood of violence based on facts you know. That's a very important change. Then the other part of this ordinance is the requirement that the police commissioner issue written orders in advance and that is important for a couple of reasons. The first practically is it gives advance notice to the public about what the rules are for the demonstrations. It can be very difficult for police and demonstrators to try to manage the rules the day of. We have heard folks say it's difficult for them to understand orders given by the police, by the loudspeakers, the day of, and its hard to know the right place to go if you're trying to be there to demonstrate or counter demonstrate peacefully. This would allow the police commissioner to let people know the rules of the road in advance in writing. The second important part of the written orders is it would require the police commissioner to state factually in writing how those three criteria that we talked about are met. So this doesn't just leave it to the police commissioner to say I'm going to issue these orders based on no facts. We have to affirmatively state in writing how all three of those criteria are met. That's important particularly because courts have said when you're evaluating these types of time, place, manner restrictions, that type of written record is very important for the court to review without a written record, courts are very concerned that public official might be using unfettered discretion, but by requiring those written orders in advance to satisfy those three criteria, the court can better evaluate whether those time, place, manner restrictions were reasonable. There's further limitations on what can be in the written order and they are spelled out in the ordinance. Another example of that is how the demonstrators and counter demonstrators can be redirected and I would point you to section d3, directive d3. This is an important point, where any such redirection shall be to a location that is reasonably close to, sufficiently approximates or reaches substantially the same audience as the original location. That's another important principle that you get from the case law. That sometimes the location of a chosen demonstration is important for the message. So if the government is going to issue time, place, manner regulations and redirect demonstrators and counter demonstrators, it needs to be reasonably close to where they want to be so they can reach the reasonable substantially the same intended audience. The last thing I want to talk about briefly are some of the further checks on the police commissioner's authority in this. The first by requiring the written orders in advance, it allows the public to evaluate the reasonableness of the use of this discretion and the reasonableness of the restrictions. By having a police commissioner, an elected official, issue those written orders it allows for public accountability so they can judge the discretion of the written order and hold the public official accountable. Like I mentioned before, the written order allows a court to review these in advance if they are challenged so the court can see at the time when these decisions were made what the factual basis was. Third, there's a provision in the ordinance that has been added since it was originally released a couple of weeks ago that would require the police commissioner to report back to council within 30 days after using this authority. So the council would get to hear the lessons learned, would get to evaluate whether the authority was used properly. Then the final provision is there's a sunset provision that currently would have this ordinance sunset

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at the end of 2019. So if it works, and it's a useful tool the council can vote to continue it. If not it expires.

Wheeler: Robert, if I could add one to the list which you diplomatically left off the list, as the order would be issued by the police commissioner, in this case me, that also subjects the police commissioner to potential lawsuits, which means the police commissioner can be deposed. Therefore, there's an incentive for the police commissioner to be very judicious in the use of this tool and use it in a limited manner.

Taylor: Yes, sir.

Wheeler: In my opinion.

Taylor: That's part of the public accountability and the accountability through the court system.

Wheeler: Does that complete your presentation?

Taylor: Yes, sir.

Wheeler: Chief outlaw, welcome.

Danielle Outlaw, Chief, Portland Police Bureau: Thank you. Thank you for having me and allowing me to provide some information from the police perspective today regarding this very important ordinance. First I think it's important to acknowledge the many protests and demonstrations, marches and events that have occurred over many years here in Portland and a lot of those have ended with little to no incident. They have been peaceful and those are the ones that don't make the news, but I want to acknowledge what's going on right now. I have seen some narrative out there flat out stating that chief outlaw just wants more power. This is not about me. Me taking this job was not about me. Violent protests are not solely a chief outlaw concern or a mayor wheeler or police commissioner wheeler concern. In fact, violent clashes between demonstrators in Portland have existed long before the two of us took positions here in Portland. However recently we have seen an increasing number of violent protests where various groups come together for the purpose of fighting or committing violence. This is a community concern. We have received numerous phone calls and emails from the community and I acknowledge their frustration of not being able to move about the city, not being able to get home, pick up their kids or get to work in a timely manner during violent protests, but not only have I heard from these community members, I have heard from other people who aren't even from here who are fearful to come downtown. I have also heard from those who identify as activists who want to peacefully protest about certain issues, but have been silenced from others. Others who use fear tactics when it's believed that their ideologies did not align with theirs. As such, these activists fear for their safety amongst those who come together for the purpose of fighting or committing violence and instead of them coming to exercise their first amendment right to free speech they stay home. The community is fed up, and they no longer want to see our beautiful city seen as a place to be disrespected by violence and lack of care and consideration for those who wish to exist safely and without threat, whether physically or fiscally to their livelihood. We want to make this a safe environment for everyone. And as a police commissioner and mayor wheeler referenced the 9th circuit has said adding large numbers of police might be the solution in some cases but in other cases could lead to more intense violence. I agree. Adding more police to respond to violent protests is not always the answer. I have also heard why should we give you another tool when you don't use the tools that you have? I will begin by stating that the question in and of itself isn't completely factual and I'll tell you why momentarily, but my immediate response to that is why not? I believe we all share the same goals. We want to ensure that everyone, everyone has the right to safely exercise their first amendment right to free speech. We want demonstrations to conclude without injury to anyone involved. Or anyone in the immediate area. We want demonstrations to conclude without damage of property or infrastructure. Most importantly, we also want all of this to happen without the

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use of any force necessary by the Portland police bureau. When it comes to crowd management there is no one set defined tool for any one demonstration, and there are no cookie cutter responses. The more tools we have to utilize in our tool belt to address violent demonstrations will allow us to be more strategic and proactive and preventing violence before it begins. Furthermore, a response relying solely upon arrests during violent demonstrations is reactive and increases the likelihood that force by the ppb will be used. If we continue to focus solely upon arrests we're not addressing the root cause of the issue at hand and we're too late because the violence has already begun. The existing tools only allow police when possible or feasible to address violence after it occurs. Over time, including prior to my arrival one year ago, we have utilized tools and laws available to us during violent demonstrations. This has resulted in arrests, uses of force to cease the violence, lawsuits, increased violence between groups, and even on one occasion 200 officers on a skirmish line. We have also tried a hands off approach when our presence exacerbated the situation, and have sought to identify and arrest individuals after the incident. Let me tell you how we currently manage protests. When we learn about an upcoming protest or demonstration, the police bureau members attempt to communicate with event planners and we assign police liaisons. The groups often do not usually respond to our concerns about safety or security. We then develop a plan, coordinating our responses with the resources that we have. However, this is difficult when we don't know when and where groups of people will march. The police bureau has expended considerable resources in past event trying to ensure that these groups remain a safe distance apart. For example, during the august 4 protest it required more than 200 officers as well as mutual aid by other agencies to respond. A critical component of this response meant we had to redirect police resources during these demonstrations and were unable to answer 911 calls for service. We also had to call on neighboring law enforcement agencies who are also short staffed to assist. Once these groups of people who have engaged in past violence come together we don't know when and where they will engage in fights or assaultive behavior. It can be during a march, in the middle of a large crowd, or at a place where police cannot readily or easily respond. In addition there can be challenges in responding to these acts of violence as it takes a tremendous amount of resources to safely make arrests and control violent crowds. Unlike some other major city police departments we're not in close proximity to other departments of comparable size thus when requesting mutual aid neighboring agencies cannot offer larger numbers of personnel to assist and may be traveling from long distances to get here. So I'm saying all of this to say we have utilized the tools we have had for past demonstrations and have been innovative in our planning when we have the luxury of being able to plan in advance. Yet after all of this, we still continue to see violence when these groups come together. Some of the costs associated with our crowd management efforts have been as follows. Since 2016, we have spent \$2,945,327. So far this year that was \$441,685 in overtime to address demonstrations here in Portland. This does not include overtime taken as comp time. When pulling officers from other areas in the city to address demonstrations we have been forced to limit our responses to calls for service to priority calls only. At times when possible and they are able, again, we have received assistance from outside agencies to assist with these calls. Other community impacts include injuries as we all know to many. Not just to those that are involved in the protest, but to officers as well. I have already mentioned the fear and frustration in our community and it also takes a huge toll on the well-being not only of our officers but of community members as well. These costs both tangible and intangible are eroding the trust for which we are working so hard to establish and maintain between the community and the ppb and this is the ultimate cost. So in closing, this new ordinance would not only provide a proactive tool but it allows us to get ahead of the issue before it starts. We were hired, we were brought forth to look at new,

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creative, innovative and strategic ways of addressing an old problem. We have been doing the same thing and getting the same results. At what point do we look for new ways to come up with a different solution? I look forward to hearing the input from other stakeholders today and I really hope that we can move forward towards a resolution to solve this matter. Thank you.

Wheeler: Thank you, chief, colleagues any questions for this panel. Commissioner Eudaly, then commissioner Fritz, then commissioner Saltzman.

Eudaly: I have a number of questions, but I'm going to hold most of my questions once we hear from all the panels. This question is for city attorney. I need to set this up. When patriot prayer plans a rally in our city, they are pretty good at walking the line of avoiding speech that would trigger preemptive action, but we do see numerous members or followers of their organization making explicit threats of violence on social media. So it's my understanding that because it's not the organizers making those threats that there's nothing that we can do in advance. Is that an accurate --

Taylor: This is an accurate statement. What the case law also tells us is --

Fish: Could I make a request? This has been brought to our attention by some folks with disabilities. When we have answers to questions could you everyone identify themselves again just so folks in the audience who may have a disability know who is speaking?

Taylor: Thank you for the reminder. Robert Taylor, chief deputy chief city attorney. The answer to your question commissioner Eudaly is that's correct. The other thing that the other principle that emerges from the case law is just because you have folks that have demonstrated in the past and it has led to violence you can't restrict their right to demonstrate again in the city. San Francisco tried that a number of years ago in response to some mass demonstrations where they effectively prohibited demonstrations in the entire city and county of San Francisco and the 9th circuit struck that down. Part of what this ordinance is trying to accomplish is to recognize and respect the first amendment rights of demonstrators and counter demonstrators to let them come and exercise their rights but to do so in a safe way that is safe for everybody.

Eudaly: So here's my real question. A right wing extremist group is coming to our city to hold a rally. I'm organizing a counter protest, this is hypothetical of course, I've never engaged in violent protests, but the group the city has decided has engaged in violent protest attaches themselves to my event or expresses an intent to show up. Is my protest shut down?

Taylor: Robert Taylor, deputy city attorney, in that example your demonstration would not be shut down. What the police commissioner could do under this ordinance if all three of those criteria are met, he could designate an area for demonstrators and an area for counter demonstrators so that both groups can have their opportunity to demonstrate and counter demonstrate each other.

Eudaly: So I shouldn't have said shut down but my ability to hold my counter protest would be impacted by this ordinance if a group that I have no relationship to and had not invited as an organizer expresses an intent to be there.

Taylor: If it meets that criteria, if that other group, that counter demonstrating group that attaches itself to yours, does that, then the police commissioner could if those criteria are met implement those reasonable time, place, manner regulations and ask that groups go to certain locations in the city.

Eudaly: This illustrates one of my main concerns with this ordinance, which is I'm organizing a counter protest. I want to be within sight and hearing of the people who I am protesting against, and if the city doesn't allow me to do that, then that impacts my constitutional rights despite the fact that I am a peaceful protester and that has a chilling effect on my right to free speech, assembly and protest.

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Taylor: And if I might respond to that, again, Robert Taylor, chief deputy city attorney, that's why in the ordinance we say that any redirection of the demonstrators and counter demonstrators have to be to a reasonably close location and you have to have substantially the same access to your intended audience. A good example of this has come up in the discussion around this where in one of the previous demonstrations there was demonstrators in one park and then right across the street counter demonstrators. That was a very difficult and volatile situation, and trying to manage that situation the day of, the result was they had to close that park and move people to another park. And learning from that lesson, what this ordinance would allow the police commissioner to do if we saw that coming again, would be to say, demonstrators can be in this park. The park in the middle will just be closed to everybody. To no protesters and then counter demonstrators can be in the other park. So you would still be within sight and earshot of the other group that you're wishing to counter demonstrate, but we could plan for that in advance and let people know in advance where they are safe to go. If we do that, and it's successful, the police won't have to try to manage it day of and try to close a park while there are people in it. That's one of the goals and one of the lessons that folks have tried to learn from these past demonstrations.

Eudaly: Okay. I understand. It's not a comforting answer, though. I certainly anticipate underhanded tactics by some of these groups where either they pose online as opposition or they come and pose as opposition on the counter protest side and they provoke either provoke this intervention beforehand or they provoke the police. I just -- I'm going to save the rest of my questions for later, but thank you for answering me.

Fritz: Thank you, mayor. Could I just ask that we don't do the clicking? I find it really distracting. Could you do as requested at the beginning to use hand signals rather than clicking? My questions are brief because we want to get to public testimony as soon as possible. Can demonstrators challenge the written orders like an appeal process?

Taylor: They could not -- there would not be an appeal process other than we would -- the police commissioner would issue written orders with written findings and if people believe that is an overreach or unreasonable that could be challenged in court on an injunction. That happens in other instances, in other cities where they have imposed time, place, manner restrictions. That is a common way that these get challenged. Then the other way that they might be challenged is if there was a criminal prosecution that results.

Fritz: Thank you for the answer. What is the thinking behind the one-year sunset?

Taylor: Again, Robert Taylor, chief deputy city attorney. That was something that was requested by concerned stakeholders and the idea is I believe to give the tool a chance to see if it works.

Fritz: There wasn't nothing magic about the year.

Taylor: No. There's nothing magic about the year. I thought it would be good to put a specific date so everyone knew the rules were and when it would expire.

Fritz: Well I'm certainly pleased to see a sunset. Mayor my last question is for you, we know that arrests that have been made in previous demonstrations are rarely resulted in prosecution. Have you had discussions with the district attorney regarding this proposal and how you and the district attorney would work together?

Wheeler: I have. Thank you for the question. I have had conversations with the district attorney about this specific proposal. The district attorney's primary objection and I don't mean to speak for him, he can certainly speak for himself was inclusion of a specific penalty. That has been withdrawn. That has been removed from the ordinance in the substitute ordinance. He further stated that ultimately the constitutionality depends upon the strength of the written order. He and I talked about the possibility of there being a back and forth helping ensure the written order is drafted to his satisfaction and he seemed open to that opportunity as well.

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Fritz: You would show it to the district attorney as you were drafting it?

Wheeler: I think I would be foolish not to.

Fritz: Thank you.

Saltzman: What makes a permitted event exempt from this proposed ordinance? What is it about having a permit that somehow doesn't result in the same sort of scenarios you have been seeing happen? Maybe that's direct that to the chief.

Taylor: Robert Taylor, chief deputy city attorney. That's a good question, commissioner Saltzman. So many cities rely exclusively on the permitting process to impose their time, place, manner regulations on demonstrations and counter demonstrations. That can lead to a situation, for example, if one group gets a permit, they are okay, counter demonstrators don't get a permit, the police might be in the position of having to break up that entire counter demonstration. That's not something that Portland has historically done, and this would give the tools, however, to impose reasonable time place manner regulations for demonstrators and counter demonstrators so everybody gets to exercise their first amendment rights but to do so in a way that is safe for participants and bystanders and the public.

Saltzman: But I thought the mayor said at the outset this does not apply to permitted demonstrations.

Taylor: Correct. I'll give you an example where again Robert Taylor, chief deputy city attorney. If we did have a situation where one group got a permit and there are counter demonstrators that have announced their intent to come and counter demonstrate and those groups meet the criteria in this ordinance, those strict criteria in the ordinance, then the mayor could issue time place manner regulations governing that event.

Saltzman: Both groups, regardless of a permit.

Taylor: Correct in a permitted group it would probably be proceed under your permit. Counter demonstrators proceed in this manner and we can again give the public advance notice so everybody knows where to go and demonstrate peacefully.

Saltzman: So having a permit does not exempt you potentially from the application of this proposed ordinance.

Taylor: We would take the permit into account when issuing the reasonable time place manner regulations. So in that instance I described where one group got a permit and another didn't, the written order from the police chief or the police commissioner would make all the factual findings, say this group got a permit, direct that that group strictly follow their permit and direct the other group to this location to peacefully demonstrate.

Saltzman: Thanks.

Wheeler: Thank you. Appreciate it. Next panel, I'm going to ask -- by the way, we have two more panels. One panel I would describe as generally supportive. We have another panel we wanted to make sure even though -- commissioner Fish.

Fish: Going off the run of show your office put together I believe before the invited testimony it was your intention to offer the substitute ordinance.

Wheeler: Let me do it afterwards only because I know that some folks who are invited need to leave pretty soon. Let me put the substitute on the table after the invited testimony.

Fish: Only downside is we may be limited in the feedback we get from our invited guests to what is actually on the table and not everyone in the room is aware of what's in the substitute.

Wheeler: Very good Karla on the substitute please call the roll to put the substitute ordinance on the table.

Lori Kraut, Senior Deputy City Attorney: Mr. Mayor? I think you need a motion. Then a second.

Wheeler: I move the substitute ordinance.

Fish: Second.

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Wheeler: I have a motion and a second, please call the roll.

Eudaly: To be clear this is not signaling my support for this ordinance. I'm voting aye for the sake ever discussion.

Fritz: Likewise I may support amendments but have not decided to support the ordinance. Aye.

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

Wheeler: Aye. The substitute ordinance is now under discussion. The next panel, I wanted to say that we have intentionally invited obviously I support this or I wouldn't bring it to the council, that I want to make sure my colleagues have a balanced set of facts and information. So we have also created a panel of people who I think would be generally very skeptical of this ordinance so the first panel Janelle Bynum, our state representative for house district 51, that's east Portland. Andrew Hoan, who is the head of the Portland business alliance and Steve Faulstick from travel Portland. Excuse me I hope that is the last time we hear somebody hiss or express their opposition to somebody in this chamber. You get to express your point of view at those microphones when you are called upon and everybody has the ability to do that. Let's please be respectful of people per the council rules that we all heard earlier. Welcome, representative Bynum. Thank you for being here today.

Janelle Bynum: Thank you. Mayor Wheeler, commissioners, member of the public, good afternoon. My name is state representative Janelle Bynum, I represent the residents of house district 51 in the Oregon state legislature of east Portland and I'm a business owner in southeast Portland. I'm here before you today because I support the mayor's attempt to address the violent protests and the consequences borne by city residents and businesses. While I'm not a constitutional scholar versed in intimate details of the policy, I come here today to discuss principles, expected outcomes and potential support from the legislative branch. On principle I believe we should protect freedom of speech, no matter how popular or unpopular. I also believe we have become too tolerant of hate speech. Its impact on our communities and our children cannot be underestimated, but the issue today to me is not hate speech. The issue today is how do we set in place clear guidelines for protests that protect life, liberty and property? We must also consider how our precious financial resources are used and how we are able to deliver law enforcement protection to areas who desperately need it most like the citizens of house district 51. Please consider that this current environment is a petri dish for this growing cancer of behavior that is destroying our city taxing our resources and putting our residents at risk. We are diverting police support from tax paying residences and businesses who cannot receive services at the same response rate because officers are deployed downtown. In my district from October 2017 to '18, the average police response time was 37 minutes. The city average is 26 minutes. Who is not getting justice? My constituents. I have four of the top 15 neighborhoods impacted by car theft, Lents, Powell, Hurst, Gilbert, Centennial and Foster/Powell. We need support. When you take away our resources you are causing more pain and the lives of citizens who are as deserving as anyone else. Regarding the ordinance here are my concerns and opportunities. I believe the one year sunset is too long. I would like to see a policy that allows for careful reconsideration at intervals that are not subject to political whims but also allow for thoughtful debate and I propose 60 or 90 days. Number 2, if enacting this ordinance you need assistance from the legislature with policy that would clear hurdles and address issues, please know that I'm interested in being a constructive ally. Number 3, if there are constitutional issues that need to be addressed and it is fitting for the people to consider them, please place those on the table as well. It is not enough to say that's not constitutional. Slavery was legal but we addressed it, women voting was not constitutional, but we addressed it. It may be a heavy lift, but for the sake of our city and our state, bold decisions need to be made and work

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needs to be done. We just passed a constitutional amendment for affordable housing. The legislature considered it, the people voted on it, it is done. Fourth if there is room for executive order, ask the governor. Let us employ every legal resource we have to deal with this issue. In closing, I urge you to take a step forward in a process that should be iterative and constructive. I stand with you to work with groups that have concerns, but ultimately this policy must serve all the residents and business owners of Portland. We desperately need to start somewhere. Thank you.

Wheeler: Thank you.

Fish: Mayor, if I could.

Wheeler: Commissioner Fish.

Fish: Representative Bynum, congratulations on your reelection.

Bynum: Thank you.

Fish: I have to say as a frequent watcher of cable tv I saw more ads involving your race than other race that got the same attention. The only larger was the governor's race, congratulations on your effort.

Bynum: I'm sorry.

Fish: And just to preview the number one of your list of concerns was the sunset. As soon as we have the two panels complete their testimony I will offer an amendment to change the sunset date in response to your concern you and others have raised that. Thank you for putting it on the record.

Bynum: Thank you.

Wheeler: Thank you representative I know you have an appointment you need to go to, so if you need to leave feel free to go ahead and get up and go. Thank you and congratulations.

Bynum: Any more questions? Thank you.

Wheeler: Thank you and I heard your offer of support and help and I appreciate it and will follow up on that for sure.

Bynum: Thank you. I'm going to stay for the Portland business alliance to be here. This is -- Andrew is brand new here. I know it's not his first rodeo but I want to make sure the legislature is supportive of you as a city and supportive of our business community. So if that's okay.

Wheeler: Of course, thank you, good afternoon.

Andrew Hoan: Good afternoon, mayor, commissioners, to the public, of course. To my fellow panelists. My name is Andrew Hoan and I am president and ceo of the Portland business alliance, which is greater Portland's chamber of commerce. Our organization represents around 1900 small, medium and large businesses throughout the Portland metro area. We work every single day to ensure that our region's residents have access to stable family wage jobs, quality educational opportunities and high standard of living. As leading voice for business in the region I'm here this afternoon to state for the record that we support mayor wheeler's protest safety ordinance and efforts to keep our city's civic discourse safe, free from violence. We will support any measure that both simultaneously protects our constitutional right to free speech while preventing behaviors that put our residents at risk. First and foremost, the alliance unequivocally supports every american's first amendment rights to free speech and peaceful assembly and would never condone any perceived infringement on those rights. We're fully confident mayor wheeler is following legal precedent set forth by federal courts and other major cities around the nation. Portland's business community is seriously concerned about the increasing amount of violence unfolding on our streets in front of our stores and inside our public spaces. Not only does this threaten the physical safety and emotional well-being of the employees and employers we represent, but it has real economic impacts felt by small and large businesses alike. When property is damaged, when physical violence occurs in front of our

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business, when racist or inflammatory graffiti is painted on our walls or in our parks our community is hurt. More must be done with this ordinance and with this ordinance more can be done to prevent such acts before they occur. The alliance is committed to building bridges and collaborating with local government and fellow community organizations to make our city a better, safer place to live, work and raise a family. While of course disagreements on policy are frequent in Portland, we can all agree that hatred and violence have no place within our city and we condemn the inflammatory actions of those seeking to dismantle productive community dialogue. In September after police and protesters alike had been hospitalized after such incidents the alliance spoke out alongside environmentalists, labor unions and others to make a public statement calling for more civility and how we discuss and debate important issues and to demonstrate our collective disappointment with recent violent behavior. This consistent threat to our community transcends politics and demands action. Approving this ordinance will allow the mayor and chief outlaw necessary authority to be proactive and mitigate violent protests and in so doing help us all avoid personal harm and significant damage to public and private property. We're further encouraged by prevision to review the ordinance after implementation which provides for a sunseting should perceived constitutional concerns turn into reality. This form of iterative policy making with thoughtful flexibility does not prohibit free speech rights. This advances the doctrine of peaceable assembly. Safety must be our collective priority. We understand this is a sensitive issue from your perspective and you have the obligation to balance the rights of all citizens regardless of extremists views but we believe violence should never be tolerated and common sense must win out. That is why we strongly urge you to continue working to a viable law. I just want to recognize how challenging this conversation is. This is not an easy decision. This is certainly a moment among elected officials that you'll certainly be looking back upon and I want to acknowledge that and really encourage you to continue the conversation. It's worth having. We all deserve it. I want to thank you and we're here to help in any manner, shape or form.

Wheeler: Thank you. Appreciate it. Good afternoon.

Steve Faulstick: Good afternoon, mayor wheeler, members of council. My name is Steve Faulstick, I'm chief sales officer for travel Portland which is the destination marketing and management organization for our fine city. We're here today to lend support to the mayor's proposed ordinance. Travel Portland's mission is to generate travel demand that drives economic impact for Portland. We take seriously our role as both promoter and steward of they involving city and its progressive values which have the power to transform travelers who visit us. The tourism industry in the Portland region market represents \$5.1 billion in direct spending and over \$133 million in local taxes. The travel industry supports 35,000 jobs in the Portland area and in 2017 the region welcomed 8.6 million overnight trips. The reason I share these statistics with you is to put emphasis on the impact of being a desirable tourism destination. What it has on local taxes, jobs, earnings and quality of life. We have enjoyed significant visitor growth over the past seven years in particular due in no small part to Portland being a safe and welcoming destination. Five of the last seven years saw double digit growth in lodging tax collections which comes out to an increase of more than \$16 million per year being added to the lodging tax collections that go to the city's general fund. Travel Portland supports mayor wheeler's efforts to prioritize the safety of residents, visitors and demonstrators as well as our uniformed officers with the ordinance he is proposing to the broader commission today. Portland is a brand as much as it is a place. Progressive values and our known commitment to civic engagement have long lived alongside the fact that Portland is safe and welcoming for visitors. Recurring national and international coverage of demonstrations that have escalated to a level of significant and visual violence is putting the very values welcoming attitude and over all perception of

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Portland as a safe place in visit in jeopardy. Following recent protests that have received national media attention we have received a heightened number of complaints to visitor information center as well as our offices directly. A significant part of our work is around recruitment and booking of large scale conventions into the Oregon convention center with delegates staying for multiple nights in our hotels. A single convention can have an estimated economic impact of several million dollars in direct spending in our city. In the last few months alone we have had to prepare meeting planners with messaging around scheduled protests and respond to future delegate safety concerns based on seeing national media coverage of Portland as a lawless and unsafe city. Because being perceived unsafe is not an easy narrative to reverse and because the physical safety of our visitors and hospitality employees is of utmost concern we support the mayors desire to set time, place and manner regulations as has been done successfully in other destinations. Most of us in the room have likely traveled to other destinations, seeking escape, new experience and exposure to a places, people and culture and local offerings. Imagine getting a message from the hotel you're staying at communicating to you the building is on indefinite lockdown due to protests in the surrounding area that are unpredictable in route and scope. You along with staff cannot leave or return to the property and a level of fear sets naturally in. This is happening at downtown hotels creating a scenario where several hundred guests take this negative experience from Portland back to share with friends and colleagues. This is one of the numerous raise the positivity that should come from a visit to Portland is being severely compromised. Thank you for the opportunity to speak on behalf of Portland visitors, the local business community impacted by visitors spending and our network of business partners in Portland.

Wheeler: Thank you. Commissioner Eudaly.

Eudaly: I have a comment, maybe a question. Thank you for coming today and I certainly appreciate your testimony and understand some of your concerns, but I want to make it clear that thousands of our community members who live in Portland live in fear because of the uprising of bigotry and hatred and racism being brought upon our city. So while I'm certainly sympathetic to tourists, they are not my primary concern. The real threat are right wing extremists coming to our city and intimidating, threatening and committing violence against our residents and I hate to think what that threat would look like if no one was standing up to them. So I just want to put it out there that this is -- we have these rights for a reason. It's because free speech and assembly and protest are essential to our democracy. I certainly want to work with you to address these concerns, but just wanted to give you a different perspective.

Faulstick: Thank you.

Wheeler: Thank you. Appreciate it. Our last panel is Kimberly McCullough from the aclu of Oregon, Beth Wooten from the national lawyers guild, and in making her first appearance in this chamber as commissioner elect, Jo Ann Hardesty. [applause]

Wheeler: Welcome and thank you for being here.

Kimberly McCullough: Mayor wheeler, council members, thank you for the opportunity to testify today. I do want to let you know that I have fairly extensive comments which I'm going to try to get through quickly. I have submitted written testimony to the clerk so she can distribute that to you all. I'm also happy to answer questions, I know a lot of this is complex constitutional law, and I also have matt desantis, our legal director here, in case we need to pitch hit on some of those questions. Before addressing the ordinance I want to acknowledge that we share concerns about the safety of our communities and the desire to make Portland an inclusive, equitable city. We don't want to downplay the challenges we're facing or suggest that we sit idly by when violence occurs in our streets. At the same time we have deep concerns about the ordinance being presented as a solution to the challenges we face, and because we have such deep concerns we urge you to change

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course and not adopt it. We believe it will lead us down a path of rights violations and costly litigation. As to our specific concerns, we have constitutional concerns and concerns as a matter of policy. At the outset we are hard pressed to see how this will actually prevent violence from occurring or reduce use of law enforcement resources and police enforcement. Despite the suggestion that the imposition of these rules will reduce violence we fail to see how that's actually going to be accomplished and instead have numerous questions. For example, if a person is willing to violate our criminal laws against assault, are they really going to follow these rules about when and where and how many people they can protest. If someone comes to our city with the intent of causing harm and they do follow the rules, is it going to stop them from engaging in violence or problematic behavior at or near the free speech zone or in other parts of our city? It's hard to understand how the ordinance that gives government additional authority to enforce new rules is somehow going to lead to reduced enforcement. It really is just creating another avenue for enforcement. The fact that violence has occurred at permitted events with associated time, place and manner regulations begs the question of whether these new rules will actually stop violence from occurring. We understand the city's attorney's office believes the ordinance is constitutional but we respectfully disagree. The problem is we can't just say that reasonable content neutral time place and manner regulations are constitutional and end our analysis there. With these kinds of regulations the devil is in the details and those details are incredibly problematic here. There are cases cited in ordinance. We also have been provided with an additional list of case law that supposedly provides justification for this ordinance, but we have read those cases, they are all legally distinguishable with extremely different facts and none of them deals with an ordinance like what we're looking at here. Aclu of Oregon is not alone pointing to those constitutional concerns. You've seen recent media where there were three separate constitutional law professors majority of reputable institutions that all raised concerns with the ordinance. It's important to note that none of us has had sufficient time to analyze this under article 1, section 8 and 26 which provides even more protections for free speech and assembly. As to some of the constitutional concerns it suffers from over -- vagueness and gives too much power and discretion to city officials centralizing the power to dictate conditions on the exercise of our free speech rights in a single official. As a matter of policy when thinking about this we need to think not only about our present circumstances but the future. We should ask ourselves how this power can be used and whether we can trust everyone who will use it to use that discretion appropriately. We also need to think about other locations that may copy this ordinance and whether or not that copying that ordinance would lead to bad results in a different place. In addition imposing legal consequences based on a city official's judgment that a group has engaged in history of violence or has a likelihood of committing violence is extremely problematic. As an initial matter it's unconstitutional to retaliate against protesters for past activity and there's a heavy presumption against the validity of prior restraint on speech. In addition in our society we're entitled to due process and presumption of innocence both of which are absent here. Checks on official discretion are extremely important to prevent over reach and dubious findings of violence based on biased against particular groups, that's exactly why this ordinance risks being found to not be content neutral. All of this also raised questions about how judgements about groups of protestors will be made, is there going to be a list? Is the list going to be made public? How do you challenge those findings? How do you get off the list reminds me a lot of our gang enforcement list. On a related note this also creates a dangerous problem that it will lead to a hecklers veto which is unconstitutional. Creating a hecklers veto means that one group decides they are going to go cause problems at somebody else's protest that they're somehow, then their able to impact that other groups protest rights and again that is not a content neutral limitation on protest. In addition the fact that the ordinance is aimed at

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specific groups on people is problematic because government should not be in the business of punishing groups of people for the past or present actions of few people. We have deep concerns about how will police know who is and isn't part of these groups and we certainly how we don't have to remind everyone that we do have laws against tracking peoples political affiliations. All of this raises even more concern about how groups will be regulated as a practical matter so that if there is a protest that is or isn't in the group, does every single protest have to go to all the protest zones, I think commissioner Eudaly was getting at this is a little bit earlier, so what if you have a completely unrelated protest on the same day? What is its related to the same subject matter, but its on the same day? Are you then supposed to go to these free speech zones, it becomes extremely problematic I think to try to figure out how that actually plays out. There are also limits on how many people can go to a protest, I am really confused about how that would work. We also have deep concerns about the potential for criminal sanctions, appreciate that the ordinance that is now before us doesn't have the six months in jail, but we still have questions because it says that there potentially associated criminal penalties, but it doesn't say what they are which is deeply concerning and that potential for criminal charges could have an affect on peoples exercise of there rights. So this long list of concerns should be a strong indication that this will lead to costly litigation, there are a lot of things our community needs our time and resource for and instead of diverting those resources into legal battles we be working to create tangible changes that truly will help protect communities. I have a long list of the things the city could do instead of passing this ordinance, but I'm going to reserve that and say I do appreciate the opportunity to engage in these conversations with you all, happy to engage in these conversations and try to find some better solutions, thank you.

Fish: May I interrupt, Kimberly do we have a copy of that?

McCullough: I sent it to the clerk just maybe like 10 minutes ago, I was proof reading.

Fish: I'm going to ask if the mayors staff can track it down cause there's additional stuff you weren't able to get to and plus I have a number of questions that I wanted to ask you, but I want to wait until all three panelist have concluded their testimony then I'll ask the mayor if I can have a few minutes to ask you some questions.

McCullough: Fantastic thank you.

Wheeler: Very good.

Beth Wooten: Good afternoon, mayor wheeler and commissioner. I am Beth Wooten. I am going to keep it to three minutes. I may go over since I am representing an organization. I am speaking on behalf of the Portland chapter of the national lawyers guild, legal workers, lawyers, law students and jail house lawyers engaged in the cause of collective liberation. One of our projects is protest support for anti-oppression movements, that includes legal observing the famous green hats as well as jail support. We understand the desire to stop right wing violence brought to our city by patriot prayer and the proud boys. However, we view this ordinance as exactly what patriot prayer wants. An opportunity to enlarge the police state which has repeatedly attacked counter demonstrators at their rallies. This ordinance does three things and the changes to the criteria I don't believe change our analysis or concerns. One, it allows the city to arbitrarily place individuals into ill defined groups. It polices the language of protest to craft what will undoubtedly be overreaching protest restriction and it enables post hoc justifications for police violence against protesters. Generally it is true that time, place, manner restrictions are exercises of state power per the first amendment. However, when police are left to enforce these restriction, counter demonstrators get hurt. We and so many others have observed this. Ppb chooses to send us all they have got, they line up predominantly facing the counter demonstrators and separate the factions. Sometimes with no provocation the police violently disperse the counter demonstrators. Most recently on august 4th counter demonstrators nearly got killed by police weapons and tactics. We refute many of the

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factual conclusions made by the ordinance describing these protests. No one but police deploy flash bang grenades, full strength pepper spray, pepper ball projectiles and other impact weapons that amount to the use of deadly force. The ordinance activates when "two or more groups have announced plans to demonstrate separately but on the same day and there's a history of violence between the groups." how will ppb term who or what a group is? Does someone who likes or comments or is in a Facebook event become part of the group? These counter demonstrators are not organized by traditional notions of group. People show up and go to protests because they are passionate about an idea and they want to stand up for it. They don't care who organized the event. They want to challenge the Kavanaugh hearing or stand up to patriot prayer. Given the vagueness of an ordinance, if a person wants to exercise the right to demonstrate, would that right be curtailed simply by a proud boy on Facebook saying he wanted to show up? This is precisely what joey gibson wants. Patriot prayer wants the city to scramble any and every time he makes a peep on social media. The Portland police bureau have shown time after time that they do not focus on individual actors but instead broadly cast demonstrators as law breakers to justify use of force. This ordinance will exacerbate that pattern by creating another layer of restrictions that many demonstrators may not even likely be aware of or understand. How do these written orders get disbursed? Once the written orders are broken, will ppb have the opportunity to kick our butts or the butts of counter demonstrators as chief outlaw put it in her Lars Larson interview. It's a note that the ordinance cites the monody decision to justify its validity, that case came after police actions of the wto protests in Seattle, reviewing a city ordinance that blocked protest activities where world leaders were gathering. While the 9th circuit upheld the ordinance following a facial constitutional challenge that was not the whole story of the case. The court found that the individual as applied challenges to the ordinances enforcement could proceed to trial. That case was ultimately settled. Seattle's then chief of police norm stamper has since recanted the decision of clear protesters using tear gas. As here this ordinance will just invite further violence suppression of speech as well as encourage lengthy costly litigation. These are important considerations since the ordinance will allow the city to limit of number of protestors at a demonstration. You might think it's incumbent on counter demonstrators to just not show up, but that's irresponsible and ignorant of the history of fascist groups which thrive on public normalization of their activities. This testimony is a broad outline. The guild will be submitting to your offices a legal memorandum detailing our concerns. We urge this council to reject this ordinance and understand that the community has been shocked and injured by the actions of the Portland police bureau at these protests. Rather than provide legal cover to state sanction violence we need to consider proactive alternatives to the threat of right wing violence. I thank you for your time. [applause]

Wheeler: Thank you.

Jo Ann Hardesty: Good afternoon, mayor, commissioners. For the record, I am Jo Ann Hardesty, commissioner-elect. I want to thank you, mayor, and city council members for the opportunity to speak on this ordinance. I am a child of the civil rights movement. As a child of the civil rights movement I am very aware of the need to counter racist, stereotypical mantras that are meant to incite people to violence. I am extremely disappointed in watching how Portland police bureau has responded to out of town hate groups who show up and take over our downtown streets. I believe after the august 4th protest, we were told that both you, mayor wheeler and chief outlaw were going to independently investigate why nurses were injured, why reporters were injured, why regular people who I would hope all of us would want to stand up to hate groups -- why they were injured by our police. What we know from video coverage is the police don't always tell the truth. There was no video showing counter protestors attacking police. In

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fact, ultimately, the reason given was that they had to get back to their cars and they had blocked themselves in and in 2017, before the max stabbings, the gentleman responsible for that marched down 82nd avenue with a police escort. A Portland police bureau escort. They were also escorted out of my community so that they could safely leave. When you look at the pictures of what is taking place in this community, the police have been a tool in the past, certainly from my childhood, of brutalizing people standing up for their civil rights. As I see this rise of white nationalists, and this city, for the first time in my life, I am fearful. When a pickup truck with an American flag rolls up near me. I look for the nearest exit. What is my exit strategy? We are a city known for protests. We even survived the George Bush years. We are known for making space for people to protest what they want to protest. It is our right as Americans, it is our obligation to stand up against hate because if the brave children and men and women have not stood up in the '60s, when people that looked like me were just trying to register to vote, trying to get decent housing, trying to get decent education, if we had not stood up, just because that was the law at the time, it was not a just law. I want to encourage you to slow down this ordinance and let's have some community meetings in January when I join you so that we can talk to the community about how we keep everybody safe. It's important for you to understand that we don't all experience the police the same way. When white women protest, the police come out with cameras and pussy hats and smiles. When African-Americans and other people of color and people with less power protest, they come out in full riot gear. We cannot have a police force for white people and then a police force for everybody else. [shouting] I would hope we take all the testimony today and slow this way, way, way down. I want to you know I trust chief outlaw. I believe that she has built a good team, but she's absolutely mistaken to think that we should give the police chief power to decide who protests, when, where, and how. And so thank you for the opportunity to speak with you today. I look forward to working with you to make sure all of us can feel safe when encountering Portland police officer cause that is not today, but I hope it is in the real near future. Thank you.

Wheeler: Welcome and thank you. [applause] colleagues, any questions for this panel? Commissioner Fish.

Fish: Thank you, mayor. I want to acknowledge that prior to this hearing, a number of organizations reached out to my office and I had a chance to either speak with them directly or through my senior staff. Georgetown law center, Brennan institute, urban league, Oregon justice resource center, western state center, care Oregon, aclu to name some. And so I don't want to -- I don't want to repeat those conversations. They have been helpful. I do want to ask Kimberly McCullough a number of questions. If the mayor would give me a few minutes --

Wheeler: Absolutely. That's what we are here for.

Fish: If it's your preference to follow up in writing with these questions, I urge you to do so cause we have some time we are not voting today. I want to make sure I get the full benefit of your views. Now, I was not involved in the, either the research or the preparation of this ordinance. So when I hear my friends at the aclu say that you are scrambling to do an analysis, take a look at the both the federal questions and the state law questions, you are not alone. And all of us would like to get that right. We would like to make sure we are looking at right law and we are following the right guidelines. And obviously one of the questions that could come before the council is, can this ordinance be strengthened? We will hear from others that there's no way that this can be strengthened. It just needs to be withdrawn. There's a range of views we have heard. So in the spirit of making sure I understand your views, and I have not had the benefit of reading your testimony in detail, which I will, again, after the hearing, here's a few questions I wanted to ask you. The case that the city attorney's office has relied most heavily on is *Menotti v. City of Seattle* and you

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can google it and download it, its long, but I really encourage people to read it because whether you agree with the case or not and whether you agree with the ordinance or not it's the road map the city attorneys office used to craft this ordinance. So, we have the benefit of standards set forth by a court. I just want to make clear, do you have -- and the aclu believe Menotti is still good law?

McCullough: There is a question about whether or not menotti is still good law based on more recent precedent. I think that's sort of less important than the facts that gave rise to that case were just absolutely and completely different than this circumstance. So if I could just describe that really quickly. There the underlying ordinance was an emergency ordinance that authorized the declaration of emergency. We actually have that same ordinance here already in the city of Portland. And what happened was there was a declaration of emergency that imposed a curfew on the city of Seattle. I was there when that happened and lived right next to the curfew zone and was actually forced out of downtown. So anyhow, it was imposed in response to actions that were actually taking place. My colleague actually explained what ended up happening with that, but I think it's important to note that the city of Seattle ended up paying millions of dollars in settlements because of that action. In addition, I think it's also important to note that it was really not anything any of us would call good policing. They used tear gas on tens of thousands of peaceful protestors because a few people smashed some windows. In addition, when I heard that this was based on a Seattle ordinance, I actually reached out to our colleagues in Seattle and said, what the heck is this? They were baffled, frankly. And then they came back to me and said it's interesting that this is being raised because recently, the city of Seattle tried to impose some insurance rules on protestors based on past violence and a prediction they would engage in violence and the aclu of Washington contacted them and explained why a number of different cases, including particularly forsyth is the ruling case there that it's unconstitutional for them to do that. The city of Seattle has suspended those rules and is considering rescinding them entirely, so their actually moving opposite.

Fish: Those rules are actually about requiring insurance.

McCullough: Based on past violence and predictions violence, that's correct.

Fish: I would welcome --

Fritz: Excuse me one second. Could I interrupt for one second. Could you please turn off the lights in the back? Because I can't look at the speakers with the light shining right in my eyes cause I get migraines, thank you.

Fish: I had the same feeling, commissioner Fritz.

Eudaly: So did I.

Fish: If in your supplemental materials -- [inaudible] -- if in your follow-up materials there were additional cases you wanted us to look at, we welcome that. One of the themes of this hearing and the materials I received are a debate about whether the existing tools that are at the disposal of the police commissioner and police chief are adequate and whether there are additional tools that are constitutional that could help us meet what I think is a shared goal which is to minimize violence and make the opportunity for peaceful protest as robust as possible. Does your testimony outline any of the additional tools that you are encouraging us to consider?

McCullough: Yes it does, in particular we've heard the idea that are if there are credible threats of violence that somehow law enforcement is supposed to just sit around and not do anything. If there re actual credible threats of violence I think that law enforcement should follow up and should investigate and should try to prevent folks who are actually creating an clear intent that are going to engage in violence to do so. We definitely encourage separating of groups that are engaged in conflict at a protest and we have actually seen Portland police do that well in some instances. In fact, the example that was brought up of the protestors being across the street from each other, aside from the fact

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that law enforcement was facing all one direction which sent a very odd message, we actually thought that that protest was going well at that point of course then the kettling happened after that which was problematic but that's aside from that point. We do also think that when people commit acts of violence that there are ways to hold them accountable and those accountability mechanisms actually can prevent future violence. For example, in the civil context, restraining orders can restrict a person's movement. If a person is convicted of an assault crime, or some other violent crime, they can be subjected to probation conditions. You know, we obviously have concerns about overcriminalization of our communities but when people engage in acts of violence, I think we expect there to be some response. In addition, we are a little bit confused about why there are some pretty well documented instances where people have engaged in violence in our city that have not been appropriately dealt with. A little bit perplexed about that. And I think this all raises another question and I think my colleagues actually like raised this as well, which is that there is, there has been many instances throughout the history of our city of the safety of our communities actually being endangered by police response to protest. And so for if we are serious about addressing the safety of our communities we need to talk about things like the use of crowd control weapons, deescalation techniques we are using, and what kind of training law enforcement have to actually respond to protests in a peaceful manner.

Fish: Let me hold you there for a second. I will read your testimony and I will follow up. Mayor, if I can have a couple more questions. This is enormously helpful for me. We did a little survey and some of the groups we met with helped us on this. We looked at places like New York, Denver, St. Paul and places that had versions of the tool the mayor is seeking. Some of looked very suspiciously like the tool of the mayor. Have you had a chance to canvas other cities? And to determine whether in the implementation of those ordinances or rules that are at least first cousins of what the mayor is proposing, whether they have been determined to raise constitutional issues?

McCullough: So the closest things I have seen are things that are actually similar to laws that we already have on the books around permitting and the regulations that can be imposed on permits. I have yet to see an ordinance that looks like this. If someone can give me an example of one of those, I would love to be able to reach out to our affiliate in whatever other location and get their analysis, but I have seen a list of supposedly similar ordinances and they're quite distinct in my legal opinion.

Fish: Let me follow up what you just said about permitting is very important because as it turns out in new york city has been in the news recently. They actually take a hard line if you don't get a permit and they will take arrests of groups that don't get a permit. And historically Portland has not done that. We have avoided taking mass arrests of people that don't get a permit. And there are a number of groups in the last couple years that have said really as a statement of principle they are not going to get a permit. So we have to make a decision. Does the aclu have a view about whether our current hands-off practice about allowing people to protest without a permit needs revisions?

McCullough: I would like to pass on giving you a firm answer on that and I think that's something that, you know, I would like to discuss with other folks and get back to you. But I will say that I did reach out to sort of our national listserv of affiliations and asked folks, are there other jurisdictions doing this well cause I would love to be able to point the city to some good examples. And folks at our New York affiliate actually wrote me back this morning and said there are good and bad things happening here and they would be happy to talk. I think that we can engage in some of these conversations about what's working other places. I would love to be able to give you a, to point you to a place that's doing this well.

Fish: Last question and I appreciate your patience and thoughtfulness. Let's say, under one scenario here, based on all the testimony we get and the input the mayor proposes

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some additional changes to narrow the scope of this ordinance, and to address constitutional concerns. But it's still, you still have concerns, national lawyers guild has concerns, other groups have concerns. What that could set up is a fight, either once an order is issued and the city attorney said that a written order, someone could go to court and seek an injunction, or probably more likely when someone is arrested and the arrest is challenged under the order. This will get to federal court very quickly. We will go to state court, then federal court and in federal court, there will be a debate about the constitutionality. So a federal judge will look at it and a federal judge may say, I like this, I like this, but I have concerns about this. If out of that process came a stronger ordinance, what's the down side of that checks and balance? Since the system allows for judicial review no matter what the council ultimately does, what's the ultimate down side in having a federal judge have the final say, particularly if it results in a strengthening of the ordinance?

McCullough: The financial cost of litigation. For years and years and years and years when you have groups like ours who are willing to engage with the city who are trying to work with you, to figure out what a good ordinance looks like or what better policy looks like because I don't actually think this ordinance can be fixed. When we have got work groups like us who are willing to work with you, I think it's better for us all to be partners. We don't need to be, you know, like, like head to head. I think we can be working together collaboratively to try to figure out something that doesn't, doesn't end us up in court fighting each other there.

Fish: Thank you. That's all. Thank you.

Wheeler: Commissioner Eudaly.

Eudaly: I do have some questions, but I would need the chief and the city attorney to come back to the table.

Wheeler: Thank you very much for your testimony. Welcome, jo ann.

Eudaly: There's often pressure to rush through these hearings. I think this conversation is too important to rush through and this is an opportunity to put a lot of concerns on the record and to bring questions and concerns from the community. I am concerned with leaving enough time for public testimony. So I would like to ask my colleagues who can stay past 5:00.

Fritz: I can stay until 5:30. I have a long planned meeting I have to get to.

Eudaly: It looks like we have a quorum until 5:30 and I think possibly beyond. So I have been crossing out questions and trying to prioritize throughout this whole proceeding because many of my questions have been answered. And just for the sake of time, if you don't know just so you don't know or say you don't know and you will get back to me. If it's a yes or no, give me a yes or no, I won't think you're being curt. Here we go. In 1970, the Portland police bureau committed to not using violence on nonviolent protestors after a particularly violent crack down on peaceful anti-Vietnam war protestors in the south park blocks. I would like to know how many settlements we've had to make with protestors since then related to excessive use of force by police during demonstrations and what the estimated cost of these suits are. Probably you are going to have to get back to me.

Taylor: Robert Taylor. Correct.

Eudaly: How many pending lawsuits are there from protestors or advocacy organizations from November 2016 and now, what is the estimated cost to the city to defend ppb in these lawsuits?

Taylor: Robert Taylor. Since October 2016 approximately 13 lawsuits have been filed. You have in house lawyers in the city attorney's office so there's no additional cost to defend those.

Eudaly: But it is costly and time they could be spending on other work if I am not mistaken.

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Taylor: That's right.

Eudaly: In response to this proposed ordinance, daryl turner has -- police union president, recently decried the overemphasis on deescalation and disengagement. Is this view on deescalation consistent with that of ppb leadership, chief?

Outlaw: Danielle outlaw, chief of police, no, it is not.

Eudaly: Thank you, how shall we reconcile ppbs stated commitment to deescalation with the numerous injuries we have witnessed on our streets of which the most serious appear to be at the hands of the police? These injuries include third degree chemical burns, open wounds and at least one traumatic brain injury.

Outlaw: Is that for me?

Taylor: Robert Taylor. I would be happy to answer that. The, one of the goals of the ordinance is to try to manage these events in advance so the police do not have to manage them the day of. And I think that's where august 4th is a good example of things that did not go well for anybody.

Eudaly: Ok. The next three questions are about dispersal orders, which I have found myself caught up in both before and after taking my seat on city council. What are the and I am going to read them together and you can respond. What are the conditions that have to be in place for ppb to demand a dispersal order? Dispersal orders are often contradictory, difficult to understand, or given without enough time for people to respond. What is ppb doing to remedy this? And why do the police believe after giving dispersal orders people who remain are fair game to be subject to violence even though they are not committing any violent act by remaining?

Ryan Lee, Portland Police Bureau: Ryan lee, assistant chief of police. The conditions to have ppb demand a dispersal order are outlined in Oregon revised statute 131.675 its dispersal of all unlawful or riotous assemblages. Essentially when any five or more persons whether armed or not or unlawfully or riotlessly assembled in a city in our particular case, the police can issue an order, a command to disperse. Failure to disperse is an illegal activity. Can you repeat the second part of your question?

Eudaly: I mean, ok. So I understand we have the law, but it's incredibly difficult to get hundreds if not thousands of people to disperse in a timely manner or to effectively communicate the instructions to them. I also have an issue with the fact that hundreds or thousands of people can be involved in a peaceful protest and five bad actors could cause the entire protest to require to disperse and the failure to do so makes everyone engaged in criminal activity. That just doesn't seem reasonable or workable.

Lee: Commissioner, I'm stating to you what the standard for the law is. The police bureau holds them to a higher standard in abundance of caution when dealing with the public. In regards specifically to how, again, my apologies, Ryan lee, assistant chief of police for the record. The police bureau, the police bureau's acquired specifically equipment to make sure that our instructions are more easily understood from a greater distance away for those involved in a protest. We also have the incident command and for these events approve whatever dispersal orders are going to be they review them ahead of time. The incident commander issues the order for those dispersal orders to commence. They are in an incident command post separate from the event where they have got a clock. It's a more sterile environment. They try to afford as much time as possible, as reasonable. And then to ensure that the instructions are consistent, whenever it's feasible -- the technology we bought allows for their instruction to be recorded so it's the exact same instruction going out over and over again.

Eudaly: Ok. I appreciate the explanation for what is happening, but what is happening is not working and it's not safe for people who are engaging in legal, nonviolent protest. So I am going to cut off this question and just say I would like to hear back from the bureau any ideas or strategies you have for improving on that process.

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Lee: Commissioner, I would be happy to have that conversation.

Eudaly: Thank you. From videos I have seen it appears that counter demonstrators and I am talking about counter demonstrators against far right extremists -- are always the ones who are asked to disperse. Is this true?

Taylor: I'm sorry, commissioner. Can you repeat that?

Eudaly: To the best of my knowledge, counter demonstrators against far right extremist groups are always the ones asked to disperse, not the far right extremist groups who are provoking the counter demonstrators.

Robert Day, Portland Police Bureau: Deputy chief Robert day, Portland police bureau. And there have been many of these events, commissioner, and we could not agree or disagree with that statement because it is definitive to say always. I can't speak to every event that's occurred and every moment of police action that occurred in that time, but we can go back and look and provide you more information. If you have a time frame for us to look at or a specific event you want us to look at.

Eudaly: I apologize. I don't have the date, but I think one of the recent counter protests that resulted in police violence, I would like to know if you can provide video or other evidence that counter demonstrators threw projectiles at police before police began using violence at any of those recent demonstrations. And I obviously that's one you are going to have to get back to me on.

Day: Yes, we will follow up on that. Robert day, deputy chief.

Eudaly: Next question is about crowd control techniques. How is it legal to subject everyone in a crowd to chemicals, flash bag grenades and other dangerous weapons when there's no individualized reasonable suspicion that they are committing crimes much less violent crimes? Maybe that's a question for the city attorney.

Taylor: Robert Taylor, city attorney's office. The police have said that they are going to review those, the use of those ordinances in response to the august 4th demonstration. I think that's a good legal question that we would be happy to get back to you on.

Eudaly: Thank you. The next series of questions about, is about perceived ppb bias. Portlanders have sustained countless injuries at hand of Portland police bureau, but I can't recall any protesters from patriot prayer, proud boy or other right wing extremist groups being seriously injured by police. Is this accurate? If so how do you explain this unequal application of force?

Day: Robert day, deputy chief Portland police bureau. At this time I can't speak to who has or has not been injured. So once again it requires some follow-up on our part to look at who's come forward, expressed that and take a look.

Eudaly: How would you explain the perception which has been reported in the media that ppb see patriot prayer and proud boys and other right wing extremist groups as more mainstream than Portlanders who engage in counter protests?

Day: Robert day, Portland police, deputy chief. That's an assumption that I can't speak for the people either making the assumption or to the gaining of perception, I should say, and I can't certainly speak on behalf of every member of the organization in that regard.

Eudaly: Last summer, Portland activists were kettle and forced to provide i.d. I still don't understand why this happened. Can you help us understand why it happened? And has ppb ever recorded identification information from the patriot prayer or proud boy or other right wing extremist groups in this manner?

Taylor: Robert Taylor, city attorney's office. That event is currently the subject of litigation.

Eudaly: Ok. The issue of the police turning their backs to the right wing extremist groups and lining up facing protestors was raised earlier today and the perception in the public is that the police is actually defending the right wing protestors. So I am not asking for an explanation right now, but I am asking if you can come up with a better strategy so

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Portlanders who are coming out to protest they don't feel that our own police bureau is lining up against them.

Taylor: Robert Taylor, city attorney's office, that's certainly a concern that has been addressed by others or raised by others and part of the goal of this ordinance is to announce rules in advance so that folks can go to areas where they can demonstrate safely so we can avoid that situation, like August 4th, where one group announces they're coming, another group comes to counter demonstrate, and then the police are lined up in the middle of the road to keep the groups apart. That is not a good situation for anybody involved. And this ordinance would give the police commissioner the ability to designate areas where people can go safely so we don't have that problem you have identified.

Eudaly: So I know that our policies have to be content neutral but I don't have to be content neutral and I am just going to say that right wing extremists pose a greater threat to our security and to our city than ISIS, let alone left wing counter protestors. Homeland security, homeland security, not an organization I expect to be in agreement with very often, wanted to include all right extremists in their domestic terrorism initiatives, but Republicans shut it down because they call it an attack on conservatism and it was watered down so local police don't track or i.d. members of these groups in the same way. Can the Portland police bureau explicitly, unequivocally state the patriot prayer, proud boys and other similar right wing organizations are the real threat to our public safety?

Outlaw: You are in a position -- chief outlaw, Portland police bureau. I have stated this before because I have been asked, I have even been asked to pick a side. You are in a position as an elected official to do that. Given that I am not and the Portland police bureau, we are not a political body, we are not in a position to do that. We focus on behaviors.

Eudaly: Ok. During the August 4th protest, my understanding was there were weapons checkpoints because of the threat of gun violence. Yet media reports indicate that the proud boys and patriot prayer were able to breeze by these checkpoints. Can you explain why that happened? Why no one was arrested? And how this ordinance would change our ability to regulate who brings what types of weapons to protests in our city?

Day: Robert Day, deputy chief, apologize commissioner that's still being reviewed by the independent police review, so I can't speak to the specifics with August 4th. I did want to affirm what I heard Mr. Taylor say a better understanding of your question regarding the perception piece. We are having conversations and with our members to make sure when we are on the line and when we are present that we avoid that perception. I want to recognize that that has been heard, not just here but in other venues, and we are addressing that piece. I failed to do so originally.

Eudaly: I would like to give one of you an opportunity to explain the cache of weapons event and explain how, why that was not a crime and why no arrests were made in that situation. I am not suggesting they should have been, but because there has been so much confusion in the public and inside this building about that event, I would really love to have it clarified on record.

Lee: Ryan Lee, assistant chief of police. For clarity, I was not present at that event, but I have reviewed the reports for it. My understanding of that event is that during, immediately prior to the event, as groups were starting to show up, we were literally having a briefing in the justice center when people observed large groups on top of the parking structure at 1st and Jefferson you can see the top deck from there. We contacted several groups there. One of the groups that was there were individuals that had with them three rifles as well as some body armor. Obviously, it's a venue that's raised that did cause us some concern, we contacted them. They had the weapons stored in a manner that was lawful. They also had concealed handgun license which would allow them to have it. As alarming as that

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conduct and I understand why it would be alarming to the public it wasn't unlawful and we weren't in a position to make an arrest.

Eudaly: That's alarming, but I understand. So I gave myself a time limit. The time limit is up. I actually have two more pages of questions. I will send them to you and I will want to publish the responses because these are questions from constituents and advocacy organizations, but I want to make sure and leave plenty of time for public commentary or testimony. So I do have one more question. We have a gang enforcement task force. Why aren't these right wing extremist groups being treated as gangs?

Day: Well, investigations as the chief commented, are based upon behaviors and so I can tell you that we are looking at behaviors of all groups. Whether it be regardless of their association. We are looking for criminal behavior for investigations.

Eudaly: Well --

Day: Excuse me. Robert day, deputy chief.

Eudaly: I don't want to be too confrontational and I want to make it clear that I like and respect the chief and I know we have a lot of decent, upstanding officers in our bureau, but I have some grave concerns with the bureau as a body and how they're exercising the power they already have and that is why I am, cannot support this ordinance. My friends son riding in his car with three of his friends, all young African-Americans, home on spring break from college were pulled over for suspect behavior. And I agree with Jo Ann when I see a truck flying an American flag, I mean it's a sad day when our own flag feels like a threat in our city. I feel threatened, I feel unsafe. I don't feel threatened by a car full of black teenagers driving through my neighborhood. So I just want to point out that I see an unequal application of our laws and I fail to understand how the behavior of these right wing extremist groups is somehow less threatening than black teenagers who aren't doing anything wrong.

Saltzman: I have a question.

Wheeler: Commissioner Saltzman.

Saltzman: Since you are going to be providing lots of information us to could you also quantify how much police overtime has been paid since 2016 related to demonstration events and how many times precincts have been, had resources diverted? Some of them representative Bynum was talking about, below I don't know if it's a staffing levels but below some level. So if you could get that information to us, I think that would be useful for us to have.

Outlaw: Chief outlaw. Portland police bureau. I provided a number since 2016 previously.

Saltzman: Oh, you did?

Outlaw: I will report back out to give you the specifics. I have a spreadsheet with details that I will report back on with that.

Saltzman: Does that include diversion of resources from other precincts?

Outlaw: We will have to research that information for you to get you those specific details.

Saltzman: Ok. Ms. McCullough, I stepped out of the room for a second to grab a cup of coffee. I thought I heard you when you were coming back you and commissioner Fish were talking about perhaps constructive input from the aclu and how to produce an ordinance? That could pass muster with you? Or did I mishear that?

McCullough: Commissioner Saltzman this is Kimberly McCullough for folks on the record. We do not think that this ordinance could be remedied by amendment. But we are happy to engage with the city on suggestions about alternatives to the ordinance and certainly are engaging in research and outreach to other jurisdictions to try to figure out if there are some alternatives that we could get other folks to suggest as well.

Saltzman: By alternatives that, could include an ordinance? Or is it still -- is it still --

McCullough: I don't know that it requires an ordinance or if it requires just a change in practices or if it requires something more creative. I think that this is something that we

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need to continue to engage in collaborative conversations with our communities about. But as to this specific ordinance, there are some really difficult constitutional hurdles to get over when you are basing restrictions on past activities and on predictions on future activities, that piece of it and the fact that that's the core of the ordinance is just not something that we think you can overcome.

Saltzman: Ok. I'm just trying to get at in all honesty, whether we could get past sort of the two schools of thought here as one is we need something different to respond to what I think are situations that are ultimately going to result in Portlanders being killed, maimed, permanently paralyzed. Or are we going to sort -- the other school of thought which is we already have the tools it's just the question of using the tools right. So I'm trying to figure out if we can bridge that gap or if we need to those of us up here have to choose which avenue we believe is going to be the most productive in keeping Portlanders protected.

McCullough: Commissioner Saltzman, I appreciate what you are getting at, and my hope is that through engaging in conversation we can actually reach consensus on what the best path forward is. I don't think it needs to be like I said earlier, I don't think this needs to be a situation where folks essentially coming into our city and causing difficulties cause us to be head to head. I think Portland is a very special place. We have a really amazing community and I think we can work together to find a solutions.

Saltzman: Thank you.

Fish: Mayor?

Wheeler: Commissioner Fish.

Fish: I know we are about to say thank you to this panel and move on to a the public testimony. First I want take some amendments and then public testimony. I am knocked out Friday and Monday with treatment. We have asked for some follow-up stuff. Commissioner Eudaly has posed a number of questions. There's been other questions posed. I have asked some questions of the aclu. We are obviously operating under at least currently a compact time frame. Who knows whether that will change. It would be helpful, though, to get some answers, say, Monday, Tuesday. I think this is coming back at least preliminarily scheduled for Wednesday afternoon. Whether that holds or not is a council decision, but just in terms of time line I would love to see some initial responses on Tuesday of materials that you want us to review and if we need more time we are going to take more time. We are going to do this right. So thank you.

Wheeler: Thank you all.

Eudaly: Mayor.

Wheeler: Commissioner Eudaly.

Eudaly: You are fine to leave.

Wheeler: Thank you all.

Eudaly: I have a request. We have representatives from the urban league who have been engaged with our office. Could we invite them to speak before we open public testimony?

Wheeler: Let's do this. Let's go through the amendments and then lets get to public testimony.

Saltzman: I think we should go straight to public testimony after the amendments.

Wheeler: Are they signed up, commissioner?

Eudaly: They are signed up. There's just one individual.

Wheeler: Very good. We have a number of amendments on --

Fish: Mayor, can I walk you through mine?

Wheeler: yes I want to do that Fish one, two and three.

Fish: I want to be clear. In the limited time I have had to review this matter, and in some of the communication I have received from the public and others, it has caused me to reflect on a number of amendments. These would be things that I think need to be fixed whether this passes or not, but we have a limited opportunity to propose amendments. So I am

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going to put these on the table for public feedback. They are three amendments. Fish amendment 1, amends the directive k on page 7 of the ordinance. I will just paraphrase. "To provide that the commissioner in charge shall provide a written report to the council and the public describing whether the regulations were effective in the lessons that might be learned for future written orders". We have a tradition in this body of memos from the legal department often coming to us with a cloak of confidentiality. This is designed to make clear that whatever action report is submitted by the mayor is reviewable by the public and the council at the same time. I would ask for a second on that amendment.

Saltzman: Second that.

Fish: Fish amendment 2 would change directive L on page 7 as follows. This ordinance shall be in full force and effect through strike December 31st, and insert, June 30th, 2019 after which the ordinance shall expire unless renewed by council. What this does is create a six-month sunset in lieu of a 12 month sunset and I'll ask for a second to this amendment.

Saltzman: Second.

Fish: Fish amendment three adds a directive M on page seven as follows " to allow council to consider additional tools to address the concerns with demonstrations identified in this ordinance. The office of the city attorney is directed to report to council no later than January 10th, 2019, with an evaluation of additional legal options including under the Oregon constitution article 1 section 27, "the military shall be kept in strict subordination to civil power". Ors 166.660, that refers to unlawful paramilitary activity. And excuse me and ors 221.915, that's a nuisance defined by city ordinance. And any other identified options. I would ask for a second for this amendment.

Saltzman: Second.

Fish: Mayor, those are my three amendments and they are now on the table.

Wheeler: Very good. Colleagues, as the commissioner proposing the substitute ordinance, I find none of these controversial. I would propose we just call the roll on Fish 1, please.

Fritz: I thought we were going to take testimony first.

Wheeler: If we want to do it at the end of the testimony, that's fine. I don't see them as substantially controversial. Public testimony.

Eudaly: I thought we wanted people to give testimony on the actual items.

Fritz: They are on the table now. We heard representative Bynum say she thought it should be 60 to 90 days example for the sunset so for us to vote on a six month without hearing testimony when people have been waiting for over two hours now.

Wheeler: Fair enough. Public testimony, two minutes each. Name for the record and microphone slide around, please, people, if you hear opinions that are different than yours, it's ok. Let's all be respectful of people's opinions, we always call people who may have disabilities or people with children first.

Moore-Love: We have 36 people signed up.

Wheeler: 36, two minutes each, good enough.

Moore-Love: Those who have disabilities or people with children, go ahead and come up first. Just be sure to state your name so I can mark you off the list. Thank you.

Philip J Wolfe: My name is Philip j. Wolfe. May I go ahead and present now?

Wheeler: Yes, please.

Wolfe: Great. Hello, mayor wheeler. Hello city commissioner and most importantly hello to all our constituents here. I also want to thank the chief of police for sitting and hearing us today. Thank you for staying through the public testimony, I think it's important we stay through all of that and get to hear it together. I wanted to drive home a point home about the ordinance that I have a concern about. Hopefully you will understand that this will contribute to a lot of the problems that we have. I think there were compromise promising the safety of a lot of Portlanders with this ordinance. First I would like to review a couple of

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points and I will make sure to wrap up. I have been to a number of protests since I have lived in this city and I have never seen any of you at the protests I have ever been to. I have been at march for our lives, black lives matter, motions and activities for people who were killed by Portland police. I have actually led a protest last fall for reducing police violence. I followed that by the book, I communicated with a police liaison, I asked for them to not show up in riot gear, I requested that they not try and involve themselves in the event, that I would take full responsibility for any escalation that happened and contact that liaison as necessary and things went very smoothly. We did have a truck that's actually been mentioned today with a big American flag that drove by threateningly. We did have community members and antifa members that made sure we were protected but nothing escalated further than that. We did deviate slightly from my agreed route permit, but no one caused any property damage and it didn't lead to any arrests. So through that experience, and then especially the experience of believe Wednesday or Tuesday night, that I spoke at a protest here in front of city hall. I made sure that I showed up for the community and of course to support the expression of people's voices but to also study the police behavior, the responses in situations like that and what this strategies were for handling those. So I came as I said as a community member to see that. I wanted to see who the Portland police liaison. I brought my interpreter over and made myself known to them, I let them know my experience and I was willing to help them and he asked me multiple times to move items off of the sidewalk. Anyway the point is that I think that having that communications led to better success and later on in the night in the night while people were marching there was a van that was giving police orders through a loud speaker. Imagine if a deaf person was there or hard of hearing person was there and wasn't able to hear those actions or hear those orders, the ordinance needs to be accessible for deaf and hard of hearing people there and the way we are approaching it now its completely inaccessible. Anything that's inaccessible and not serving the whole community needs to be held on and reassessed completely. I do have some pictures I brought with me today. Here's one that I would like to show. I hope I can get it up on the camera here.

Wheeler: Philip, can you leave it with the clerk? And she can photocopy and pass it out and I will get them back to you.

Wolfe: Perfect. I will give them to the clerk. Just for the record I wanted to make sure that I mentioned them. In relation to the use of flash bangs, I studied --

Wheeler: I'm sorry, folks. We are not going to be able to hear from everybody if people don't stick to the two minutes. So please wrap it up.

Wolfe: Okay. Fair enough. Thanks. Basically through my research, what hurts me the most as a community member is the police department did not have any accountability for the harm they have caused on us. There's a lack of transparency about speaking about their behavior, officer behavior. But there's a lot of talk about community actions so please.

Wheeler: Folks. We are --

Wolfe: When we're talking about this ordinance we need to be working together. Continue to agree that --

Wheeler: Thank you. Let's stick to two minutes, please or a lot of people aren't going to get a chance to be heard tonight. Thank you. Thank you, sir.

Guy Champion: My name is guy champion. I am a resident of Portland. I was born here 80 years ago. My roots are deep, very deep. I come to speak on, I am here to speak in favor of the ordinance. For emotional, constitutional, and fiscal reasons. Emotionally, like I said, my roots are deep. I graduated from Boise elementary, Jefferson high school, Portland state college, and the university of Oregon. Ok. So enough of that. But the emotional part is I hate what's happening to our city. I watch chapman square being ripped apart. I got a flat tire driving my scooter. I use a mobility device, in the pearl district

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because of broken glass everywhere because of, I think, not far right wing but maybe anarchist groups. I hate what's happening so emotionally it really hurts me. Constitutionally, this is an issue that we haven't talked about very much. About. We have talked about freedom of speech. But we have not talked about, we've talked about freedom of speech, but we have not talked about the freedom to move about our city safely without duress, without fear, without flat tires. Ok? So constitutionally, I feel my rights have been imposed on many times. Fiscally, that's already been covered by our delightful chief of police. This is costing us a fortune. And I live in Laurelhurst. The leaf pickup, they complain about the cost, but quite frankly it's a fraction of what they are spending on violent, destructive protests. Thank you.

Wheeler: Thank you, sir. Good afternoon.

Eudaly: It's free now by the way, leaf pick up.

Joe Walsh: My name is joe walsh I represent individuals for justice. Sometimes, it's not a good idea to do something but it is legal. You can find a legal way of doing it, but sometimes it's not a good idea to do it and when you get into freedom of speech, the bill of rights, the first amendment, it's really difficult to pass anything because that's the way our founding fathers wanted it. They didn't want you to trample on the freedom of speech. To have somebody decide where a protest will take place. I've been doing protests for 48 years, ever since I sent a letter to the chief of naval operations, saying you know what admiral zumwalt, it's a bad idea to kill children in Vietnam and of course, I lost all my security clearances and I received an honorable discharge out of the navy after nine years. So I gave up a career for the freedom of speech. That's what this is about, mayor. When I heard you were going to this, I couldn't figure out why. Why would you do this? Is there slaughter in the streets of Portland? No. You have this fantasy of this clean, well-run city that nobody has a problem. Doesn't work I come from a city that's not clean. It's the greatest city in the world. It's New York. People travel thousands of miles to go to New York. It's not clean. It's got protests all the time. What you are trying to do is impossible. You are trying to say, I can pass an ordinance that's going to pass muster. Now, I realize Ginsburg in the hospital and maybe you can wait until you get another vote on the supreme court that will screw up the constitution, but I'm telling you, you pass this, you are going to be a one-term guy. You don't go to the Mediterranean to look for hales to see if his boat is in Greece.

Wheeler: Thank you.

Joe Walsh: So we can find a little democracy.

Wheeler: Mr. Walsh, thank you. I got the point, Mr. Walsh. Next three, please. Mr. Walsh.

Moore-Love: Any more disabilities or children?

Wheeler: Mr. Walsh.

Moore-Love: Anything more. With disabilities or children?

Wheeler: Mr. Walsh, you are in violation, you are robbing other people of their first amendment rights. Did that occur to you?

Joe Walsh: I am not in violation. You are in violation. Two minutes.

Wheeler: We will take a recess.

Walsh: And then you say two minutes. Don't touch me.

At 4:37 p.m. council recessed

At 4:38 p.m. council reconvened

Saltzman: Okay please call the next three.

Moore-Love: We're coming back on open signal thank you.

Fish: Can everyone please take a seat.

Saltzman: We need your name for the record and you each have two minutes and there's a clock in front of you and I believe dan was first. Dan handelman. Robert? Ok. Robert.

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Robert West: My name is Robert West and I have a few things I wanted to bring up. One is, one part of what Chloe said. I totally agree with and that these groups that are classified as terrorist groups or domestic terrorist groups should be on the gang task force and should be investigated. Well, unfortunately, anti-fa is also on the terrorist list. The domestic terrorist list. The patriot of prayer groups protest a lot and the only time they have a problem is when they come to Portland. They have a problem with anti-fa and I noticed Chloe brought up the fact they are always facing anti-fa. Anti-fa is the one that throws rocks at the police, rocks at counter protesters, bottles at counter protesters. You guys told, you guys told the proud boys not to carry their weapons. They didn't carry their weapons, but anti-fa carried their weapons. So you know, you guys sit there and say, hey, you know, it's a proud boys. Let's look at May Day in Seattle last couple years have been all right, but before that, there was no proud boys yet officers going into the hospital and you had anti-fa going to the hospital. They're a violent group. Look at them down at the ice protest when they knew the police weren't going down there, intimidating those people that own the food cart, going over and messing with the people that were in the apartment complex, sealing off that bicycle trail. If you walk through a proud boy and say anti-fa they don't do anything. If you walk through anti-fa with "make America great" you get jumped.

Saltzman: Thanks, Robert. Dan?

Dan Handelman: Good afternoon, council members. I'm Dan Handelman, representing Peace and Justice Works and Portland Cop Watch. Peace and Justice Works and its project group Portland Cop Watch oppose the ordinance and curb protesting in Portland. While the stated goal is to stop people from engaging in street brawls the gist of the proposal is the mayor gets to decide who protests -- [shouting] and where and if you don't do what he says you can be fined and put in jail. The most salient point is a citation of 9th circuit opinion about adding large numbers of police leading to more intense violence. Yes, the PPB have proven this point. [shouting] Can we have a pause on my time?

Saltzman: Yes, pause time.

Handelman: Are we ready? [shouting]

Saltzman: Ok. Let's go ahead and resume.

Handelman: We are a group that promotes and practices nonviolence. We do not agree with the tactics of the alt right patriot prayer and proud boy protestors, some of whom came to Portland with rifles in August. We also oppose the government's assertion that has a monopoly on violence by dispatching paramilitary police to attack crowds who fail to obey their orders. Those orders are frequently hard to understand, contradictory or on their face apparently unlawful efforts and first amendment protected activity. Portland Cop Watch continues to challenge chief Outlaws' perception that anyone who stays around after police give a dispersal order is there to fight. We agree the ACLU this ordinance gives too much authority to one elected official, that the way to deal with people who engage in violence is enforce existing laws against assaults. Not that we encourage the use of the criminal justice system, but it makes no sense to criminalize protesting when violence is the problem. The mayor asked why wait for people to engage in violence before stopping it? The reason is the same way the U.S. should not engage in preemption wars and why the U.N. only recognizes states' rights to act in self defense. Preemptive action is first strike action. If people are engaged in first amendment protected speech they should not be subjected to arrest. In all cases it's not right for the state to engage in violence to show people they should not engage in violence. Over the years we have observed many protest actions in which we have seen police use less lethal, flash bangs, pepper spray and other chemical weapons not to mention batons. We had to entail and discriminate chemical spray, void being stomped by police forces and jump out of the way of police motorcycles on sidewalks. PGW organizes many protest actions against U.S. domestic and foreign policy sometimes seeking a permit and sometimes not, but this ordinance sets up

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the ability for pro war group that disagrees to us to post on social media that they planned a counter demonstrate and trigger the imposition of the rules and making us subject to arrest

Saltzman: Thank you, Mr. Handelman.

Handelman: Or put in jail or pay a fine.

Wheeler: Good evening. Sorry.

Peggy Zebroski: I am going to finish the remarks in our letter. This is a very --

Wheeler: Name for the record, ma'am.

Zebroski: I'm sorry. Peggy Zebroski. This is a very disturbing proposal and it doesn't fix the problem you intend it to. At the problem is unparalleled spending in this country, that this country makes on its military leaving little for health care, jobs, the environment, and other human needs. The city could solve the homelessness issue, the street brawls and the alleged need for more police all at once by asking its citizens to send 60% of their federal tax money to local causes instead of diverting it to weapons of war. The impulse to do something without a deep look at how differently it will affect democracy is the hallmark of a certain other elected leader who is now in the white house. Portland can do better than this and we must. I want to acknowledge there's a problem in Portland. The problem is that free speech, hate speech is not free speech. We're seeing a rise of illegal kinds of organizations who are revved up by trump's constant attacks on people in this country who are making a sort of private militia. The folks in the proud boys and these other groups that come to town are violent criminals who you look into their records they have domestic violence, they have drug problems. You look at the anti-fa kids, things on their records are demonstration charges. They're darling people. They don't attack and they aren't about taking away our civil rights. They're about defending civil rights. So there really is a difference. In Liverpool, I guess about two weeks ago, nazis came to town and what they did was the mayor went out, with the folks who were counter protesting and the nazis went away. We need to drive the alt right out of our town, out of our country, out of our white house, and we need your help doing it.

Wheeler: Thank you. Thank you. Next three.

West: I noticed when I testified you mayor and Eudaly stepped out so you, so you guys didn't hear my testimony.

Wheeler: I'm sorry. I will review it, Mr. West. I had to use the men's room.

Eudaly: I also had to take a compassion break.

Fritz: I think Ms. Newells not here.

Wheeler: Mr. Walsh, Mr. Walsh, please don't do this again. You have already robbed enough --

Walsh: I asked a question, why did you stop the women with the baby.

Wheeler: I will take a recess again. Thank you, Mr. Walsh.

Walsh: Amanda there's a women out there with a baby.

Wheeler: Mr. Walsh you are wasting everybody's time.

At 4:47 p.m. council recessed

At 4:51 p.m. council reconvened

Wheeler: We're back in session.

Lightning Super Creativity XXPDXVII: Yes. My name is lightning I represent myself, lightning at this time. One of the concerns I have on this ordinance is that we have had some very knowledgeable speakers who are attorneys representing various groups and their position is not to move forward on this ordinance and I agree with them 100%. And I guess my problem is that you have a city attorney that looks at this ordinance and says, let's move forward on this. We think we can get this pushed through and it won't be deemed unconstitutional. I'm going to tell you right now the way that Tracy reeves conducted herself in front of federal judge Michael Simon on that pccp and saying it

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should have been in compliance before they even did a meeting, in my opinion you might want to get a new attorney. I really am not satisfied with the work she is doing. We have numerous groups in here, very knowledgeable on this, taking a stance and saying, absolutely not, look at Seattle, absolutely not litigation tremendous amount of cost. There's no reason to move forward on this. You have a permitting process. You have certain things in place. This is an overreach and I fought you on the speech codes when you were doing an overreach. It was unconstitutional and that was again proved that in front of federal judge Michael Simon. Again, you are moving too fast on this, it's not necessary and I am in total agreement on the issue that you think, mayor, that this is going to benefit the city. This is only going to stop you from being reelected. Every other mayor that's tried to do this in other areas that are overreaching it's unconstitutional. What happens? The people just don't vote for you when you want to get reelected. You really need to think on this. Thank you.

Wheeler: Thank you. Good afternoon.

Brian King: My name is Brian King I am a resident of Portland. I have read the ordinance and I believe it gives too much power to a police bureau that has shown it doesn't respect residents' rights to protest, it has allowed violence to escalate to biased law enforcement. Protest violence has been allowed to escalate because the police to proud prayer and associated groups. Police say they don't have tools to control violence, but Oregon federal government have laws to control militias. The Oregon statute against unlawful paramilitary activity prohibits groups from arming and training for civil disorder. When patriot prayer comes to Portland in body armor backed by with multiple rifles stationed above a protest site, clearly they are a militia preparing to use firearms for civil disorder. In the case of the rifles instead of using militia laws to make arrests and prevent violence police only asked individuals to stow their rifles. In contrast I have seen police completely shut down nonviolent pro protest by Portland residents. On September 13th in year I was in a peaceful march at the south waterfront against OHSU's use of prison slave labor for laundry services. There was no opposition, there were no weapons, there was only support from the community. Portland police trailed the march after it passed by the ice building on macadam and blocked traffic with their patrol cars near the tram. Police were jeered by protestors for blocking traffic. I was about 10 feet away from officers at this point and I heard one of the officers say, "I am not in the mood for this today." shortly after that officers came up and arrested a protest leader. When protestors objected they were pepper sprayed by police ending the protest. Charges against protestors were dismissed the next day. In reports police said bottles were thrown by protestors. I was there. I saw no bottles thrown. The ending of the protest had nothing to do with violence or the legality of the protest. It was ended using unjustified arrest and pepper spray because of the mood of officers. Portland police do not respect our rights. Since the Portland police do not respect residents' rights to protest and have been unwilling to stop patriot prayer inspired violence I urge the council to reject this ordinance. Thank you.

Wheeler: Thank you. Good afternoon.

Mimi German: I have to stand for this. I can't sit down when we are talking about this. My name is Mimi German and I have been in Portland since 1995. I have lived in north Portland that whole time. What I have witnessed here and I'm from Philadelphia. I have lived in New York. I have lived in Cambridge. I have lived in Israel. And I have never seen police behavior the way that I have seen what happens to us, to the people, as I have in the years since I have first moved here. Peggy was beaten by the cops last year. I could name names over and over again of the police who have beaten people on our streets. Not -- none of that except for Chloe and thank you for that today -- for the questions from constituents, has been addressed. This ordinance, it's total b.s. and that's nice of me to not use bad language. I want to face people and tell you, I'm Jewish, I'm queer and when

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patriot prayer and joey gibson and all of the rest of the nationalists, the white supremacists, the racist, the homophobic, the anti-semitics come here and they deal with me and deal with my sisters and brothers on the street, these people right here do nothing, absolutely nothing to prevent them from my being hurt, but they hurt us. That needs to be understood by the people in Portland. It's the police who work with the fascist groups that come here. That hurt us. It's the police who last summer, not this past august but the summer before that, in august, shook hands with the nazis as they escorted them to parking lots to get them out safely as if anybody was gonna get hurt other than all of us who were shot at with tear gas by the police. This is a farce. This is a -- these people are here are a farce that they're here to protect us. They're not here to protect us.

Wheeler: Thank you.

German: These people are not here to protect us.

Wheeler: Thank you. Your time is up. Thank you. Thank you. Good afternoon.

Kalei Luyben: Thank you so much for holding this hearing, its long over due for us to get together. My name is Kalei Luyben, I live in southwest Portland. I have given my testimony to you by email and its about to come to you in print form in case your email box got overloaded. What I would like to point out to you is in addition to the email, the mayor has a write-up on a philosophy that's called from warriors to guardians. There's a movement in this country to have our police force move from warriors to guardians and stop using military equipment on American citizens. I will let you read that and think about that. A lot of good people are moving in that direction and I have also included my research on flash bangs. They're extremely dangerous weapons. I worked on the less lethal group with the crc and we never did investigate these flash bangs because they've come into the city. I really don't know when and I don't know how they got here, but I do know that they were invented for use in -- I think the first time that they were used rescue hostages at Entebbe and what happens with these weapons is they attempt to disorient a terrorist who is armed and then you shoot that person dead, then you rescue the hostages. I'm sorry I guess I'm taking longer than I should.

*****: You have 30 more seconds to go.

Luyben: Well, I guess that's probably enough of that. You can read more about it. What I really wanted to say to you, mayor, is that your ordinance put me very much in mind of a miniature form of marshal law. I grew up in Hawaii under martial law. The Japanese came in, they bombed us and we were put under martial law because we were considered dangerous. That's the tightrope that you're walking on and I'm very sorry to have you there.

Wheeler: Good afternoon.

Jackie Yerby: Good afternoon mayor and members of council my name is Jackie Yerby, I am the director of advocacy and civic engagement for the urban league of Portland. My pronouns are she, her and hers. Thank you for this opportunity to testify about the protest policy. I had previously reached out to all of you a few weeks ago when the policy was first announced. Commissioner Fish, I really appreciate your staff reaching out to me having a conversation about the protest policy. Mayor, I was at the vigil a few weeks ago, I guess two Sundays ago, it seems like forever ago and I was deeply moved by your impassioned remarks about hate speech and hate violence. I'm here today to talk, to express concerns that I have, that the urban league has about this protest policy. I do have some concerns about the time, place and manner restrictions but I'm not a constitutional lawyer. I took con law in college, that was a very long time ago, so I'm going to defer to the wise people at the aclu and the national lawyers guild to carry that water. I do -- related to that I do want to say that I wonder how this protest policy would have impacted the civil rights marches, the sit-ins, the protests. If those things would have been allowed in air quotes under this protest policy, the people who sat in, who marched, who demonstrated for civil rights

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helped us get to where we are today and unfortunately we're finding we're still struggling to maintain those rights. I see that my time is coming up. My main concern is about the content being content neutral. Unfortunately it feels like good people on both sides and clearly there are not good people on both sides. There are white supremacists coming to Portland threatening people like me, threatening lgbtqi folks. We need the mayor and the council to take a strong, unequivocal stance that hate is not welcomed here and have that backed by policy. The urban league would love to work with you and we have the conference coming up Tuesday where we will have a panel to talk about this, thank you.

Wheeler: I'm going to add one topic to the panel, which is the current form of government in the city of Portland that makes the mayor the actual police commissioner because policing has to be content neutral in order to be constitutional. So I just want to put out there it puts me in a very unique position even relative to my colleagues in terms of the things I can do and the things I can say and the actions I can take. It's unique I believe in the united states that I have this dichotomy of circumstances. Thank you. Good afternoon.

Charles Bridgecrane Johnson: Good afternoon again, commissioners. Charles bridge crane johnson. It's bad, risky policy if you go down this unwise road. You've even set a terrible rocky pothole strewn foundation enabling documents, here when we look at this item on the agenda auditors item number 70253, you look at the paperwork before you. Page 3 of 7 at the bottom item f, demonstrators gathered in downtown Portland demonstration counter demonstration and unpermitted march. What happened is there was a permit. You were supposed to contain patriot prayer inside waterfront park north of the fountain and you didn't do it, so things went to hell and your police shot anti-fascists with grenades. That's what really happened but you don't describe the truth in your own documents. There was no unpermitted march except for the fascists that went down and caused people to be locked down in the Marriott because your incident commanders are not capable of doing their jobs. The first part of their job would have been to have at least every other officer facing opposite directions so at least half the police were facing the armed fascist invaders in waterfront park but you as police commissioner did not exercise due diligence and supervision of the police department to make that happen. Creating another ordinance will not fix anything until you address that basic problem. That the police made crappy choices that could not be fixed by ordinance. It's not your fault. It was the individual bad choices of Portland police bureau incident commanders to face only the anti-fascists on the west side of naito and completely ignore the prancing racism. Not everyone that comes to a joey Gibson event is a militant super hard core white supremacist but they never speak about the equal dignity of black and brown people, do they? Your ordinance I get where you're coming from, but it's not the answer. The answer is to get the police to do fair, actual, neutral behavior while policing and then when the brawls happen we can't stop testosterone laden idiot boys from having brawls. The last brawl was right next to the police station.

Wheeler: Thank you. Next three, please.

Fritz: I just want to make a statement, I would rather listen to my constituents than be here when you vote on the amendment. I'm just going to stay here as long as I can. I have meeting where I'm going to listen to people in east Portland which is why I have to leave at 5:30, but given my colleagues have said they can stay later I would rather listen to you.

Wheeler: Thank you. Hi, john.

John: Hello, city council. My name is john, I'm a local activist independent media here in Portland and here to express opposition to the ordinance. I have been a victim of police use of force, witness unprovoked police violence on others during demonstrations, been assaulted by violent far right wingers and seen the same happen to many others. I share your concern about violence in our streets. In an ideal world there would be none but that's not the world we live in. When I participated in protest at occupy camp there were several

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occasions where protesters were attacked by law enforcement with chemical weapons and hospitalized with no treatment from law enforcement and then they lied to cover up their use of excessive force. We were attacked or had attempted attacks on us on several occasions from far right wingers varying from attacks with bio hazardous waste on multiple occasions to assaults to brandishing weapons such as machetes. There have been several community reports of proud boys and their associates attacking random citizens, specifically trans folks. Police were not contacted as police had lost much community trust. What options does that leave much of our community? It's often community defense. So to my concern about the ordinance there's nothing in this ordinance that addresses the following. What specific groups are susceptible to these restrictions of their first amendment rights, who influences those decisions, what constitutes violence, how you will enforce this ordinance with the populace where demonstrations commonly occur? What happens if the unnamed groups show up to another demonstration which was mentioned earlier? How to determine who was part of these groups and how you enforce those restrictions on autonomous individuals. Much of the time when a far right shows up in Portland many groups and individuals counter demonstrate. Members of these groups as well as unaffiliated citizens don't have a sign saying I'm with this group or I'm not with this group. I know that my cohorts that hide their identities from the far right or government suppression will be a target then what? Anyone with a mask is subject to hefty fines and jail time for not being in an area that police tell them to go. It's the next step then telling them what they can and cannot wear. I just want to end real quick we already had a situation tonight. I don't know if you noticed, patriot prayer was trying to get pictures of activists. This is the problem. This is why people wear masks.

Wheeler: Thank you for your time.

John: He says I'll be respectful and walk out. That is their tactic. They show they are respectful and they pull stupid shit.

Wheeler: Thank you. Good evening.

Edith Gillis: Hello. My name is Edith Gillis. As with John I saw many of the same things and I have also been a victim of repeated police brutality and brutality by other fascists. I have also been a witness as a medic, as a protester, as a peacekeeper and as security. This is an emergency as you know. The criminal gang of racist, fascist terrorists are threatening, bragging that they are coming to town this Saturday, the 17th. With the intent to commit more violent crimes and the longer that we're allowing them to continue this they get more money and they recruit more fascists who do more violence in more severe ways and it spreads around the country. You're right, it's an emergency, but this ordinance would not solve any of the problems. It would cause problems. It is in violation of the u.s. constitution, international law, treaties, Oregon constitution about free speech, assembly and equal enforcement and equal services. The commissioner in charge is one person too many and that's in violation of the constitution and anti-democratic, does not allow for accountability. One reason we have protests is people feel that the civil institution do not meet the needs and have betrayed trust so they have to go to the next level to protect the community. We have to protect the community from the facism, the violence by the police and by the outsiders. I could go through each and every one of these elements. There's so many examples where you have a double standard at pride parade, there are homophobes who come and are violent and yet you don't cancel pride parade. At almost every event Portland united against hate over and over there's an unequal enforcement. It's unfair and it increases violence the way you have it written.

Wheeler: Good evening.

Beth Woodward: Good evening, thank you for being here, commissioners, mayor. My name is Beth Woodward and I'm occasional protester. I don't always decide until the day of a protest whether I'm going and I usually don't belong to any group and I think there are

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a lot of others like me in Portland. Recently I decided not to protest something I cared about because I was afraid of the police. I had heard about kettling. I did not want to be -- I got claustrophobia thinking about being kettled and the violence that can occur when they tell you to get out and you can't get out. I think -- oh, speaking of police, have you ever stood opposite somebody that is dressed like someone in "star wars"? It's intimidating, it's provocative and I think there would be a lot less violence protest if the police did not send so many resources and divert resources. So when you look at the cost of those resources, please keep that in mind. I really wanted to say today that I think the promise of security has always preceded increased power. People give it if they are afraid. Then the power is there to be abused and that can happen in a city of this size just as it can at the federal level. I expect to go to more protests in the coming months and I hope it isn't years, but we're living with a president that has put children in prison. Has children in prison now. Has talked about putting more families in prison, convicted of no crime. I have to protest and I really appreciate the question that commissioner Eudaly has raised about this ordinance. My main comment on it, I can't repeat others there has been lots of great observations, but when I read it the words time, place and manner just struck me as very vague. And with that in mind and there was no specific examples of what that means. I have this book on tyranny you may have heard of, lessons from how the holocaust happened basically during the last century by timothy Schneider.

Wheeler: I'm sorry, I need you to wrap it up.

Woodward: I'm finished. Number one, do not obey in advance. This ordinance requires us to obey in advance.

Wheeler: Thank you.

Woodward: Thank you.

Wheeler: Next three, please. Good afternoon.

David Cantor: Good afternoon. Mayor, commissioners -- I want to point to a dichotomy of narratives between what is said to be the driving motivation behind this ordinance and what --

Eudaly: State your name.

Cantor: David cantor. What what's driving the ordinance versus what it actually achieves. This ordinance is being presented as something to help limit the right wing extremist violence that's coming into Portland but when we look into what it actually does and we begin to talk about making space for these groups we're actually talking about facilitating, bringing right wing extremism into our community and it's important to consider the results of this legislation you're putting forward. In addition I would like to also talk about how this is going to play out in the streets. What we're going to see if this goes through is that patriot prayer will apply for a permit and come to town and anti-fascists are going to show up, they are going to disregarding any police regulations you have to say such and such far away. They are going to confront the protest because that's just what's going to happen, we have to be honest about that here. The police are going to use this ordinance as justification to act violently towards the counter protesters at that action. We're going to end up with a situation where the police are going to use force against the counter protesters, counter protesters are going to sue the city and this is going to get brought in front of the court, I'm sure the aclu and nlg are going to bring up the questions that they have already brought up about the constitutionality of this ordinance and I think all it serves to achieve is facilitating greater right wing activity in our city. That's all I have to say.

Wheeler: Thank you very much. Good evening.

David Davis: Okay, So my name is david kif davis with Multnomah county cop watch. I would first like to offer ted wheeler a gift. I know you can't accept gifts usually but as supreme shit lord of Portland, supreme commander, dual position tyrant of the Portland police commissioner and slash mayor I want you to know that this is a total segregationist

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policy, and you guys are all voting for segregationist policy that restricts people based on political affiliation and it's unconstitutional. I have been telling the police for years that you can't separate groups based on political ideology any more than you can on race, gender, sexuality or any other stuff. This is a total failure and for you to think you with push this crap through, you know, makes you the supreme shit lord of Portland. You want this? Want this, ted? I can drop it off at your front door. But yeah. You're obviously overstepping your bounds. This is going to be struck down. Don't be surprised if a class action lawsuit comes down from members of the left, the right and also people like me from cop watch that are just filming these events and that have got segregated and told I can't go on this side, that side when I'm going back and forth filming as a journalist. So you guys restricting journalists, cop watchers and you're basically telling people they need to choose sides. Well, there's actually a bunch of different cross breeds of different political affiliations on both sides, so you can't, like -- if you're going to segregate it by two groups you should say, well, this is communist, this is socialists, these are anarchists, these are patriots, this is a libertarian.

Wheeler: Thank you. Your time is up. Thank you.

Davis: This is a real nazi

Wheeler: Your time is up. Thank you for being here.

Davis: Hands off me.

Wheeler: Your time is up. Take a brief recess.

At 5:20 p.m. council recessed

At 5:20 p.m. council reconvened

Wheeler: Alright we're back in session.

Annie Rose Shapero: Good evening, mayor, council. My name is Annie Rose Shapero, I'm a realtor, housing advocate, homeowner, long time Portland resident and a Jew. It's been a hard couple of weeks. This proposal undermines all those who speak out against the hate rising white nationalism it puts power in the hands of the wrong people, Portland police force. The Portland police force has not only sheltered but commended captain kreuger, an open neo-nazi. His secret promotion could not have been possible without police who share his values. The Portland police force commits violence against black, trans, people of color, immigrant and houseless community members. It comes to the aid of white nationalist groups. Portland is a brand and a tourist destination. White nationalists like the proud boys flock here. I'll read a little bit from a from a nice little rag called the daily stormer. Portland nazi wins big, daily stormer august 9, 2014. Hail captain kreuger, thank god for small victories. Honestly, though, this victory isn't particularly small. Nice quote from the Portland intelligence for context. They expunged his record, gives him a cool \$5,000 of taxpayer cash and adds a letter of commendation to his file. There's more but I'm going to quote from Portland intelligencer. National socialism is eternally cool forever. No Jew can cancel this fact. I would like to work on that. Thank you very much.

Wheeler: Thank you.

Shapero: I'm not done yet. Some good branding you have for the city of Portland. There's a reason that white nationalists flock here. Guarding a synagogue one day and aiding patriot prayer does not keep people of color safe, does not keep anyone targeted by hate groups safe. It sure as heck doesn't keep Jews safe. If I could have a little bit longer I would appreciate it.

Wheeler: No we're trying to keep it on track so everyone can have a chance to speak.

Shapero: I just finished and say if you want to -- [audio not understandable]

Wheeler: Thank you.

Moore-Love: Next three. If you signed up and didn't hear your name called -- thank you.

Wheeler: Good evening.

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Mark Nerys: Good evening. My name is mark Nerys, expressing opposition to the ordinance. I'm democratic precinct committee person for house district 2736 and have been a regular attendee at three demonstrations since 2011 when I moved to this city. I would like to share some of my experiences and observations. Anti-fascism in the city have shown the moral clarity to fight fascist, racist and hateful ideologies that endanger our communities on the street and other recruitment level at great personal risk to themselves. I have observed a consistent pattern where police from Portland police bureau come down with extreme prejudice against anti-fascist demonstrators. This reality on the street is not lost on far right demonstrators who flaunt blue lives matter regalia and flags alongside white nationalist banners. There's been talk from the Portland police about safety and preventing violence but little acknowledgment about the violence their heavily weaponized forces have deployed against demonstrators are almost exclusively on the left. I have been in crowds, shot at with flash bangs and other crowd control weapons by Portland police on no less than three occasions. I myself was struck with a flash bang on May 1, 2015 that burned through three layers of clothing and sealed a permanent scar into my right arm. We know on august 4th of this year at least three people were sent to the hospital as a direct result of flash bangs deployed indiscriminately into a crowd of leftist demonstrators. I was present in that crowd what I witnessed was escalation of police force greater than anything I have seen post occupy. One friend experienced severe chemical burns and another individual suffered a brain hemorrhage. The sad reality is Portland police is acting as the armed wing for far right to inflict injury against their political opponents. I'm out of time.

Wheeler: Thank you. That was probably the best of the day in terms of timing. Thank you.

Courtney Shannon: Hi, my name is Courtney Shannon. You don't know me real well, but I know you. I have been a victim of your police force. While sitting in the park minding my own business with a demonstration in front of city hall. Two blocks away, I got hit with nerve gas. I have got too many health issues to run from you. I can't run from you. I'm not strong enough to run from you.

Wheeler: We can't hear you if you're not speaking into the mike.

Shannon: I am disabled. Okay? I have leg braces on both legs. I can't run from her. I can't run from her lackeys that she employs, that you employ actually. You are being in charge of the police, are you not?

Wheeler: The responsibility starts with me. Absolutely.

Shannon: I encourage you to get out from under your desk and come out sometime and hang out in the park while people are trying to express their opinions. I would like to know why it is money is being wasted on things like this and by useless ordinances when people are out on the streets dying on the sidewalks that are houseless. You sat here and you watched this woman cry in this very chair yesterday and did not know what to do with her. I applaud you for going out in the hallway and talking to her, but you gave the task away to someone else who wasn't equipped.

Wheeler: You can stop the clock for just a moment. That's not at all what happened. We took her up to our office and she was there for a good chunk of the day by her own choice and we connected her with professionals who could actually help her from central city concern and elsewhere. Just so you know. You may start the clock again.

Shannon: That's not my understanding from her. I did talk to her and I do plan on following up with her again about it.

Wheeler: I encourage you to do that.

Shannon: In a country where some genius crunched the numbers of all houseless people nationwide you can house each and every houseless person 28 times each. My friends are literally dying on the sidewalk right now and you're holding a meeting about this? Why aren't you holding special meetings, why aren't you rezoning land?

Wheeler: Thank you.

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Shannon: Why aren't you taking care of the things you need to take care of?

Wheeler: Your time is up.

*****: [audio not understandable]

Wheeler: Thank you. That concludes our public testimony for today. That concludes our public testimony. Are you on the list?

*****: Yes.

Wheeler: Please go ahead. Two minutes. Name for the record.

Brandon Farley: I'm brandon farley at farley films@twitter.

Wheeler: Do you have testimony, sir?

Farley: This is my testimony. I would like to waive the rest of my time, please.

Wheeler: Thank you, alright that concludes our public testimony for this evening. Thank you very. We're not voting on the overall substitute ordinance. I want to make that very clear, but we will be taking up commissioner Fish's amendments. I think we heard some testimony on those amendments. We'll take them in turn. The first item is amendment Fish amendment 1 and that was pertaining to within 30 days after each demonstration for which the commissioner in charge has issued written ordinance the commissioner charge shall provide a written report to council and he's added and the public describing whether the regulations were effective and the lessons that may be learned for future written orders. Any further discussion on this item? Please call the roll, Karla.

Eudaly: I'm going to vote aye on this amendment but I want to make it clear that I will not be supporting the overall item. I'm concerned that it could pass and I see some marginal benefit from these amendments in that event. Aye.

Fritz: This makes it better. Aye.

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

Wheeler: I support it. The reason I support it is as I said at the very beginning of this process what makes this particular strategy unique it is preventive and I heard lots of different comments pro and con with regard to that, but because it requires written orders in advance and those orders have to be consistent with the ordinances and because there is the opportunity for people to oppose those orders and seek an injunction to those orders in advance it is perhaps the most uniquely transparent aspect of policing should it actually pass. I vote aye, the amendment is adopted. Fish amendment 2 amends directive 1 on page 7 as follows. One this ordinance shall be in full force and effect through June 30th, 2019 after which the ordinance shall expire unless renewed by the council. Is there any further discussion on this item? Please call the roll.

Eudaly: Again I will be voting no but I vote aye on the amendment.

Fritz: I'm concerned about the amendment but again it makes it somewhat better. I would go with what representative Bynum suggested which is a shorter, maybe three months, but that's not the amendment on the table so this makes it better. Aye.

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

Wheeler: Aye. The amendment is adopted. Fish amendment 3 adds directive M on page 7 as follows to allow council to consider additional tools to address the concerns of demonstrations identified in this ordinance. The office of the city attorney is directed to report to council no later than January 10, 2019 with an evaluation of additional legal options including under the Oregon constitutional article 1 section 27 the military shall be kept in strict subordination to the civil powers. Ors 166.660 unlawful paramilitary activity ors 221.195 nuisance defined by city ordinance and other identified options. I have one question and it's of Robert, legal counsel, just a quick question. I support the amendment. I support the intent. I just want to make sure January 10th is the time frame that is a realistic time frame.

Taylor: Robert Taylor chief deputy city attorney, yes.

Wheeler: Yes, sir. Very good. Please call the roll.

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Eudaly: I believe this is our final vote before moving this to second reading and adjourning.

Wheeler: Correct.

Eudaly: I would like to thank everyone for coming. I want to thank the aclu and urban league in particular for working with us over the last couple of weeks since this ordinance came to our attention. I want to quote my friend Eric board of western state center. "This is a political problem more than a police problem and I want to emphasize that we need our local advocacy organizations and nonprofits to step up. We need a concerted community effort to shut right wing extremists down. We need our colleagues at every level of government to speak out against hate in general, but specifically the hate groups targeting our city and we need media to stop shining a distorted spotlight on these protests and start helping the public better understand the issues and possible solutions". Again I will not be voting yes on this ordinance next week. I will support this amendment. I look forward to talking with and working with all of you for a better solution moving forward. Aye.

Fritz: I particularly support this amendment I think we should be doing it instead of the actual proposal on the table. This will create more conversation. I would encourage the city attorneys office to work with the aclu and other entities to have the evaluation done. I thank everybody who was here today and all the testimony we have received ahead of time. I apologize to those community members who were not able to stay and testify because of the amount of time and the presentation and the conversation with council took. And thank you to commissioner Fish for proposing these amendments. Thank you, mayor Wheeler, for having this discussion and being willing to have a panel against a panel for and nobody could say this was not a robust discussion. [laughter] google tells me I can't get to east Portland time, but I'm leaving right now. Aye.

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

Wheeler: First of all I want to thank my colleagues. This one is not on them. This is a very difficult issue. I knew it would be controversial from the get-go. I'm almost positive that my colleagues would rather not have been subjected to this. So I thank them for it. The reality is protecting the public interest two individuals, chief outlaw, who has been here the entire night she just had to leave because she has another appointment but she sat and heard all of the testimony and myself as the elected mayor and police commissioner. And I have watched with increasing dismay what's unfolding on our streets and I share the concerns that seem to be a consensus concern in this room whether people like the ordinance or don't like the ordinance there seems to be consensus concern about violence in our community, and I want to be clear, as I said up front, this is not a panacea. I do not see it as a panacea. This is one of many tools that we have at our disposal along with enforcement tools, along with education case and information and along with setting clear expectations and all the other things we do around directives and public engagement and our various oversight committees. I just want to be very clear about that. I heard a lot of testimony tonight --

Fish: I'm sorry, I have to go.

Wheeler: I heard a lot of testimony specific to the desire for police reforms, concerns about police accountability, concerns about the history of the police bureau and ways that history might bleed into today. The chief and I are aware of these things and the chief and I have committed to working together as relative newcomers to the city of Portland's leadership to go through these and work with the community and address these concerns. I know we are both committed and yet a lot of what I heard suggested to me people saying until you fix those things we do not want this ordinance. It's very similar to what I heard during the budget process when we asked for additional tools and resources and personnel for the police bureau where people said not until you fix these things. What I want you to know is that the men and the women in the Portland police bureau work hard

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day in and day out to try to protect the safety of the public. It is a very difficult job and these issues related to making sure that large demonstrations are safe, are particularly complex situations. They are very difficult to manage. I see this as just being one more tool to help us do it effectively. I'll finish with this. Chief outlaw said something I thought was very important and people can agree with her or disagree with her. I tend to agree with her because she spent two plus decades being an officer. She believes that this actually would reduce the number of arrests because it would clarify in advance the expectations. I have heard other officers say that the hardest situation for the police to manage is moving large groups of people who have already occupied a space. This in advance would set the expectations. So I just wanted to -- those are a couple of things that came to mind. I really appreciated the testimony tonight, it was very thoughtful, very heartfelt, well researched and I agree with my colleague who said this is a good discussion. It was a very thorough vetting and I appreciate you all participating. To commissioner Fish's amendment, I am very interested in this strategy as many of you know it's a strategy that was employed after Charlottesville, and that was certainly on my mind as mayor and on the minds of people who want to safely exercise their first amendment rights on the street. I have heard varying legal opinions as to whether or not statute and constitutionality in Oregon is necessarily germane to the same kind of circumstances they had in Charlottesville and the same constitutionality and statutes they had in Charlottesville but I'm with you. Let's try. Let's see where we can go with it let's evaluate it. With that I support the amendment. I vote aye. There being no further business, this is a first reading of a nonemergency ordinance. The substitute as amended moves to second reading. Legal counsel before I gavel is there anything else I need to do? We're adjourned. Thank you, everyone.

At 5:41 p.m. council adjourned.