



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **02 DAY OF JANUARY, 2019** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz and Hardesty, 4.

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

Motion to elect Commissioner Eudaly as President of the Council: Moved by Fritz and seconded by Wheeler. (Y-4)

The meeting recessed at 9:36 a.m. and reconvened at 9:37 a.m.
 The meeting recessed at 9:44 a.m. and reconvened at 9:54 a.m.

DUE TO PREVIOUSLY SCHEDULED ABSENCES OF TWO COUNCIL MEMBERS FROM THE MORNING SESSION, EMERGENCY ORDINANCES AND CONSENT AGENDA WERE SCHEDULED FOR THE AFTERNOON SESSION.	Disposition:
COMMUNICATIONS	
1 Request of Neal Walker to address Council regarding North Portland Precinct Community Policing (Communication)	PLACED ON FILE
2 Request of Injured and Pissedoff to address Council regarding want honest attorney (Communication)	PLACED ON FILE
3 Request of David Kif Davis to address Council regarding targeting of copwatchers by Portland Police and the City (Communication)	PLACED ON FILE
4 Request of Lee Hill to address Council regarding financial stability of the golf program for the future (Communication)	PLACED ON FILE
5 Request of Lightning Super Humanity XX1PDX to address Council regarding keep Portland weird, keep Portland human (Communication)	PLACED ON FILE
REGULAR AGENDA Mayor Ted Wheeler Bureau of Police	

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<p>6 Update Burglary and Alarm Systems Code with current practices and definitions for alarm permitting (Second Reading Agenda 1349; replace Code Chapter 14B.10) (Y-4)</p>	<p>189329</p>
<p>Office of Management and Finance</p>	
<p>7 Authorize agreement with Lloyd B.I.D., Inc. for program management in the Lloyd Business District (Second Reading Agenda 1312) (Y-4)</p>	<p>189330</p>

At 10:03 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **02 DAY OF JANUARY, 2019** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney; and Christopher Alvarez, Sergeant at Arms.

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

	Disposition
<p>*8 TIME CERTAIN: 2:00 PM – Amend the Open and Accountable Elections Program (Ordinance introduced by Commissioner Fritz; amend Code Chapter 2.16) 30 minutes requested</p> <p>Motion to accept amendments to 2.16.130 C Appointments and Terms, and 2.16.170 Hearings: Moved by Fritz and seconded by Eudaly. (Y-5)</p> <p>(Y-5)</p>	<p>189336 AS AMENDED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Ted Wheeler</p> <p>Bureau of Planning & Sustainability</p> <p>*9 Authorize Intergovernmental Agreement to accept Metro's grant of \$230,000 to implement priorities in the Southwest Corridor Equitable Housing Strategy and authorize the Director of the Bureau of Planning and Sustainability to execute grant agreements with nonprofit organizations (Ordinance)</p> <p>(Y-5)</p>	<p>189331</p>
<p>Office of Management and Finance</p> <p>*10 Pay property damage claim of Elaine Albrich in the sum of \$6,880 involving the Portland Police Bureau (Ordinance)</p> <p>(Y-5)</p>	<p>189332</p>
<p>11 Revise Pay and Park and Non-Pay Private Parking Facilities regulations to grant flexibility to the Director to determine where signs should be posted, authorize Operators to collect a parking fee, change references to the Portland Bureau of Transportation to the Revenue Division, and other housekeeping changes (Second Reading Agenda 1323; amend Code Chapter 7.25)</p> <p>(Y-5)</p>	<p>189333</p>
<p>Commissioner Nick Fish</p> <p>Bureau of Environmental Services</p>	

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- 12** Revise the amount authorized to expend under the Add Work Letter Agreement with the Oregon Department of Transportation related to sewer facility adjustments by the US26 (Powell Blvd) SE 122nd Ave to SE 136th Ave Project for an amount not to exceed \$30,000 (Second Reading Agenda 1329; amend Ordinance No. 188886)
(Y-5)

189334

Commissioner Chloe Eudaly

Bureau of Transportation

- 13** Authorize a contract with the lowest responsible bidder for the N Denver Avenue Pavement Rehabilitation Project from N Lombard St to N Watts St for an estimated \$1,335,000 (Second Reading Agenda 1325)
(Y-5)

189335

At 3:28 p.m., Council adjourned.

**DUE TO LACK OF AGENDA THERE WAS
NO 2:00 PM MEETING THURSDAY, JANUARY 3, 2019**

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.**

JANUARY 2, 2019

9:30 AM

Wheeler: Karla, please call the roll. [roll taken]

Fritz: Here. **Eudaly:** Here. **Hardesty:** Here. [applause]

Wheeler: Also here, and colleagues, this is a very important day for the Portland city council and the city at large. Any time a commissioner is elected and sits at the dais for the first time is a an important moment because a commissioner during the course of his career have the opportunity to shape the community for the better. It's also a historic moment because this, as you just noted, is the first time in the history of the city where there have been a majority of women in the city council. [applause] this is also the first time a woman of color has been elected to the Portland city council. [applause] I have had the pleasure of knowing jo ann for many years now, and I know her to be a tireless leader and effective advocate, somebody who cares deeply about everyone in our community. Commissioner hardesty, I welcome you to the dais. [applause] with that we will turn to legal council. Good morning.

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

Wheeler: And thank you for that. A bit of housekeeping. Actually today's agenda is exceptionally short. In fact, I think that this is probably the shortest agenda since I joined the dais, so we don't have public testimony today on either of our agenda items, but we do have communications first. Karla, please read.

Fritz: I move we elect commissioner eudaly as president of the council.

Wheeler: Second.

Eudaly: I will accept that motion.

Fritz: This rotates so it's just a formality. [applause]

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Wheeler: Please call the roll.

Fritz: Aye. **Eudaly:** Aye. **Hardesty:** Aye. **Wheeler:** Aye. [gavel pounded]

Wheeler: So done. Welcome. And you have the plaque already. Very good. So with that, please call the first individual for communications.

Item 1

Wheeler: Is mr. Walker here today? Doesn't look like it. Next individual, please.

Item 2

Eudaly: I did see him in the hallway.

Wheeler: Mr. Richie, if you interrupt again I will have to ask you to leave. Please, you are interrupting. Mr. Richie, I am not going to ask you again. Please either stop or I will ask you to leave. We are going to take a recess.

At 9:36 council recessed.

At 9:37 council reconvened.

Wheeler: Thank you. Sorry for the delay.

Injured and Pissedoff: My name is injured and pissed off. This is the third time that i've been addressing the council, and you should have the paper in front of you for the next meeting that I am speaking at february 13th in front of you. Again, I am writing down that I want honest attorney plus ed tabor plus doj.gov. I was down at the place where the city auditor's office is to sign up for this sheet that you have in front of you. I asked them, well why is it that they are not printing ed tabor and the department of justice? And apparently, I guess that the city auditor stepped up, or somebody in the office besides the clerk, and the person in charge said that they don't write down or don't print third party people. Well, I didn't know that the department of justice is a third party, but I guess that somebody is partying. Ed tabor, as I have said, is a polygraph examiner, and I really don't like either parties. The ed tabor or the department of justice because as you know, I have had seven dog attacks on my service animal, in less than six years, and I was severely crippled up to where I can't even walk yet without it the aid of a walker. The other thing that I wanted to bring up is that colin kaepernick is a nice guy compared to me. He's the football player that sits down or kneels down to where the national anthem has been played. People could see me on tape that one of the people was, a veteran, was pledging allegiance to the flag, and I got up and turned around away from the flag and sat down with my back to it. That's the way that I am. Colin kaepernick, he just sits down on his knee, goes out and plays football. Well, I can't do that. I can turn my back on the american flag. I will respect the veterans, but I won't agree with the american flag where everybody, where the pledge is that everybody gets freedom and justice for all. Well, the old saying, you can't fight city hall's b.s.

Wheeler: Thank you. Next individual, please, Karla.

Item 3

David Kif Davis: All right, my name is david kif davis, Multnomah county cop watch. I wanted to point out this was about the targeting and harassment of cop watchers, and kind of proved my point earlier when eli richie was gas lighted and harassed by your security staff, the chief of security who runs the detention camps in israel and, you know, did the pipe line and all kinds of other terrorist activities. I think it's maybe jo ann hardesty might try and get g for s out of the building, if you actually believe in accountability and stopping the war on activists. It's kind of funny because michael flynn recently trumps little buddy, he referred to citizen journalists as insurgents and digital insurgents, and seems like old ted wheeler and chief outlaw and the city of Portland kind of view cop watchers in the same light and citizen journalists that try and expose the corruption within the city. I saw adrian nelsen was here and swore you in today, jo ann. I don't know if you know her history about how she got a stalking order put on eli richie, green lighted that for the chief

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outlaw after he asked her a couple of questions, and I know you said that you trust chief outlaw multiple times and you were instrumental in the hiring process, too. And I just want to say you know, you remember jeffrey dahmer, he didn't set out to kill so many people. He just thought that he could drill a hole in someone's skull, pour in drain cleaner, and make them his personal sex zombie. This is exactly how politicians work. They drill a hole in the voter's skull and pour in some false hope and make them a subservient zombie slave. Misplaced loyalty amongst voters is one of the biggest catastrophic problems in our society, and I think that, you know, chloe eudaly is a perfect example of that. She has been instrumental in signing bills to kill off the homeless like green lighting the odot sweeping of homeless camps, the removal of -- yeah, you did. It was in an unanimous vote. You voted on that, right? Wasn't it a yes vote? And the removal of homeless so-called zombie r.v.'s which are killing lots of older, disabled homeless people.

Wheeler: Time is up.

Davis: So you guys are all serial killers.

Wheeler: Your time is up mr. Davis. Your time is up. Thank you. Next individual, please.

Item 4

Wheeler: You forget something your. Next individual, please.

Item 4

Wheeler: We will take a recess.

At 9:44 council recessed.

At 9:54 council reconvened.

Wheeler: We are back in session. I apologize for the delay. Mr. Hill, thank you for being here today.

Lee Hill: Shall I start now?

Wheeler: Please, go ahead.

Hill: My name is lee hill, a longtime resident of Portland, and I am also -- I was a longtime member of the, what's called the golf advisory committee, and I was its chair for many years, also. And the program is 100 years old now, it's a wonderful program. And its tens of thousands of people use it for reaction, all ages, cultures, races and whatnot. But as commissioner Fritz knows very well, it's run into some financial snags in the last few years. I want to appreciate what you have done for it. You really stabilized it. The last CAFR show that the program is kind of breaking even again and that's a good sign. But the facts are these. 2003, 2004 the city of Portland course has registered over 623,000 nine-hole rounds, that's the least common denominate we use, a nine-hole round. The last few years we've been under 400,000 so the demographics of golf and the play on our courses is down considerably. The cuts you made were necessary, I understand those but they've also affected the courses. What I wanted to do is just, just make -- make an idea possible. We own red tail golf course, which is in another county in another city. It's in beaverton. And i've been affiliated with all the golf courses throughout my life. I've been on the boards of playing group. I've been with the committee and whatnot. Red tails is a great place, but it's not in the city of Portland. We now pay, when I started on the golf committee I think we were paying \$5,000 or \$6,000 a year in property taxes. It's now 200,000. It's not going to go down. On the other hand, we have rose city golf course in a dilapidated building. It's also not earthquake proof. It needs money. They are trying to raise it privately, and it's just -- it's hard to do. Heron lakes is basically run out of a couple of trailers. These courses have the potential of doing tremendous good for the city in terms of recreation and youth programs. There are all kinds of youth programs that we used to have that have really toned down because of the finances. What if, just what if we considered the sale of red tail and putting that money into not just the heron lakes, put a pavilion in there and fix up the

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clubhouse at rose city but put it into all kinds of wonderful youth programs based around those courses on the east side. I am just saying, could it be considered.

Wheeler: Thank you. Commissioner?

Hill: I realize the commissioner in charge suspected here today.

Fritz: I was just about to say that so I won't speak for commissioner Fish.

Hill: Can you let him know?

Fritz: I was in charge of parks and recreation for five years.

Hill: If it could be considered, if we could run some numbers, and I know that there are other things that have to do with the property at red tail, the concessionaires who own some of the buildings there and whatnot. But I think that it's probably the only way that we can really get our courses on the east side in shape and open up those youth programs again that we have lost. Thank you.

Fritz: Commissioner Fish is not here. He is the commissioner in charge of the Portland parks and recreation. I do know from having been in charge for over five years that is something that we have been looking at. As you say the challenges that there is a long-term lease with a concessionaire, which is a significant legal issue.

Hill: But the concessionaire could also be a possible buyer.

Fritz: I will just say that I know that commissioner Fish is aware of this and is looking into the possibilities.

Hill: Thank you very much and happy new year.

Wheeler: Thank you. You, too. Appreciate you coming in. Did mr. Walker ever show up? Very good. We will get to the next individual, please.

Item 5

Wheeler: Good morning.

Lightning: Good morning, my name is lightning. I represent lightning super humanity. Welcome commissioner hardesty. I sat alongside you here numerous times, and you are somebody that is very detailed, very knowledgeable, and if anyone speaks against you, they better have everything in order. Get ready. Anyway, moving along. My subject is autonomous vehicles, driverless vehicles. It's my biggest concern right now for the city of Portland. I want to make sure that we are going to be in position with larry page sergo bran, with wamo their autonomous vehicle company, and I want to make sure that we are in the position that we understand that when they come in, they are looking to remove the jobs of the taxi drivers, the delivery drivers, and we have to counter balance that with what we want to do for the people of Portland. That's our first priority, period. How are we going to protect them? How are we going to make sure that they do okay after this? How are we going to make sure that the big titans, the tech titans will put something out on the table before they aggressively come in like uber and lyft did and took over the taxi driving industry, which again, I didn't want those caps removed. I wanted the caps set in place for the drivers. You all wanted to remove them. The floodgates opened, and it's been a disaster for a lot of these people in the taxi industry. The founders to these companies, the people that have been here for years, you don't care about them. You side with the high-tech companies, and I don't like that anymore. Could you play this video, please? But again, welcome commissioner, hardesty, and enjoy your time while you are in here. Thank you.

[video]: If the robots come in to do the same thing, you would think that we taxed the robots at a similar level. But what the world wants is to take this opportunity to make all the goods and services we have today and free up labor, let us do a better job of reaching out to the elderly, having smaller class size, helping kids with special needs, and all of those are things where human empathy and understanding are still very, very unique, and we still deal with an immense shortage of people to help out there, and so if you can take the

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labor that used to do the automation it replaces, and both financially and training-wise and fulfillment-wise, have that person go off and do these other things, you are net ahead. But you can't just give up that income tax because that is part of how you've been funding that level of the human workers. Some of it can come on the profits that are generated by the labor saving efficiency when. Some of it can come directly in some type of robot tax. I don't think that the robot companies are going to, you know, be outrage that there might be a tax. It's okay.

Wheeler: Thank you. To the regular agenda, item number 6.

Item 6

Wheeler: Colleagues, this is a second reading. This has had council presentation and testimony. Is there any further discussion? Karla, please call the roll.

Fritz: Aye. **Hardesty:** Aye. **Eudaly:** Aye.

Wheeler: Aye. The ordinance is adopted. Item number 7.

Item 7

Wheeler: Any further discussion?

Wheeler: Please call the roll.

Fritz: Aye. **Hardesty:** Aye. **Eudaly:** Aye.

Wheeler: Aye. The ordinance is adopted, and we are adjourned.

At 10:03 a.m. Council recessed.

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JANUARY 2, 2019

2:00PM

Wheeler: Today's date is January 2, 2019. Karla, please call the roll. [roll call taken]

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

Wheeler: Good afternoon.

Lauren King, Deputy City Attorney: Good afternoon. 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 so everyone can feel welcome, comfortable, respected and safe. To participate in meetings you may sign up in advance with the council clerk's office 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 testimony being considered at the time. When testifying, please state your name for the record. Your address not necessary. Please disclose if you're a lobbyist. If you're representing an organization please identify it. Presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you're in the audience and would like to show your support something that is said, please feel free to do thumbs up. If 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 is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Have any items been pulled from the consent agenda?

Moore-Love: I have had no requests.

Wheeler: Please call the roll.

Fritz: Aye. **Fish:** Aye. **Hardesty:** Aye. **Eudaly:** Aye. **Wheeler:** Aye.

Wheeler: Consent agenda is adopted.

Item 8

Wheeler: Commissioner Fritz.

Fritz: Thank you, Mayor Wheeler. First I'd like to acknowledge all five of us are here and it's really amazing to be serving with this group of people. Welcome again, Commissioner Hardesty. Thank you for your support at the open and accountable elections program along with Commissioner Eudaly. Thank you for your stewardship of the program for the first year or so of its existence. This has been a priority for my office and I really appreciate everybody's support in helping get us to this point. Particularly thank you to the officer of management and finance staff. Jennifer Cooperman, Jeff Baer, Tom Rinehart have really been in getting it to the point we're at. The program is very complex and has faced challenges and we are moving further along. I have a lot of confidence in the success of the program and it will be ready to be implemented by July of this year. What we have before us are amendments that provide more clarity regarding the program regulations to ensure there's appropriate management and oversight. To improve the opportunity to the candidates to use the program successfully. Before us are additional amendments that will

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ensure that if a candidate faces issues with certification, receiving matching funds or faces penalties an appeal process is available. Because of our timeline delay we need to change the appointment dates of the open and accountable elections commission, which is the program's oversight body. While appeals are usually handled by the auditor's office in the city of Portland the auditor has requested that we select an alternative process to handle appeals regarding open and accountable elections therefore the appeals proceed will be conducted by an outside hearings officer to be recommended by the open and accountable elections committee. The director of open accountable elections, Susan Mottet is here to provide a brief presentation and walk us through the changes. Then I have a couple of invited guests for testimony. I do need to move a substitute, which cristina is handing out right now. This is cristina nieves and she has been very instrumental in putting the program before the council us in 2016 and getting it up and running. These are amendments to what was filed with the auditor's office last week and due to some late things that people noticed including commissioner hardesty. I appreciate everybody's getting it done. Susan, if you would walk us through the amendments on the table, please.

Susan Mottet, Commissioner Fritz's Office: Yes. Good afternoon. The open and accountable elections program has made real progress in moving forward toward implementation. For example, we're close to finalizing a contract to build the technology for the program with a vendor who has experience in that type of design within the subject of campaign financing and the contract is for \$125,000 with a continued maintenance and hosting agreement for \$12,750 annually. This doesn't include one-time project management and quality assurance for the build but we expect that will come in at significantly less than the overall project cost. One exciting aspect of the technology is that it will allow us to run the program with fewer staff than if we were implementing the program entirely manually. To keep this type of implementation progress going we're seeking the following amendments some of which are more technical in nature, some more substantive. The first one is to align the name of the oversight commission and the fund for the program to align with the program name so they are all open and accountable elections commission, fund and program. The second to increase the number of commissioners on the open and accountable elections commission from seven to nine. We've asked for this so we can ensure that we can get both diversity of skills and experience within commission members as well as a commission that reflects the diversity the city of Portland. The third amendment is to change the length of the terms for the initial set of commissioners. Currently the terms start in january and end at the end of december, four years later, with the exception of a few of the first commissioners who will serve two-year terms so that term expirations are staggered. We're asking that first set of commissioners have their terms end instead on april 30 of odd numbered years so that the commissioners have time to carry out their duties related to the program which includes writing a report, analyzing program performance after the 2020 election and making a recommendations to the city council for any changes to the open and accountable elections ordinance. We don't think we can expect them to complete that by december 30 after the november general election. So the next amendment is to change the start of the election cycle to 45 days after the general election. The election cycle as defined in this law is basically when you need to start following all of the contribution and expenditure rules for the program. If you'd like to participate in it in the next election. This amendment would make that election cycle start 45 days after the general election to give campaigns more time to close out their books from the last election before following the rules for the next one. The fifth amendment clarifies who the city elections officer is for the purposes of the program. State law permits cities and counties to require more campaign finance information than the state requires, but requires that information to be reported to the city's

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or county's elections officer. For the city of Portland that's the auditor. Without this amendment the auditor would have to collect all the information my program needs to carry out its functions rather than that information going directly to me. This would change that for that purpose. This amendment was requested by and approved by the auditor's office. The sixth amendment adds special elections to the contribution limits rule. This is, we believe, just a matter of a drafting error. All program rules were intended to apply to both regular and special elections. It just seems for the contribution limit rule it would only apply to regularly scheduled elections so we're just adding special elections to be consistent. The seventh amendment delays implementation of the program to elections after november 1, 2019. At present if a special election were called very soon, right now, the program would apply to it even though we have not yet had time to get the rules written, get the technology built, et cetera. Although there have been challenges and delays implementing the program our goal is to have it ready not just for the 2020 election but any special elections that occur late this year. The eighth amendment is to keep the program in commissioner Fritz's office through july 1 of this year and then house the program in the office of management and finance. And the final amendment is to allow contributions below \$5 that only match contributions starting at \$5 up to \$50. We believe right now the law says that allowable contributions have to be between \$5 and \$250, which would mean that if a candidate accepted a \$4 contribution that would be unallowable. We think this is a drafting error. We wouldn't want to kick a candidate out of the program because they accepted only \$4. The goal was to require candidates to collect no more than \$250 however from matchable contributions we wanted to ensure that we're certifying candidates who have collected \$250 or \$500 genuine contributions. Not to get one cent from 240 people and \$250 from ten people. It's important to get at least \$5 to show that you have broad public support to use the program. We wanted to correct which type of contributions have to start at \$5. That is all.

Fritz: I will just comment that the mayor has asked that we have a work session over the next few months to discuss the appropriate landing place of the program ongoing. That's something i'm absolutely eager to do now that we have the five of us here. This is the fix to keep us compliant with what was passed in 2016, keep the program in my office through the beginning of the start of the program. And there will be that opportunity for everybody to weigh in on where you think it's final resting place or launching pad should be.

Mottet: Sounds good.

Wheeler: Commissioner Fish.

Fish: Thank you for your presentation. I have four brief questions. First, on appointments, can you remind us what is the council role in selecting the nine commissioners?

Mottet: The law says that I will make a recommendation of the seven, to be nine hopefully, commissioners and the commission will then approve or not approve those commissioners.

Fish: To what extent do you intend to consult with commissioners to solicit candidates for membership?

Fritz: We already did that, commissioner. So what I would be hoping to do even as early as this afternoon walk around and let you know who the recommendations are.

Fish: Okay. I want to raise a technical question about hearings which I had not thought about until I was listening to your testimony and then reading the language. We may need city attorney guidance on this. Let me state the problem. The hearings officer is charged with reviewing an administrative decision made by either the director or the commission. So it is in my view very important that the hearings officer be completely impartial. Yet the amendment before us, and the language before us, says that the commission recommends the hearings officer and the hearing officer is appointed by the director. Now,

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that's perilously close to having someone appoint the judge to hear their case since what's in review someone is going to an administrative officer because they disagree with either your ruling or the commission ruling or both. Are we sure legally that having the commission select the hearings officer whose job it is to review a commission's determination is free of any entanglement?

Mottet: Commissioner Fish, this is the first time this question has been posed. I can confirm with others in my office but I think it would be similar to administrative law judges, which are sometimes appointed directly by the agency and report to the director of an agency and sometimes don't. If you would like I can inquire with the attorney that advised on this right now.

Fish: The point I'm getting at is to make sure we build in -- for example, what specific qualifications does the open and accountable elections commission have to even nominate hearings officers. There is no such club as hearings officers. If we're not using an administrative law judge currently providing services to the city, what you're talking about is finding a neutral and impartial lawyer, retired judge. The commission may or may not have something to say about that, but as I think about all the expertise the commission is going to generate over time about how to interpret the law, how to enforce the law, the values underlying the law, the one area where I wouldn't think the commission is necessarily that helpful is in selecting a neutral to hear an appeal of their decision.

Mottet: I don't think I have a substantive answer for you but I have a clarification that may help. The amendment related to the city hearings officer is not a substantive amendment. It's bringing it back to the language that was originally passed. There have been some discussion within commissioner Fritz's office and me about moving the hearings to the city hearings officer, and I had amended -- done a red line of the language to do that. Then when discussions ended where the preference of people above my pay grade was to not make that change to the city's hearings officer, that language to be struck saying the city hearings officer, that was an accident. I failed to delete that amendment that I had written in preparation for passing amendments today. What that does is we're not actually amending anything today related to the code hearings officer. We're just correcting an amendment in the red line that we sent to you.

Fish: Let me make a suggestion. I don't want to tie up the hearing. I would be more comfortable when this comes back to us at a later date with a proviso that qualifies the appointment by the director is subject to approval of the council. It's important that the council be the check to make sure this person is truly independent of the commission and the director. I think there's something healthy because the only reason someone is going to the hearings officer is because they disagree with something you've done or the commission has done. I think in terms of the integrity of the system having some -- we can't have a firewall, but we could have a system where council could ratify your appointment and ask questions about why you believe this person is neutral. Just food for thought but I don't think it necessarily has to be adopted today.

Fritz: Seems that we may need to do that anyway because the contract of that person would have to come to council. This is an outside person who would not be working pro bono. We would be paying them.

Fish: However we land, commissioner, just so that there's independent review by the council of who that hearing officer is so we get to ask the questions. A third question I have, again, this was provoked by the conversation about this migrating from the commissioner's office to potentially omf, in the summertime. If this office, migrates to the office of management and finance, to whom would you report?

Mottet: My understanding that we would be under the bureau of revenue -- sorry. Brfs. Can someone help me with that?

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Fritz: Bureau of revenue and financial services.

Mottet: There we go.

Fish: Again, not to belabor the record today but at some point subsequent could I have some understanding of to whose pleasure do you serve. In other words, somewhere along the way there's going to be a bump in the road. Someone is going to say, at some point, we need to change the director or we need to hold the director accountable or something about the director. When we make a change in the org chart it raises a question about who actually makes that determination. Do you serve at the pleasure of the council, do you serve at the pleasure of the director? It's not an idle question because at some level you need to be insulated from any kind of arbitrary action. I guess the question I would ask is subsequent to this migration, do you serve at the pleasure of whom and what is the council role. Finally, I got an email the other day, mayor, that judy prosper had finally decided to move on. She has been, you know, a tremendous resource to our office, to each of our offices on how we apply the rules on boards and commissions, how we apply our ethics rules and other things and she's been really indispensable. I assume when the commission is composed and we have the nine members, we'll have a protocol worked out with the city attorney's office so that commissioner Fritz, they get the full training on boards and commissions, public records, emails, all that stuff so that we – because this is actually the first major body that has come into existence post those reforms. I think we're all deeply committed to making sure that people have the information so they can serve effectively but also avoid the missteps that other boards and commissions have had because they didn't know what their role was.

Fritz: That should take a leaf out of the mayor's book with the police oversight commission. That's one of the reasons we're not appointing commission members today, to make sure we do all those steps in the right order. Absolutely we'll be doing the boards and commissions training.

Fish: Thank you.

Wheeler: I assume commissioner Fritz is moving the substitute.

Fritz: Yes, moving the amendments which are as outlined, the ones before you are amendments to 2.16.130-C and 2.16.170 hearings and appointments. It's not a complete substitute.

Wheeler: Take a motion as a package.

Mottet: A motion as a package for the amendments. Great.

*****: Second.

Wheeler: We have a motion from commissioner Fritz, a second from commissioner Eudaly. Any further discussion? Call the roll on the amendments.

Fritz: Aye. **Fish:** Aye. **Hardesty:** Aye. **Eudaly:** Eye.

Wheeler: Aye. Amendments are on the table.

Fritz: Thank you for reminding us about that. Now I have two invited guests, steve carter from the aarp, and kate titus from common cause.

Wheeler: Good afternoon.

Steve Carter: Good afternoon.

Wheeler: Microphones slide around. About six to eight inches away seem to work the best. Name for the record, please.

Carter: Good afternoon, mayor. Wheeler, members of the council, my name is steve carter. I'm a volunteer with aarp-oregon that has around half a million members. We were early and enthusiastic supporters of open and accountable elections. The aarp has long been promoted as an organization government integrity, civic engagement, and efforts to reduce the power of special interests and raise voices of everyday citizens in our government. Aarp was one of the organizations that worked with commissioner Fritz to

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pass open and accountable elections. We support publicly financed elections, programs like this one. Why do we do that? Because we know how critically important it is to reduce the influence of special interest money on public decision making while giving the full spectrum of members of our community a viable opportunity to run for public office. So I'm here today to urge the council to back these proposed amendments to ensure successful launch of the program later this year. I appreciate that commissioner Fritz and the program staff have identified and brought these forward. We have reviewed these amendments and are in support of them. Thank you.

Wheeler: Thank you. Good afternoon.

Kate Titus: I'm Kate Titus. I'm here representing common cause and a coalition of groups that worked with commissioner Fritz on this amendment. Good afternoon, commissioners and mayor. I just want to say special welcome to our newest commissioner. Thank you for breaking another ceiling. It's a shame Portland has gone this long without a woman of color on the city council but it's wonderful that you're here now. It's wonderful actually that all of you are here. I feel like we have great representation in this city. I just want to say that we're appreciative of the commissioners and the staff for working to get this launched well. The coalition has sent representatives meeting monthly with the staff to give input and review and talked about most of these amendments in advance and feel like this is the right way to go. We're appreciative of commissioner Fritz and her staff and the staff of the program to identify these issues and generally supportive. I will say there's one amendment that we didn't discuss as a coalition. It was brought to my attention just before the holidays that I think is a little bit -- I want to raise there's ambivalence about it. Where it's housed. There's not a good answer. We know that. It's a tricky thing. I think in some ways keeping it right where it is for these last six months sounds like a very smart thing because of course it's thanks to commissioner Fritz and her office that we're where we are. I'm very appreciative of having strong leadership. Of course the optics of if nothing else of having it housed in a commission seat that's now open is somewhat problematic. I'm not coming with a recommendation, just raising the obvious that I think everyone is aware of that these questions are challenging. In general I'm encouraged by the leadership from commissioner Fritz's office and the staff of the program. Appreciative of these amendments, catching things that should be adjusted, appreciative of your comments earlier, commissioner Fish, thoughtfully really looking at how do we get this right. And I just want to let you know the community groups that are following this closely are supportive of your efforts. Thank you.

Wheeler: Very good. Any further questions before we move to public testimony then I might ask some folks to come up and answer some questions that I have got. Public testimony, Karla. Thank you both.

Moore-Love: Yes. We have three people. Left, Robert Patterson, Edith Gillis, and Charles bridge crane-johnson.

Wheeler: Come on up. Welcome. Charles, would you like to go first, sir.

Charles Bridge Crane-Johnson: Good afternoon, commissioners, president Eudaly of the council. And of course thrilled to finally see Jo Ann Hardesty replacing the long serving seat of Dan Saltzman. I'm sorry I wasn't able to participate in this morning's shenanigans or whatever they were. I think there's been a lot of deep preparation for this. Some commissioners or some citizens may be confused or surprised as we zoom towards the back of exhibit A at 2.16.190 that there's also the commissioner of public utilities. As a citizen in Portland who is overly involved in government it's kind of bizarre to learn there's also a commissioner of public utilities in addition to a commissioner for the water bureau and additional to a commissioner for the bureau of environmental services. I guess the public utilities commissioner doesn't commission any public utilities. They take care of

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franchised utilities maybe. We don't have to clarify that now. I just think as citizens who process this it's a little bit overwhelming.

Fritz: That was one of the changes I wanted to make the last time we had a charts review commission. That's the historic name of my position. Right now i'm actually in charge of the water bureau. I'm thrilled for the first time in ten years. I actually am the commissioner of public utilities. And I do have one of them.

Crane-Johnson: The other thing is since december of 2014, we have been using the same impact statement and under the impact statements it says "community impacts and community involvement", and I think that we should look forward to breaking those two things out separately. In the community involvement aarp didn't get a chance to be mentioned. I don't know if they just engaged at the last minute. There's no great list of community involvement there. I think that we do want to be -- do better scoping. Here in Portland we're very often pressuring environmental regulators to do comprehensive impact statements and to kind of conflate community impacts and community involvement is maybe not the best thing. This obviously is not an environmental issue. I don't think -- actually there should be more -- I don't know if it fits there. Hopefully this will have great impact on our community as far as reducing the disproportionate power that establishment and wealthy people have in the elections process and maybe that should have been put in right there. But the other question or situation that comes to mind is oftentimes in the past when I have been here we have thought, oh, what the heck, just give it to the auditor. The auditor usually has a wonderfully competent reason why they can't do that which includes the budget but to me when we talk about impartiality and elections it seems like the auditor's office, if there was proper legal constructions and a guaranteed funding stream, that would fit.

Fish: Charles, just to be clear, those conversations went on for a lengthy period of time. The auditor has made it clear it will not reside in her office and the door has been closed on that.

Crane-Johnson: Thank you very much.

Fish: That's in the past.

Wheeler: If I could add one comment, actually we could force the auditor to take it under the county charter in my opinion. The city charter, i'm sorry. Wow: [laughter] my long term memory is finally coming back. This is great.

Fish: Very revealing, mayor.

Wheeler: It sadly is. But we also have decided that would not be a productive way to go.

Crane-Johnson: Thank you.

Wheeler: Commissioner Fish is right. We have had that conversation almost ad infinitum. There's also been conversations about the county. Mr. Patterson.

Robert Patterson: Mayor wheeler, how are you?

Wheeler: Good. Thank you for asking.

Patterson: Happy holidays? Happy new year. I'm nervous today because money and campaign contributions I guess make me nervous. The role of money in our politics makes me nervous. But i'm happy to see the new commissioner hardesty, and to see the president of the council, commissioner eudaly. Congratulations to both of you. Let's see. I guess the reason why the role of money in our elections makes me nervous is because I understand that those with money, especially in a booming city like this, developers of real estate -- often are able to sway the political process simply by giving an early donation to a candidate. But what are you going to do? That's the process, right? I did read in the Oregonian over the holiday that our own mayor just got some quietly I guess got some donations which surprised me because -- that wasn't the Oregonian at all. I'm sorry. That was -- the Portland tribune. I think the trib. I was surprised to read that -- i'm sorry, I was

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surprised to read that because I also thought that you had checked out like a month and a half ago. So mayor, do you intend to run for reelection of this city or are you booking hotel rooms in iowa and new hampshire? [laughter]

Wheeler: You should expect that I will run for reelection. It's a conversation I would like to have with my family. They have every right to participate in that conversation, so i'll be making a decision in 2019. And I will not run for president of the united states even if asked. [laughter]

Patterson: Thank you.

Wheeler: Thank you, sir. Good afternoon.

Edith Gillis: Hello i'm edith. I'm so glad to see jo ann hardesty, all of you here today. Thank you, amanda, for all the hard work you have done. I'm really glad you've again cleaning things up. Thank you, nick, for pointing out the concern that we not have even the appearance of impropriety or vested interests. I also want to -- I don't really have the exact proposal on how to solve it but I want us to be keenly alert that who owns the software can control the information, and that can be a hole that can be pretty horrible as we see in the software counting election votes, counting dollars and reassigning what categories dollars are in at what times they are counted. Having family members that create the software for municipalities I think they should be paid for the hard work they have done but that we should have it open for people to see any kind of shenanigans and that we have public control over that. I also wanted to make sure that we never have it in the control of an elected candidate as an auditor is. And I want us to be careful that we have some kind of criteria for who is on it. I don't want just to have since we have so many percentage of people being a certain way that we have someone who is a token not representing the needs and just because someone is houseless doesn't mean they have really strong, legitimate contributions and legitimacy that we need to hear from.

*****: Hear, hear:

Gillis: I would like us to actually write in some other criteria of what ideas and qualities we want to have on the team, and that could be overlapping or diagrammed in many different ways. If we leave it to the same old fight folks we're used to that speak our language, have our culture perspectives, we're going to have the same problems and we're going to have cynicism and distrust by the society. Over all i'm so grateful for the progress that's been made on this and i'm feeling very hopeful. I want us to make sure that we get back to those details.

Wheeler: Thank you.

Fritz: Thank you. Let me address the software issue, which is a good one. Contract will be coming back to council so that that will be available. I think the concept is that most of the software will be open sourced so it will be able to be checked by community members and we're very aware that this is hopefully going to be a marketable commodity when other cities and jurisdictions want to use it. We want to make sure the city has an ownership piece of it should we choose to share it with other jurisdictions.

Gillis: I want to also say that I really want as much transparency and publicity. You could go to the software called live stories where you have real time people asking questions and have that data crunched quickly and visual graphics that are easy for the common public and different languages to understand to give us a concept and that we not have those hidden times where if you get a whole bunch of money beforehand it's not counted.

Fritz: Thank you.

Wheeler: Very good. Thank you. I have a couple of other questions. Could I ask jeff baer to come up, please, bureau of technology services? So first let me just state very clearly for the record I strongly support the objectives of this program. I strongly support the values behind those objectives. I'm very proud of the work that my colleague has done,

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commissioner Fritz, and the work that entire stakeholder group has put into this. I think it's been a yeoman's effort and they are delivering what I think has the potential to be a very, very powerful democratic tool in our community. That being said, I have some concerns about the level of preparation, the level of expertise, the true understanding about the technology involved, questions about whether we have enough personnel that are deployed and questions about how we're going to pay for this. So I wanted to ask you a couple of questions that were prompted by some back and forth between my office and the bureau of technology services. One of the questions which was raised was around establishing the actual blueprint for this program. Making sure that we have the horse before the cart in terms of what ordinarily would be done to bring this kind of a new technology platform online. It's my understanding that would include clear program goals, work flows, rules, making sure that we have contingency planning in place for any unforeseen developments during that development process. We know that during the city's last and I think inferior effort to achieve open and accountable elections we ran into some of the same gopher holes along the way. What level of confidence can you provide us that we have clear program goals that we have a clear understanding of the work flows, and the rules required to bring this technology platform to bear, and what is the state of contingency planning with respect to this program?

Jeff Baer, Director, Bureau of technology Services: Thank you, mayor wheeler. For the record, I'm Jeff baer with the bureau of technology services, and city council, appreciate those questions. Give you background on what we have done with the program and also with commissioner Fritz in her office. We started last summer to really start trying to develop those blueprints what we call defining the requirements for what the program would actually do, put together work flow, functional and technical requirements together. In my estimation I think we got about halfway through that process. We then sat down with susan to talk about what are the next steps to get us to the next process. We were at a point where we had recommended and it was our position we were recommending hire a business analyst to complete those requirements, document that. This would follow the more traditional process so that we then develop those into a statement of work in which we would do a solicitation process. That was I think determined at that time that that would take a longer period of time than what was being requested. It was -- there was concern about the cost of doing that process. So in some discussions we sat down and said maybe there's some alternative ways which would be perhaps working with Portland state university through their computer science program and see if there's a way to work with that or even with an organization like hack Oregon, which is called a civic software foundation. That's the process we're going through right now. I believe I think commissioner Fritz noted there's a \$5,000 contract coming before council to really I think my understanding is that is going to put together the team of volunteers through the civic foundation then there's I believe a sole source notice posted for the I believe about \$125,000 to do the actual software development by the developers. Within hack Oregon or civic software foundation. That's where we stand today. I can't tell you exactly -- I have not worked on a project like this with hack Oregon. We have had other examples in the city who have. I have not personally been involved in that but they are putting together a team, much more of an iterative process, developing a basically a six-month sprint for the process to come up with a project by july 1 as commissioner announced.

Wheeler: So where will the \$125,000 come from?

Baer: I believe that's current funds.

Wheeler: Very good. The timeline that we're all working towards is november 1, 2019. Where are we with regard to meeting that timeline?

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Baer: I would have to defer to susan in her program office about what's the engagement looking like with the civic foundation. I think they are on track for a july 1 demonstration.

Wheeler: I would like more clarity on that because that's not an optional deadline, right? That's a hard and fast deadline. The program either succeeds or fails based on that program. With regard to the personnel, expertise and the budget to implement this program what can you tell me? Maybe that's more appropriate for the chief financial officer but -- she's shaking her head no. It's on you, jeff.

Baer: I can address the question about getting expertise on staff, we are working with their team to interview a couple of potential candidates for experienced project managers who have gone through software development like this that will be very helpful in terms of getting somebody in to be able to help walk through and interact between the city and with the civic foundation.

Wheeler: One of the conversations I had with the auditor, I doubt she would mind my saying this, is one of her concerns was the budget required to actually be able to operate this program. I believe we currently have about two fte allocated. Is that approximately correct?

Baer: Yes.

Wheeler: She believed we would need up to or perhaps more than seven additional fte. Do you have a sense of where we are with regard to what the fte requirement is for this program?

Baer: I don't in terms of the program and how it would be managed. My concern would be more on maintaining and operating the system, which is eventually going to be up and running so I can't answer that part of that question.

Wheeler: Who can?

Baer: Defer to susan and her team.

Wheeler: Would you like to come up? Thank you.

Mottet: Hello. So we have been looking, talking to other program administrators of similar programs in other cities, counties and states. Looking at the program functions they perform and how many full-time and how many seasonal staff they employ to perform those functions. Also looking for example some jurisdictions to everything on paper and manually and document it to exact eight minutes to validate each contribution is matchable. Some use a mix of technology and manual verification. This program would use perhaps the most sophisticated technology to get the bulk of verifications that are easily done, payments made by credit cards, by people registered voters. It's easy to verify. It's actually from them, they are actually a Portland resident, they are actually 18 years old. We're trying to get the easy ones done by technology so the program staff can focus on harder cases. If we align -- I thought the cities being more similar to us in terms of functions that are performed and technology utilized to perform them would be new york city and seattle. If we aligned with how much additional sort of seasonal staff we would need compared to their size much program which is much larger versus ours which is much smaller, covers three seats, it would be about two full-time equivalents but not permanent. They would be seasonal. I anticipate bringing the first one on no earlier than september of 2019 and bringing the second one on -- it's unclear basically as needed. It may be in 2020. Then they would finish after auditing the program after the election in 2020. That would be if we were aligned with new york city's system. If we were more aligned with how seattle utilizes seasonal staff and their needs, it could be up to five staffers, but they didn't have bring all five on at once. They brought one on initially and then added -- by the time the election was over they had five full staffers. We don't anticipate seven fte. I think we're looking at four, maybe no more than 16 months out of a 24-month cycle we're looking at one to two fte of seasonal staff.

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Wheeler: In addition to the two fte currently funded or is that the total?

Mottet: That's in addition.

Wheeler: Somewhere between two permanent fte plus potentially one, two --

Mottet: Sorry. I think we're looking at -- I suspect we're looking at two temporary staffers. If both are on at the same time would be two full-time employees. But they would sometimes not be employed at all by the program and sometimes only one would and the biggest crunch near the end both would be employed. It's possible we might have to go up to four by the end of the program. I don't anticipate more than that.

Wheeler: So as you heard commissioner Fish say up front, one circuit breaker I would like to put into this process, a would like a work session for the council when we get farther down the implementation road and I would assume by then you'd have some more confidence in the estimates with regard to fte requirements. Is that a fair statement?

Mottet: Well, it's hard for me to know the exact timing. The piece of information i'm keenly watching is as the technology is being built and tested we can grab data from orstar about donor names and start looking at is the technology matching, of the people who are registered to vote, is it matching 80% of them, is it matching 30% of them? We can shift the algorithm so we get to a higher but accurate match state. That's going to be the main thing which determines whether we do a lot of manual work or a lot of it being done automatically.

Fish: May I ask a related question? This goes to jeff. Jeff, each of us in our respective races for city council have had an historic relationship with orstar. We're more familiar with orstar. Orstar is administered by the secretary of state's office. There is a private way to enter orstar to put information in but there's also a public portal. The information is available to the public just by putting in a candidate's name but there's another way to enter orstar actually put the data in and some of us use staff people to do that, others use third party providers who do that service. My experience with orstar is periodically they were down for maintenance. This is well documented because it's out of the secretary of state's office. Down for maintenance, and also if you read national literature, some of these programs are highly suspect, highly vulnerable to third party targeting. Now, the information is not confidential as I said, you can get the information through a public search, but if you jam the system, if you put some kind of malware or something in the system and jam it you could create havoc particularly around reporting deadlines. Do we have a sense -- I heard you're working with hack Oregon, which is open source, do we have any concerns about third party vulnerability?

Baer: One of the concerns we have expressed and I think we provide information to susan and to hack Oregon some of our cyber-security controls that we have in our expectations so we want to embed whatever they develop to make sure those cyber-frameworks securing that information. One thing we don't want to do is bring in a whole host of new personally identifiable information or anything that may be confidential and restricted that's not publicly accessible.

Wheeler: With regard to the budget as we get closer to this, it's my assumption that there will be budget package for the council to consider with regard to any additional fte required to operate the program. Is that correct?

Mottet: We I believe we will come to the council for authority to hire any additional fte of seasonal staff. The concept behind the program was that there would be an annual budget allocation that carries forward each year so that by the time there's an election there's enough money in the fund to pay for matching funds as well as all administrative costs. So as long as the program is fully funded every year, the hope is that it would be able to cover all costs including additional seasonal staff.

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Wheeler: For the first year starting -- what we're discussing today basically goes to July 1 under commissioner Fritz's leadership. Then it moves to bts, omf, and bts, starting on July 1st. I assume the funding required starting on July 1st, since that is the beginning of the next fiscal year, would be sought during the upcoming budget process. Is that correct?

Mottet: Yes. The money for the program over all administrative and matching would be sought every year, and what wasn't spent carried forward so that when the program spends the most money, which is in the run-up to elections in matching funds that there's enough to cover everything.

Wheeler: I want to put my usual blanket concern on the table so I did so there's no misunderstanding. I would weigh that budget request against all other budget requests because there will be many and there will be many priorities for this council, and while this is a very important issue there are other very important issues too. So I want to be clear that if I support the ordinance today that does not commit me to supporting the budget ask in the upcoming budget process.

Fritz: Let me be clear. The money is currently ongoing so it would need to have an affirmative vote to get it out. Currently we're not expecting an additional budget ask. You asked how many fte, and would we know that by the work session. The answer to that is no because we don't know how many people are going to qualify. I personally think it will be hard for people to qualify because the standard of getting 250 donations of a certain size is a lot harder than people might think.

Wheeler: I don't disagree with that. I appreciate the work you did to actually make it so that you do have to put in the effort to participate in this program. You can't mail it in. You actually have to be aggressively pursuing an active campaign to qualify. I appreciate you went through those steps to do that. My question is budgetary. At what point do I commit to the budget and how do I know what the number actually is? when do we cross that line?

Fritz: We're not planning to put in a budget request this fiscal year, so it would be the ongoing allocations we have already chosen to give.

Wheeler: So it would be the two fte.

Fritz: Yes. As Susan said, there may be additional --

Wheeler: Including starting November 1, 2019, it's just the two fte. I thought I heard something else.

Fritz: There may be some additional part-time staff and I'm not sure whether we have to get budget authority for those limited term temporary staff or not.

Wheeler: Okay. I'll say I would like to have that clarified.

Fritz: Commissioner Hardesty has something.

Hardesty: Thank you. I appreciate the clarification, commissioner Fritz. I was tracking, and then the mayor confused me, and I think I'm confused now.

Wheeler: My question is this. We currently have an ongoing two fte funded for this program. I heard testimony a few minutes ago it could require funding beyond that. We don't have the technology platform defined yet. We don't know how much of the platform is going to capture the easy low-hanging data versus how much is going to be harder manually delivered data. So my question is simply at what point are we going to know the actual cost of the program and what is the role of the council in terms of approving that funding and weighing that against other competing priorities. I don't have clarity on that point.

Hardesty: So if I may, mayor, so what I'm hearing is if we fully fund the program as we intend to, moving forward then the funds that we need, whether we need to hire additional part-time staff or not, will be included in that. That is my understanding.

Fritz: They already are.

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Hardesty: that is my understanding.

Wheeler: The two fte are currently an ongoing sourcing.

Hardesty: Yes, it is already funded if we fully fund the program as presented. But heads are going up and down. Yes. [speaking simultaneously]

Wheeler: The chief financial officer is going to set me straight. Greetings. Name for the record please.

Jennifer Cooperman, Office of Management and Finance: As I understand it your program has been funded. If you believe in the context of that funded amount you can pay for the technology, pay for your staff, and have money, matching money to award, then you're set. The minute that you believe that you need additional funds, if the cost to build this customized software exceeds what you are expecting, or if there are more potential candidates running and you need greater matching funds, that would be your trigger to come back to council and ask for additional funding.

Fish: Mayor, I think we're on the cusp of an illuminating moment.

Wheeler: Commissioner Fish.

Fish: The chief administrative officer has reminded us --

Wheeler: Financial.

Fish: Excuse me. Chief Financial Officer. Shame on me for getting that wrong. Has reminded us that is a million five?

Fritz: I think it's 1.2.

Fish: 1.2 million has been budgeted ongoing so council would have to reverse that. Out of that comes all expenses plus the balance goes out the door as matching funds. That begs an obviously second follow-up question which is with all this uncertainty about technology and all this uncertainty about ftes, is there anything currently in the law which limits the amount of money that can be spent on technology and overhead including staffing to ensure that there's an adequate amount of money to go out the door? The way this will come back to us won't come back to us as a staffing request. It will come back to us if there's no money available to match any contributions. Is there an administrative cap that dictates how much can be spent of the annual appropriation on technology and staff and related expenses?

Mottet: There is not. There's a cap on the percentage of the city budget that can go toward the program, that can be allocated toward the program.

Fish: So i'm just curious since we're putting ongoing money into this, what do you anticipate will be the split in the next fiscal year between overhead and money available for matching?

Mottet: So that is very challenging to -- that is a number i'm trying to come up with. I do have a provisional budget. I kind of wish I had actually looked that number up before I came into this meeting. I don't anticipate that the program will in any way be overwhelmed by administrative costs.

Fish: Keep in mind one of the reasons we're struggling with this a little bit is that our unique role is to determine whether resources that are appropriated are going appropriately to things like staffing and overhead. That's what we look at. The fact that there's money left over to do a matching program is great. One thing we know is that that pot is going to either come under a lot of pressure if there's a lot of candidates or not. That doesn't change the appropriation. But we look at things like program efficiencies, staffing, cost of technology. Those are the questions we ask as an oversight body. At what point will you have clarity about what the mix is?

Fritz: Could I answer that? Every step of the way things come back to the council. The contract comes to council. Susan said in her presentation it's \$125,000, then ongoing costs of \$12,500. That's what we're looking at. New positions would have to come back to

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council. So far we're thinking we're confident it will be all under the existing budget. Should it turn out far more people apply than we have matching funds for we would have to come to council in a bump request in the fall or the spring.

Fish: My understanding if you have more candidates than you have funds for you go to a rationing system, not come to a bump.

Fritz: That would be up to council to decide but that's the process. Every step of the way council makes a decision.

Fish: The only marker I want to put down is whether you come back to us seeking additional staff and overhead or you come back seeking additional dollars to go out the door at some point the public is going to want to know how much is going to overhead, how much is funding the program that council said we were going to deliver, which is a matching fund program. It isn't a jobs program or a technology program. It's a matching dollars program.

Mottet: Yes. There are still questions that in implementation we're working through so we can give you a number that you can rely on on that. But those questions -- we don't have enough information at this moment to have a clear answer to that. However, nothing has indicated to us that this program will in any way be dominated by administrative costs. We have been fighting tooth and nail to minimize the cost that the technology costs -- you know, while still getting what we need to prevent us from requiring too many seasonal staff because that would be penny wise and pound foolish to be low on technology and have to spend a lot of money every other year on seasonal staff. We have been fighting tooth and nail to make sure we're getting a very good value for the city's taxpayer dollars for each of these administrative pieces of getting the program up and running. We can have data for you soon around that and I can have provisional data sooner than I could maybe have the number you can rely on but there are some question marks still especially on how many seasonal staff we will require once we know more about the technology's performance.

Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor. Susan, my question has to do with when you started putting these pieces together you actually started a bit behind the curve, right? Because the time has been constrained just based on the city council's actions, right? We didn't move as fast as we were supposed to. So I just want to make that part of the record. It's like had we started earlier we probably would have had clear answers today. Can you give me, is it 30 or 60 days that you could give us something that you would be confident in actually providing to city council?

Mottet: Well, thank you for acknowledging that. I was hired June 13th of 2018. That gave me one year and two weeks to get an entire complicated program up and running. Even just given the city's procurement rules, that is virtually impossible. So we have been working very diligently to pull rabbits out of hats to make sure that we're able to get a very savvy technology partner who has worked with campaign finance data before who already has the infrastructure built for this program and just has to customize and application to it so that we can get things done for the least money and as quickly as possible using city procurement rules. It's been incredibly challenging. Because there's just no way for us to get this technology to the point where we will have the question answered of what the match rate is between the donors and the voter registration list answered we won't have it in the next 60 days. I hope that that is one of the only questions we don't have answered in the next 60 days. We should have answers -- I don't want to say anything inaccurate right now, but we have a lot of answers already that can provide an incomplete picture of what the administrative costs will look like. Then additional answers will come in as we continue moving this toward implementation.

Wheeler: Great. Sorry. Yes.

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Cooperman: I would like to just highlight some comments that have been made starting with commissioner Fritz identifying this as a complex and challenging project. This is customized software. When you're managing a software implementation you have time, budget and scope. Those are the three things that you can control. We're set on the time. We have a budget. But the scope, with the business requirements, is what still needs to get built out. I'm worried about the time. I'm worried about having something that is functional and works in time for november 1. The devil is going to be in the details. There's a lot of work that needs to get done. If it's coming to brfs, I want to put my marker down about what my concerns are. It's going to be on all of us if it doesn't work.

Wheeler: Could I ask you a question to that? Sorry to belabor this but I would be remiss if I didn't. What of contingency planning? What if you get two or three months down the road and -- what is our contingency plan? What's plan b?

Baer: I'll partially answer that saying we have the technology oversight committee. They have accepted this as a project to oversee. City council will receive a quarterly briefing on the project and on the progress of the project. You will see that plus susan and her team reporting monthly to the technology oversight committee and also hiring external quality assurance consultant to make sure we have a third party looking in to make sure things are going forward.

Fish: But Jeff, we'll get at least two quarterly reports from the technology oversight committee.

Baer: Yes.

Fish: To our newest colleague, one of the virtues of that committee is when they review all the technology programs that are undergoing they use a very simple color coding of red, green and yellow. We focus on the yellows and the reds and they are made up of computer technology experts and if there are glitches and the history has been good intentions notwithstanding technology often gets the better of us, we have all in our bureaus had challenges with technology. The oversight committee gives us a real time guidance and check-in if there's a problem.

Cooperman: So plan b is going to be a manual process. I don't know what that looks like. I would look to susan to help flesh that out, but that's what it would end up being if we don't have a workable technology. And the \$125,000 – so there's a \$5,000 grant that's not coming to council because it's not over \$5,000. That has not yet been executed but it's close to being executed. Then there's a \$125,000 contract that will come to you but it hasn't yet come to you. I think the idea of the grant was to give some ability for hack to get started even before the contract comes to you for approval but the contract has to get written. So in my mind it comes down to business requirements and what direction and what detail is hack being given to get started and do their work so that when the contract is completed they are not having to do a 180 and go differently than where we sent them off in the first place.

Wheeler: Jennifer, whose responsibility is it? I feel reasonably good about this program, the direction and the work that's been done so far, but I also believe you need a plan b. Who whose responsibility is it to create plan b?

Mottet: It's my responsibility.

Wheeler: Is that something you're actively working on?

Mottet: I am working on that. Jennifer cooperman was correct if there's no technology up and running it would be a fully manual process. If we have technology partially functioning it would be a partially manual process and how much of it is a manual process? If we had to go to a manual process that would be a significant number of seasonal staff that are helping us process everything by paper. The voter and elections program was processed entirely by paper. We are hoping not to have to do that. But there would be a budget

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request coming in if the technology was not running and we were running a significant amount of that program all of it manually.

Wheeler: Just to state the obvious, we need that information sooner rather than later.

Mottet: Yes.

Wheeler: Because there may not be a bump this year.

Mottet: Yes.

Wheeler: I'm not making any news. I haven't seen the forecast but I think we all know what's going on with regard to revenues. Very good. Commissioner Hardesty. Good. Anything else? Very good. Thank you for your hard work on this. We appreciate it. Thanks for answering our questions. Karla, please call the roll on the ordinance as amended.

Moore-Love: Fritz?

Fritz: Thank you, colleagues. This has been a really helpful discussion and I appreciate everybody being committed to getting this program right. Thank you, Susan Mottet and Ana Pyfiel and to Tim Crail and Cristine Nieves on my staff. I'm going to read the list of the coalition members who have been helping push this and guide us from the community. I think it's important for everybody to know what kind of community engagement is going on. The Alliance for Democracy; Apano; Basic Rights Oregon, BerniePDX, Bus Project, Coalition of Communities of Color, Color PAC, Common Cause, Communication Workers of America Local 7901 -- that's not the right number -- Enlace, Every Voice, Latino Network, League of Women Voters, Main Street Alliance, Move to Amend Portland, NAACP Portland Branch, Opal Environmental Justice, Oregon Education Association, Oregon League of Conservation Voters, Oregon Student Association, Oregon Walks, OSPiRG, PCUN, Portland Forward, Representers Portland, St. Michael's Church, Justice Group, Sierra Club, SEIU State Council, UFCW Local 555, Unite Oregon and the Working Families Party. There's a lot of community engagement on this. There's a lot of guidance each of these partners was reached out to in terms of suggesting people to apply for the commission. We, the city government, this is a test of can we work together. I really appreciate the chief financial officer, chief technology officer and the whole of the office management finance. Your partnership, Mayor, with Tom Rinehart in the chief administrative office position. It's on all of us to respond to community and make sure this program works as council directed. I also want to thank the procurement services and city attorney's office who have been really helpful in figuring out the contracts and nuts and bolts. This is just a key part of our democracy. It's so important. I appreciate everybody who came out in December of 2016 to help get it passed. I especially appreciate those of my colleagues who didn't support it before who are now knuckling down and shoulder to the cart or whatever the thing is, we're all pushing together to make sure that we collectively can deliver this program. Thank you very much. I'm very proud to vote Aye.

Fish: Commissioner Fritz, thank you for bringing these amendments forward and for structuring a hearing that I thought was very informative. I appreciate on some of the concerns that I had hearing directly from the director, from Jeff Baer and from our CFO. I appreciate in the next 60 days or a reasonable period of time we'll get follow-up. Obviously, the more clarity we have about some of these issues the more likely it is the public will have confidence in this program. I am -- I have been on council long enough I was reminded this morning I used to be the most junior member of the council and as of today I'm the most senior member of the council. One of the things that I have learned over the ten years is to bring a certain level of humility to all new technology projects. I appreciate the director saying that, you know, she is reasonably confident and going about with her eyes open and we're hopeful. The reason Commissioner Saltzman put together the technology oversight committee which a number of us supported years ago was that these technology programs have this habit of moving sideways on us. Then technology changes

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and vendors change and they get more complicated and then they are bad actors out there that hack into our systems, want to get the data. I would just say that having seen a lot of well intentioned technology programs go south, I applaud you for your optimism. I also think that the mayor's question was spot on about what is your plan b, because it may need to be a serious interim plan until technology issues get worked out. This is a complicated area. This hearing has been helpful to me in understanding some of the challenges we face going forward more clearly and so I appreciate it. I'm pleased to support the amendments. Aye.

Hardesty: Thank you, commissioner Fritz, for your consistent leadership in moving this issue forward. It's wonderful to be on this side of the desk because otherwise I would have been on that side today testifying in support of this measure. This is a vision about who we want to be as a city. It's a vision about who has the privilege of serving on this council. I look forward to us working hard and diligently to make sure that this is implemented in a way that we, the city council members, can be proud, that we were leaders in this effort, and that the community will be proud that they have another way to serve in public office here. I can tell you that as someone who just recently went through a brutal election that small donors are not only possible but it's the democratic way. It is the way to ensure that as many voices as possible are included in this process. So I wholeheartedly vote Aye.

Eudaly: Before I get to my remarks I want to address something that's come up a few times today. That is that I am the newly appointed president of the council. [laughter] I want -- I want to assure you. [audio not understandable] it's not a special accolade nor an earned privilege. [laughter] it's a responsibility that rotates every six months. It's simply my turn to be president of the council and stand in for the mayor when he is unavailable. But you may continue to call me president eudaly although I have to admit it makes me a little sick to my stomach to hear that. Number 2, I just want to note my short history with open and accountable elections and express my unwavering support for it. I inherited it with one of the bureaus that was assigned to me by mayor wheeler. It didn't come with any funding because it had been passed towards the ends of 2016. We diligently tried to find a home for it at both the auditor's office and Multnomah county elections. There were many, many conversations. I did my best to sweet talk both those entities and no bites. It was late in 2017 that we asked if commissioner Fritz would want to take back the project and she said yes, and so we did lose some invaluable time but i'm very hopeful that we'll be able to move forward successfully with it. Our electoral system was not designed to welcome or include regular working people. Portland city council in particular has been the province of affluent white men for most of its existence. In over 100 years only nine women and three people of color have been elected to city council and commissioner hardesty here has bumped those two meager numbers up, both those two numbers up as the first woman of color to sit on city council. In addition to racial and gender inequity, we have also seen political power concentrated in a very small area of our city. Commissioner hardesty is only the second sitting commissioner to live in east Portland for two years I was the only commissioner living on the east side of Portland. There's a point to all of this I assure you. Portland voters have made it clear that they want election reform at the county and at the city level. They want a council that's more representative of our city, which is roughly half women and around a third people of color, and there are certainly other demographics that deserve to be included and heard and I hope in future elections we'll see more of those candidates step forward. There's also growing interest in changing our form of city government to districted form. Open and accountable elections is a vital step forward whether we change our form of city government or not to leveling -- I just made up another word. That's just something I do up here every once in a while. Leveling the playing field. Commissioner hardesty, commissioner Fritz and I may each look like exceptions to the

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rule because we're all women and we didn't necessarily come from the most conventional backgrounds for politicians. But I want to acknowledge we each had unique resources and qualifications and community connections that I think helped us get in these seats and not everyone has that. That shouldn't be necessary in order to win a seat on city council. So first and foremost thank you to commissioner Fritz and her team for taking on the responsibility for doing the hard work to get this program up and running. I'm looking forward to helping make that happen. I support allocating more resources to the program given that it was not fully funded in the '18-'19 budget year. I support having a work session this spring to help settle outstanding funding and responsibility issues. I do want to just express an ongoing concern which is where this will ultimately live. The reason we were looking for a home for it is that I want to use open and accountable funding for my next election therefore I cannot have that sitting in my office. It's conflict of interest. I think that the program may need to continue to be assigned to a commissioner's office to help overcome unforeseen obstacles and navigate difficult political questions. I'm concerned about the program -- i'm concerned about I guess the success of the program and city staff's success with it if it's assigned to them before it's fully fleshed out and stable program. I vote aye.

Wheeler: Well, first of all, congratulations, commissioner hardesty. You've made it through your first day. This is fantastic and what a great day it's been. [audio not understandable] first of all -- [speaking simultaneously]

Wheeler: Thank you,. I appreciate it. This was a great hearing. I'm just doing a little bit of a pop-up here. It's actually great to have this level of deliberation as a council when we have both the luxury of time and the ability to hear testimony and have a conversation where we can really get into the brass tacks and talk about something of purpose and meaning. First of all I want to thank commissioner Fritz. When we first started talking about this two-ish plus, maybe even three years ago when we started talking about this, I had many, many questions about this and what its future would be and you made a lot of representations and assurances about what your process would be and what the product would ultimately look like. I just want to say for the record you have lived up to that commitment to a tee. I want to personally thank you for that. Second of all, commissioner eudaly, i'll second what you said. I know that you worked tirelessly to try to find the best independent home for this project so there would not even be an appearance of conflict of interest. I want to acknowledge that I believe you did everything you possibly could and then some to ensure that that would happen. I will confess I still have questions about this program. Not about whether we should do it, not about whether it is the right path, not about whether it espouses the right values. I just have questions about implementation of this program. I think this council is going to need to continue to be very, very diligent. We heard testimony from our professional staff number one describing this as a completely new technology. If that doesn't raise the hair on the back of your neck, nothing will. That requires additional diligence and I believe commissioner Fritz and susan and others have taken steps to make sure that we have adequate oversight, that we have independent expert experienced eyes on this project to help guide us and make sure that the project doesn't go sideways. Second of all, we heard concerns expressed by the chief financial officer with respect to the timeline. I share those concerns, knowing how things tend to work when you have multiple bureaus and community engagement and a lot of outside contractual relationships I just want to say for the record I share that concern and I hope that we stay on top of this to make sure that we are adhering to a very, very unforgiving timeline. And last but not least, of course, concerns about the budget. I appreciated susan's frank responses and I appreciate that you are going to continue to be on top of this and that council will continue to get that information, that you will continue to work on contingency plans that are

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hopefully never used. There's an old saying that I adhere to which is planning is everything. Plans are nothing. I hope the contingency plan stays on the shelf. I think we would be foolish not to have a contingency plan in place and ready to go if necessary. Finally, my concerns are significantly allayed knowing commissioner Fritz and professional staff are prepared and willing to have a work session, we'll get reports from the technology oversight committee to make sure that things are on track. That we'll keep communicating as a council on this important issue, and make sure that it happens. Now last but not least because commissioner Eudaly left me this opening, while I agree with you that campaign finance has been on the whole a negative influence over the democratic process, I also believe that the charter creates significant impediments to representation and participation. So I would take up the calling that you put on the table and say both of these things need to happen. We need to address the question of money in politics and we need to address the question of representation in the city of Portland. It is high time we have that conversation. Personally I believe our charter is a relic. We're a growing, dynamic, diversifying, increasingly complex community and we should at least ask the question, do we have the right form of government? Other cities that have this form of government have already addressed that question by moving on to what I believe are more modern forms of government. That is for another day. Commissioner Fish, yes I would.

Fish: My understanding because this is a conversation that I heard a lot in my campaign, is that it is likely that the city will launch a charter review process in 2020 or 2021 in which we appoint people to a commission that then has the unfettered discretion to put on the ballot some change. I too have very strong opinions on this subject that are probably at variance with a couple of my colleagues. Just so that people understand hearing us talk about this there will be a formal process and it will likely be the charter review process in 2021 when the public will have a chance to weigh in. Is that your understanding?

Wheeler: That's my understanding. Thank you for the point, commissioner Fish. Without further ado, I vote aye. The ordinance is adopted as amended. Thank you, everybody. Believe it or not we're adjourned.

At 3:28 p.m. Council adjourned.