



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13<sup>TH</sup> DAY OF FEBRUARY, 2019** AT 9:30 A.M.

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

Commissioner Fritz arrived at 9:31 a.m.  
Mayor Wheeler left at 11:45 a.m. Commissioner Fish presided.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney; and John Paolazzi and Ryan Hintz, Sergeants at Arms.

Item Nos. 122, 124, 125, 126 and 127 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		
<b>114</b>	Request of Robert Patterson to address Council regarding homelessness (Communication)	<b>PLACED ON FILE</b>
<b>115</b>	Request of Mary Bowers to address Council regarding affordable housing guidelines (Communication)	<b>PLACED ON FILE</b>
<b>116</b>	Request of Injured and Pissedoff to address Council regarding wanted honest attorney (Communication)	<b>PLACED ON FILE</b>
<b>117</b>	Request of Karen Moore to address Council regarding accessibility for persons with intellectual and developmental disabilities in the Portland area (Communication)	<b>PLACED ON FILE</b>
<b>118</b>	Request of Michael O'Callaghan to address Council regarding sweeps (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>119</b>	<b>TIME CERTAIN: 9:45 AM</b> – Venture Portland Annual Report to Council (Report introduced by Commissioner Fish) 30 minutes requested <b>Motion to accept the report:</b> Moved by Fish and seconded by Hardesty. (Y-4)	<b>ACCEPTED</b>

120	<p><b>TIME CERTAIN: 10:15 AM</b> – Amend Civil Rights Code to add non-religion such as atheism, agnosticism and non-belief to the definition of Religion (Ordinance introduced by Commissioner Fritz; amend Code Chapter 23.01) 30 minutes requested</p>	<p><b>PASSED TO SECOND READING FEBRUARY 27, 2019 AT 9:30 AM</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>		
<p><b>Mayor Ted Wheeler</b></p>		
<p><b>Bureau of Planning &amp; Sustainability</b></p>		
*121	<p>Authorize an Intergovernmental Agreement to accept and appropriate Metro grant of \$32,000 to support waste reduction efforts at Community Collection Events in the City (Ordinance)</p>	<p><b>189378</b></p>
<p>(Y-4)</p>		
<p><b>Office of Community Technology</b></p>		
122	<p>Grant a temporary, revocable permit to New Cingular Wireless PCS, LLC for wireless communications services in the City (Ordinance)</p>	<p><b>PASSED TO SECOND READING AS AMENDED MARCH 13, 2019 AT 9:30 AM</b></p>
<p><b>Motion to remove the emergency clause:</b> Moved by Fish and seconded by Fritz. (Y-4)</p>		
<p><b>Office of Management and Finance</b></p>		
*123	<p>Create new Seasonal/Casual classifications of Community Service Aide III and IV and establish compensation rates for these classifications (Ordinance)</p>	<p><b>189379</b></p>
<p>(Y-4)</p>		
*124	<p>Pay property damage and bodily injury claims of Jaclyn Van Arkel in the sum of \$22,555 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)</p>	<p><b>189382</b></p>
<p>(Y-4)</p>		
*125	<p>Pay bodily injury claim of Jose Moreno Cruz in the sum of \$18,127 resulting from a vehicle collision involving the Portland Police Bureau (Ordinance)</p>	<p><b>189383</b></p>
<p>(Y-4)</p>		
*126	<p>Pay bodily injury claim of Sunjay Kumar in the sum of \$12,716 resulting from a vehicle collision involving the Portland Police Bureau (Ordinance)</p>	<p><b>189384</b></p>
<p>(Y-4)</p>		
127	<p>Establish an interim compensation rate for the revised Tree Inspector classification and create a new represented classification of Tree Inspector, Senior and establish an interim compensation rate for this classification (Ordinance)</p>	<p><b>PASSED TO SECOND READING AS AMENDED FEBRUARY 20, 2019 AT 9:30 AM</b></p>
<p><b>Motion to amend effective date to no later than November 1, 2019 with the Chief Human Resources Officer having the authority to implement at any time prior:</b> Moved by Fish and seconded by Hardesty. (Y-4)</p>		
<p><b>Commissioner Nick Fish</b></p>		
<p><b>Parks &amp; Recreation</b></p>		

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<p><b>*128</b> Extend contract with David Evans &amp; Associates, Inc. to April 30, 2020 for structural engineering services for an amount not to exceed \$25,500 (Ordinance; amend Contract No. 30004579) (Y-4)</p>	<p><b>189380</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b> <b>Morning</b></p>	
<p style="text-align: center;"><b>Mayor Ted Wheeler</b> <b>Office of Management and Finance</b></p>	
<p><b>129</b> Authorize cost-sharing Intergovernmental Agreement for Levee Ready Columbia Interim Governance for \$233,590 for FY 19/20 (Second Reading Agenda 112) (Y-4)</p>	<p><b>189381</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b></p>	
<p style="text-align: center;"><b>Bureau of Environmental Services</b></p>	
<p><b>130</b> Amend contract with Brown and Caldwell, Inc. for professional engineering services for the Columbia Boulevard Wastewater Treatment Plant Waste Gas Burner Replacement Project No. E10649, in the amount of \$338,935 (Ordinance; amend Contract No. 30005983) 10 minutes requested</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING FEBRUARY 20, 2019 AT 9:30 AM</b></p>
<p><b>131</b> Amend contract with Infor Public Sector, Inc. to increase the value of the contract by \$2,011 for annual software support to cover additional licenses (Ordinance; amend Contract No. 31000031)</p>	<p style="text-align: center;"><b>REFERRED TO COMMISSIONER OF PUBLIC WORKS</b></p>
<p style="text-align: center;"><b>Commissioner Chloe Eudaly</b></p>	
<p style="text-align: center;"><b>Bureau of Transportation</b></p>	
<p><b>*132</b> Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the NE Columbia - Cully Boulevard and Alderwood Road intersection improvements project, through the exercise of the City's Eminent Domain Authority (Ordinance) 15 minutes requested</p>	<p style="text-align: center;"><b>RESCHEDULED TO FEBRUARY 20, 2019 AT 9:30 AM</b></p>
<p><b>*133</b> Authorize the Bureau of Transportation to acquire certain temporary rights necessary for construction of the Springwater Connector project, through the exercise of the City's Eminent Domain Authority (Ordinance) 15 minutes requested</p>	<p style="text-align: center;"><b>RESCHEDULED TO FEBRUARY 20, 2019 AT 9:30 AM</b></p>

At 12:39 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13<sup>TH</sup> DAY OF FEBRUARY, 2019** AT 2:00 P.M.

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

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

<p><b>134</b>      <b>TIME CERTAIN: 2:00 PM</b> – Authorize withdrawal of Portland Police Bureau Officers from the Federal Joint Terrorism Task Force and establish protocols for cooperating with the FBI on terrorism investigations on a case-by-case basis (Resolution introduced by Commissioner Hardesty) 3 hours requested</p> <p><b>Motion to add Binding City Policy:</b> Moved by Fritz and seconded by Hardesty. (Y-5)</p> <p>(Y-3 Eudaly, Fritz, Hardesty; N-2 Fish, Wheeler)</p>	<p><b>37415</b> AS AMENDED</p>
<p style="text-align: center;"><b>REGULAR AGENDA</b> <b>Afternoon</b></p>	
<p><b>135</b>      Reaffirm the City of Portland as a full partner in the Joint Terrorism Task Force, enter into an amended Memorandum of Understanding in conjunction with the Federal Bureau of Investigation (Ordinance introduced by Mayor Wheeler and Commissioner Fish)</p>	<p style="text-align: center;"><b>REFERRED TO</b> <b>COMMISSIONER OF</b> <b>FINANCE AND</b> <b>ADMINISTRATION</b></p>
<p>At 5:12 p.m., Council adjourned.</p>	
<p style="text-align: center;"><b>DUE TO LACK OF AGENDA THERE WAS</b> <b>NO 2:00 PM MEETING THURSDAY, FEBRUARY 14, 2019</b></p>	

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



By Karla Moore-Love  
Clerk of the Council

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

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

**FEBRUARY 13, 2019**

**9:30 AM**

**Wheeler:** This is the February 13th, 2019 morning session of the Portland city council. For those of you who have forgotten, tomorrow is valentine's day. That may or may not be relevant to you but I don't want people to forget. Karla, please call the roll. [roll taken]

**Fritz: Fish:** Here. **Hardesty:** Here. **Eudaly:** *Absent/personal.*

**Wheeler:** Here. Good morning.

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

**Wheeler:** Great, first up is communications. Please call the first individual. Good morning.

**Item 114**

**Robert Patterson:** How are you.

**Wheeler:** Excellent. Thank you.

**Patterson:** Homeless people should be a protected class as we do not enjoy the full rights of u.s. Citizenship. One aspect in which this is alarmingly evident is the right to representation. My name is robert Patterson. I am the director of everyone counts, a Portland-based advocacy organization committed to equity in the 2020 census. One of our objectives is to count accurately every homeless person in the Portland metropolitan area on census day, april 1, 2020. As we gear up towards 2020, I think it's important to look back at 2010. I want to thank commissioner Fish for his outstanding leadership as co-chair of the local 2010 complete count committee, and I also want to apologize for telling the Oregonian that you look like donald rumsfeld's cool little brother. But seriously, thank you for your leadership. I hope to sit down with you soon for a debriefing of sorts as we look at the success of the committee and as well look for opportunities for improvement. We know that the census bureau in an effort to save money is planning for 2020 to be the first digital

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census. This increased reliance on automation, especially when coupled with the reduced local presence, brought about by bureau plans to close half of its regional offices, is extremely problematic. Now, more than ever, cities need to be able to count on federal consistency. In the words of congressman Jimmy pinetta, from California, communities currently suffering economic anxiety cannot afford to lose federal resourcing due to a lack of census accuracy. The homeless do not have the same access to broadband internet as others. And this divide may leave hundreds of thousands uncounted nationally unless it is thoughtfully addressed. Our friends in I.a. Have an interesting solution. They will be deploying census action kiosks which will provide broadband internet access too hard to count populations. Grant money exists for a similar program here, and I believe that the kiosks could then be re-purposed after census day to be a lifeline for the homeless as an early warning system for emergency communications and as a portal to vital social services. I recently have spoken with susan [inaudible], census bureau partnership specialist for Portland, and she enthusiastically endorses the throwing of census parties as a way to bring many hard to count individuals together in one or multiple locations so that they may be counted. The parties as I see it could become social service fairs at which homeless individuals will connect with each other and important resources in a fun, safe, and pro social manner. Finally, everyone counts has begun reaching out to leaders, shelters, transitional housing providers, churches, soup kitchens, needle exchanges, street organizations, neighborhood Associations, and ad hoc camping communities, as we work to identify and prepare to count every homeless person in the region. We are working hard on a formal proposal, and next week I will be traveling to salem where I hope to meet the census project manager aldo solano and other representatives from the governor's office. We are lucky here in Portland to be home to Portland state university's population research center and director jason [inaudible] and analyst charles rynerson have been a great help in elucidating me to the complicated field of population studies.

**Wheeler:** Thank you. Commissioner hardesty.

**Hardesty:** Thank you. Your time is up but I want to say what a worthy goal that you are involved in. And I want you to know that I think that it was maybe 2000, I guess i've been around longer than I thought, that I also worked with then commissioner serena cruz to make sure that all people would be counted. And so whatever my office can do to assist you and being a part of that effort, I know that the office of civic life, if you have not spoken to them, also have a plan to work statewide on gathering information for the census. I want to appreciate the fact that I totally share your perspective, every person must be counted, and we have a head start to be able to do it right so thank you.

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

**Fritz:** Mr. Patterson. Thank you. Once again you've given us really eloquent communication matter to be thinking about. Commissioner eudaly can't be here this morning. As commissioner hardesty mentioned, she is leading this effort on behalf of the city, so if you could please make sure to email your comments to both commissioner hardesty -- I mean, eudaly and the office of civic life, we would appreciate it. Thank you.

**Patterson:** Absolutely. Thank you.

**Wheeler:** I want to throw my thoughts in here, as well, this is a very well thought out letter and the strategy is an excellent one and I agree the work being done in I.a. with the action kiosks I think is fantastic, and I like your idea of bringing people together and frankly having some fun while connecting with services. It's a really good community building exercise. I appreciate you bringing this forward.

**Patterson:** We have less than 14 months before the census time, so lets not miss a step.

**Wheeler:** There is a sense of urgency, you are right, absolutely. Thank you.

**Hardesty:** Thank you.

**Wheeler:** Next individual.



**Item 115**

**Karla Moore-Love:** She is not able to make it.

**Wheeler:** Very good. Next individual, please.

**Item 116**

**Wheeler:** Good morning.

**Injured and Pissedoff:** Good morning. My name is injured and pissed off. I was thinking that is the fourth time that I have put in a request and spoke about wanted honest attorney. Apparently, there aren't any in Multnomah county when it comes to suing the city or the county about dog attacks. My service animal had been attacked seven times in less than six years. Apparently, Portland is pet friendly, but it isn't service animal friendly. I have talked to other people with service animals and guide dogs, and they go well, yeah, my dog has been attacked, and one woman told me that her previous one she was in a wheelchair had been attacked five different times, but not by the same dog. And apparently, it had not been hurt very much she said. But she did have training trouble after, with the dog afterwards. With the seven dog attacks that happened to my service animal in less than six years, the city -- it is surprising what they can get away with. They can even, with a valid court restraining order that I had against the woman, the city attorney's office, when I showed up to go to court, simply dismissed the case saying that she really didn't mean it. I sat flabbergasted after six dog attacks, that the county attorney could dismiss a valid restraining order. That's kind of like the Oregon health, heart transplant program, finding out why they don't have an Oregon heart transplant program, if you read Multnomah county board meeting records of september the 13<sup>th</sup> and read to my segment, I explain it very briefly. Anybody can watch and listen to it that isn't helen keller. And they can find out why there isn't any organ heart transplant program. The coverup that the city has done about my seven dog attacks, dismissing the restraining order, allowing seven dog attacks in less than six years, unbelievable. And happening to a blind person.

**Wheeler:** I'm going to have to ask you to please not disparage people with disabilities in your comments any further. Please.

**Injured and Pissed Off:** Disparage? That is not disparaging. That's fact.

**Wheeler:** Your time is almost expired. You have four seconds.

**Injured and Pissed Off:** Well, I'll give up my time.

**Wheeler:** Thanks. Next individual, please.

**Item 117**

**Wheeler:** Good morning.

**Karen Moore:** Good morning. I currently work as a direct support professional with the albertina kerr's Portland art and learning studio. We work with adults who have intellectual and developmental disabilities. Currently we've been ordered by the state and federal government to be out in our community more, which is great. I am all for that, and I think that we should be out in the community more and participating more. Our problem is that accessibility in the community is sometimes lacking. A few weeks ago I was out with a client who was in a motorized wheelchair who went off the sidewalk, and into burnside traffic, and I had to walk for several blocks before I could find a handicapped accessible ramp to get them back up onto the sidewalk, and when we got back up, some of the pavement was so destroyed and so warped that I had to put the chair into neutral and maneuver it myself. Some of the curbs, some of the ramps on the curbs are so steep that again, when we were coming back from our destination, my client again fell over into the street, and I had to right their chair again. And even this morning not 20 minutes ago, I was trying to assist one of my clients in the restroom, and we could not bring a commode with us that was in this building. I was also asked while assisting another client who happens to identify as a different gender than myself, when we were going to be finished in the bathroom. That was downstairs this morning. Unfortunately these are issues that we

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continue to run into in the community, which makes accessing our community difficult and it also puts an extra hardship on clients who already feel stigma against them who already feel as if they are being pointed out, or even mocked sometimes, when we are out and about. I wish that I could give you an easy answer and say that I have a great solution to this. It's really just making sure that buildings are truly ada accessible, that some of the issues that you and I don't think about, I didn't think about it until I started working this job five years ago, that we are putting those at the forefront of our minds when we construct buildings around town or when we see community members who maybe get around differently than us and maybe think differently than us. And I am really hoping that maybe this council can give me some suggestions for how to do my job better, and how to serve my clients better in the community.

**Fish:** Miss moore can I respond to one part of what you are saying? First of all, thank you for being here today. Thank you for raising the issue of accessibility generally, and we need to make sure that all of our public places are accessible, and which you identified in terms of the curb cuts and other things. We have a lot more work to do. Yesterday I had lunch with our current group of interns that the city is working with through a program called project search.

**Moore:** Ah, yes, I know about that.

**Fish:** Project search places individuals with intellectual and physical disabilities in employment. The city has made a commitment to be a model employer and to hire more employees with intellectual disabilities. We have started that process. We have hired a number of people who came through the internship program, and I am told that in Oregon there are two cities that are sort of in the forefront of this. It's salem, which is -- should be applauded and the city of Portland is trying to become a model employer. I have learned many things like you have testified to this morning about the barriers that still exist. We want to be a model employer that reflects the great diversity of the community. If you would like to know more about our current programs and how we might be able to partner with albertina kerr, please check in with my office, and I think you're absolutely right that this is an issue that we need to put more attention on. And I think it starts at the city with actually hiring people and giving them the same opportunities as able bodied people for example to do work and to have public service careers. So thank you for taking the time to join us today.

**Moore:** Thank you.

**Fritz:** And if I might add, again, commissioner eudaly would love to address this. She is in charge of the bureau of transaction. Last year we got to a settlement with a group who sued us about the curb cuts and we're also have approved the plan to improve burnside, in particular, so we are aware of the deficits and are working as quickly as we can. Dorothy Elmore, who is in charge of security, is sitting over here. If you could have a chat with her about your experience with the restroom because we want to be welcoming. Thank you.

**Moore:** Thank you.

**Wheeler:** Thank you. Appreciate it. Next individual, please.

### **Item 118**

**Wheeler:** Good morning.

**Michael O'Callaghan:** Good morning. Thank you very much. Michael o'callaghan, as you know, I have talked with you about eight, ten years now about the unhoused, and mayor wheeler, as you know we are in litigation, and you told the press that you would ignore the boise decision, which was paralleled with mine, which I consider that to be kind of fascist actually to ignore a court. Something to look into your division of law is a thing called chern. I don't know if you are familiar with that but look at my first case and see how much that has cost you, and look at my second case, and see if we can't find some kind of common ground here. Now, the solutions are pretty clear for the unhoused. Small villages,



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all over the city, 25 or smaller. You swept the village of hope. Remember them out by the airport? You swept them? They set up this really nice place, man. Nope. Cops came in and swept them out. Friday in the middle of a snow storm, you swept the people over at the madeleines, okay. I took photos of it, went to your office, and they said oh, we are not doing sweeps. I said you want to see the picture? No, we don't. How can you not see? How can you not see the people are dying on the streets, two a week, and you keep up these sweeps that have no authority of law? My goodness. Where is your compassion? I am going to lay this on all of you, okay because each one of you sit in your respective positions and not my job, not my job, not my job okay. He is not going to change. It's up to you to pass a law to stop these sweeps. They have no authority of law, and they are killing people. They killed my neighbor. The sweep, in 2016, died the next day on the bike trail, and you can't see this. Okay. And you cannot see the solutions. You do not see, do you understand? This is fascinating, and amanda, I want to thank you for carrying water for right to dream. You paid the political price for that, and I appreciate that. Okay. Others here have not done anything. Jo ann, you are new and I appreciate your new energy here, and it needs some, and maybe the females here can have a little more compassion and stop these sweeps and stop killing people. The best things to do is to create these villages just like right to dream, of which we need 200 of them in this city, the count, when I took my count there was an undercount of a factor of five. Okay? Whatever the homeless count was, two years ago, you multiply that times five. This is a sick process, and you wonder why people protest because they are not being heard.

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

**Fritz:** I appreciate your kudos. I just need you to know that yes I did work to move right to dream two for four years. It was mayor Wheeler and his staff, burke nelson and seraphie allen in particular who finally got it done.

**Wheeler:** Thank you. For the record because I don't want people in the public to be confused. During the winter weather emergency, contrary to what you just heard, there were no camp cleanups, no camps were moved. In fact, we opened all of the emergency shelters. We opened additional shelter beds, and we did a signature outreach effort to let everybody know, and I stated publicly that nobody would be turned away, nobody was turned away. And we asked the city employees to volunteer their time and their energy to help get people to the shelters. And we put a call out to the public. I, myself, volunteered on saturday night to help transport people to the shelters. So while there are strong statements made here and people have every right to make those strong statements, and I think it helps at least further their debate in the conversation, which I see is ultimately a positive, sometimes what we hear is not always completely factually correct. First time certain it up, please.

**Fish:** Let's do the consent agenda first.

**Wheeler:** I am sorry. Thank you, commissioner Fish. Which items have been pulled from the consent agenda, Karla?

**Moore-Love:** We have 122, 124, 125, 126, and 127.

**Wheeler:** Very good. Please call the roll on the remainder of the consent agenda.

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

**Wheeler:** Aye. The consent agenda is adopted. First time certain item number 119, please.

### **Item 119**

**Fish:** Thank you, mayor. As the council liaison to venture Portland, I am proud to welcome a number of guests this morning, including heather hoell, executive director of venture Portland, matthew micetic, president of venture portland's board and owner of red castle games in southeast foster, and I had a chance to visit with matthew the other day, and I usually buy a christmas puzzle at his store every year. This year, I bought a puzzle that we

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could not master. So we were, despite all the efforts of my family, this puzzle that had a picture of a scenic view of London --

**Fritz:** Can I have it?

**Fish:** I would be happy to. It's the hardest puzzle that I have ever encountered.

**Fritz:** I love puzzles especially hard puzzles.

**Fish:** We are also joined by Jody Francis, the catalytic investment initiative manager, and Josh Nishikawa, the vice president of the Gateway Area Business Association, and Liz Smith, Venture Portland delegate and board member of the St. John's Booster Business Association. Liz, it was great to join you and the boosters at the tree lighting ceremony, in that wonderful event that you helped to host. She is the owner of Busy Lizzie Social Media Marketing. Venture Portland serves, colleagues, our 15 neighborhood business districts which represent over 19,000 individual businesses and provide nearly 270,000 jobs throughout our neighborhoods. The average small business in our city employs three or fewer people, that's small. When we shop local, we are reminded that 70 cents of every dollar stays in our local Community. Venture Portland provides great opportunities to our community including grant programs, trainings and technical assistance to our many and diverse business districts. One of the most impactful programs in my opinion is the catalytic investment initiative, which this Council has funded, which is designed to bring increased capacity and resources to business districts in North, and in East Portland. Venture Portland continues to make a huge difference in traditionally underserved business districts. I look forward to continuing to support this program, as well as other programs in the future. And with that, I am pleased to turn the program over to Executive Director Heather Hoell. Heather, welcome.

**Heather Hoell:** Thank you.

**Matthew Micetic:** I guess I'm going to go first.

**Fish:** I'm going to turn it over to Matthew.

**Micetic:** Thank you. Thank you for that glowing introduction, Commissioner Fish. You stole a couple of my talking points, but I am sure that everyone will appreciate me talking a little less today. So thank you all for having us today. We are happy to be here. My name is Matthew Micetic, I own Red Castle Games on Southeast Foster, and we sell very challenging puzzles. I am also the president of Venture Portland, as well as the past president of the Foster Area Business Association, and I am involved in a few other community organizations, as well. I want to welcome you, Commissioner Hardesty, belatedly to the Council at this point, but it's nice to have the opportunity to meet you, and I hope that we can have a great relationship, and do a lot of good for the small businesses in our city. Red Castle Games, I will give a quick plug. We had a great year last year. We grew about 18%, and a lot of that was through programming that we have implemented on Foster through the association. We have what's called a Foster Tasting Tour that is a pub crawl on one part but also an opportunity for businesses to introduce their wares and services to new clients, as well, and we had a tremendous response of new customers. We also introduced Foster Winter Fest, a pay it forward style system where you would make a purchase at one business, get a ticket and it would incentivize you to go to further businesses. This was a huge component of our success during the holiday season, and I think it's very illustrative of the work that the catalytic investment initiative has done to help small businesses in the city grow. As you mentioned there is 19,200 small businesses spread throughout 50 districts, and that works out to just under 400 businesses a district. So having that support system is really critical to our success so that we can continue to do great local programming, as well as do a lot of the programming such as street fairs or the Jadon Night Market we have had involvement in the past and just help kick start these great community events we have come to love in Portland, and it's come to be part of our culture here and our amazing uniqueness as a city and our amazing uniqueness as individual business

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districts. We are committed to the success of each individual neighborhood, as well as the city as a whole. In foster, one of the ways we worked with this is being welcoming to the new shelter that's coming in on foster road in the heart of the district. Rather than do as so many do and kick up their heels and say no, we had a seat at the foster steering committee, and we had seats for other neighbors businesses, and we are determined to make this the most successful shelter in the city and become a model that can be emulated throughout the city. I do want to credit mayor wheeler's office for being very responsive and in particular, seraphie allen. I know I've mentioned her before but she's been a phenomenal asset in the process and been very responsive and up to now that the new year's here, continue to connect with her and continue to work on issues around the shelter. I think one of the great things, also, with the shelter is the development of a community investment fund. It is something where community members that are housed, unhoused, businesses in the area, we can create a plan to really proactively address what some perceived or other issues that may arise from the new people in our community. We put together a plan to have programming in public places, and try to get additional lighting among other amenities, and as well as create an environment where we can make sure that the housed, unhoused, and those in shelter have the opportunities to communicate, to get to know each other, because ultimately, the public safety comes from knowing your neighbors, no matter who they are. We want for make sure that we encourage that type of behavior and really welcome it into our community. But, I am really here to talk about venture Portland. At venture Portland we have had some great success this year. It's been our busiest year ever as it seems to be every year at this point. We continue to grow our programming, we continue to offer more trainings, more customer – not customer service, that's my industry -- technical assistance, as well as just having more and more volunteer hours, both on our board as well as in all the business associations that we serve. New programs like the, not so new at this point, catalytic investment initiative have gone a long way to start to address some of the historic discrepancies in city investment and business districts, and I thank you for that program. We are the only entity that's working at the small, low district level to make sure that we have these unique opportunities in all of our unique neighborhoods, and it's also I think really critical to acknowledge that what's right for foster is not right for hawthorne or not right for st. John's. It's been really amazing to have programming that's both tailored to our individual needs, yet having that cohort, that we can talk about issues that we have in our district, or ideas for better events or improvement, and having that networking capability has been phenomenal for, especially foster, and I hope other districts, as well. We are the support system for small business in the city of Portland and for business districts. Big business, they have got a support system, but we are the small business support system, and we support all of these small businesses. Venture Portland has had a 22-year partnership now with the city, and we have invested 1.6 million in business districts that have also come back as a 5 million match. So for every dollar that we invest, we are getting the private sector to invest an additional \$3 or so, and I think that, you know, it shows that business, particularly small business in Portland is a little different, that for most of us, it's not just about business. We're members of the community. What's good for neighbors, is good for business. What's good for everyone in this city is good for business, and so we want to grow that partnership and strengthen it with you, council, and we want to use our collective efforts to proactively address the issues facing our city. It's really, I think, been a humbling experience working with venture Portland in that, you know, seeing how much of an impact we can all have as individuals, but then when we collectively work together, the real problems that we can solve, and I think that you are going to see some great numbers in and hear great stories from my colleagues today. We have our newest employee, jody, with venture Portland,

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and I am sure that she is excited to talk, and now I am going to turn it over to heather to get into some of the nitty-gritty. Thank you very much.

**Hoell:** Thank you, Matthew. Good morning, mayor Wheeler and commissioners. It's great to be with you this morning. I am heather hoell, I am the executive director of venture Portland. As matthew said, 2018 was a big year for venture Portland and the neighborhood business districts we supported. The brief overview provides a snapshot of our work over the last 12 months. After eight years of sustained double digit growth, venture Portland once again expanded access to our capacity building programs, which are ably managed by jacob falkinburg and evelyn ferrara, who are sitting in the audience. We increased participation in our training and technical assistance program with almost 400 business district leaders attending one of 33 trainings that covered everything from the legal roles and responsibilities of nonprofit officers to creating a new kind of enhanced services district, to mapping assets in diverse and rapidly changing neighborhoods. And we addressed 593 districts' specific requests for individualized assistance from business districts citywide. This in-depth personalized support helps districts successfully navigate major leadership transitions, and manage significant business mix, built form and demographic changes. Over the last year, venture Portland provided 2,665 hours of training and technical assistance to business district leaders from emerging and established districts citywide. To put our exponential growth over the last years in context, in just the first six months of this fiscal year, we have already exceeded the total number of training and technical assistance hours that we provided in all of 2014 and 2015. We also significantly expanded access to our grants, awarding nearly \$120,000 to fund 33 projects and business districts, leveraging just under \$300,000, a 2.5 to 1 match making these some of the most efficient dollars the city spends. Part of our grant-making in 2018 included launching new funding streams to better meet the needs of neighborhood business districts at every stage of their life cycle. Hiring professional staffing is the single most catalytic thing and all volunteer business districts can do. Our new staffing kick starter grant helps six districts invest in professional staffing, four for the first time. Districts hired five organizers, generating roughly \$80,000 in new payroll, an 8 to 1 match. The staffing kick starter grant is a one-time grant to help districts make the leap from all volunteer operations to professional staffing. I am thrilled to report as we enter 2019, 100% of those grant recipients will retain these new jobs in 2019. We also partnered with travel Portland to create new destination investment grants that help the districts invest in significant physical improvements that benefit the customers and visitors. Portland's new tourism master plan identifies the neighborhood business districts as significant tourism assets. These grants directly contribute to Portland's international appeal. I want to give a specific shout out to the bureau of planning and sustainability and the bureau of transportation. Both bureaus stepped up to assist venture Portland and business districts during the application period for these grants by providing rapid response planning and permit assistance. Pbot sent staff to venture Portland to meet with business district leaders in person and answer specific permit and right-of-way questions. Finally, two-thirds of all of our grant funding this last year went to underserved business districts in east and north Portland. The overwhelming majority of Portland businesses are neighborhood-based which means neighborhood business districts truly power Portland's economy. All year, but especially during the holidays, venture Portland ensured cash registers rang citywide. In addition to helping launch or expand 17 district events between halloween and new year's, we promoted and I attended 30 different retail promotions over 21 days, including little boxes which incentivized 15,000 store visits and more than 6,000 purchases, a 13% increase over last year on black friday and small business saturday. And, Multnomah village's golden ticket program which incentivized shopping in neighborhood businesses and has generated \$6 million in holiday retail sales over the last six years. These free



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family-friendly celebrations featured santa claws, santa-paw's and Hanukkah harry, plus festive lights, holiday treats, and shopping discounts to help Portlanders stretch their holiday dollars. And with 70% of every dollar spent in a local business staying in Portland's economy, business districts made the city merry for everyone. In 2018, we deepened our relationship with the city, partnering with planning and sustainability, particularly tyler bump and his team, to design and implement a neighborhood business district demographic's database. This innovative tool available to the public, aggregates more than 40 data sources to provide neighborhood businesses and business districts critical economic and demographic information. We can all now easily find the number of businesses and jobs in a given neighborhood business district, business sectors that are growing or shrinking, average wages, and commercial lease rates, and housing starts. The database also has individual and household demographics including racial and ethnic backgrounds, age, and average household income in a district. Using this information, we are able to help neighborhood business districts better understand their community, serve their customers, and assess their membership and leadership to ensure that they are reflective of the districts that they serve. Understanding and using this database has been a key component of our three-part diversity equity and inclusion training series this year. It also underpins the catalytic investment initiative's diversity benchmarks and most recently helped central east side designate specific board categories for its enhanced services district. We continued to help business districts connect with city council and it's bureaus, supporting significant public infrastructure and investments and including the great new park in gateway, streetscapes, and other safety improvements. Venture Portland maintains it's age friendly business and sustainability at work designations, helped bes and pbot mitigate the impact on business districts of large construction projects, and supported the office of community and civic life's name change. Venture Portland continues to applaud the council's unanimous decision to ensure business and neighborhood associations now receive the same city notifications, regarding land use and construction. This corrected a long-standing systemic inequity and remains very positively received citywide. Speaking of notifications, while land use and zoning are frequently hot button issues, neighborhood business district leaders have repeatedly shown that when provided information about proposed changes in their communities, they will rise to the challenge and work with you to find solutions to overcome some of our biggest obstacles. In particular, I want to note that the collaborative and innovative examples recently set by central east side foster, kenton and lloyd. When given the opportunity to have a meaningful discussion with city leaders, about the need to provide shelter or services for our most vulnerable citizens, all four districts, not only supported placing shelters in their districts, but raised significant private funds to ensure their success. In partnership with elders in action we produced Portland's inaugural age friendly business awards, right here in the city hall. And our awards ceremony which recognized 11 neighborhood businesses, brought together 100 age friendly supporters and business owners. These awards presented to diverse businesses and organizations including shop adorn, the Multnomah county elections department, new seasons, Portland nursery and unitus community credit union, celebrated organizations that employ and serve people of all ages well. As the first and only u.s. city, and one of just nine cities across the world invited to be a founding member of the world health organization's global network of age friendly cities, Portland has long been an international age friendly leader. I am proud to report that across the country, interest in adopting our exciting model and successful strategies for engaging businesses, large and small, in age friendly activities is continuing to cement our status as a city. We are planning year two of the awards, and I look forward to your continued support of this unique program. Speaking of unique programs, venture Portland strongly supported my people's market in 2018 including providing significant promotion of the lloyd center pop-up. We also provided

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personal introductions connecting participating entrepreneurs of color with their local neighborhood business district. Last, but certainly not least, I want to recognize venture Portland's dedicated volunteers. Many of whom who are here with us today. Our board made up of one representative from each business district contributed a whopping 1,255 volunteer hours. These volunteer hours equaled to .61 fte or giving the additional 24-hour a week employee a year were on top of the hours they already spend running their business and volunteering in their business district. Our success would not be possible without this incredible commitment. Last year we transitioned our innovative east and north Portland pilot project into the ongoing catalytic initiative, by providing stable funding for this proven, city council's ongoing investment, including, excuse me, helped participating business districts generate significant success. I am happy to introduce to you venture Portland's new catalytic investment manager, jody francis.

**Jody Francis:** Thank you, heather, good morning mayor wheeler and commissioners. Nice to be here. As heather said my name is jody francis and I manage venture Portland's catalytic investment initiative. This catalytic effort addressing disparity and gentrification in eight targeted districts has three short-term goals to increase membership, volunteers, and revenue. I am thrilled to report that last year we once again radically exceeded all of our goals. After two years of increase, we once again added significant new members, currently almost one-third of all business district members in east and north Portland are new. We also significantly increased volunteerism across the districts, diversifying the business districts, all volunteer board leadership, and so it is more in line with the district demographics and bringing new voices and perspectives to the table. And finally, we help districts generate \$145,000 in new revenue to support the neighborhood businesses. And that's not all. We also made significant progress on our long-term goals to create a business support network that crosses district boundaries, creates stronger ties between the businesses and residents, and improve district identity and positive public perception of east and north Portland. We helped the districts launch more than two dozen events designed to connect residents with the businesses and make cash registers ring in economically lagging parts of Portland. Improved participation in east and north Portland with 62 positive media stories, and increased district capacity to help the city invest more than \$100 million in public infrastructure projects. So how have we done it? We hired professional staff behind me to my right, and dane fredericks, cody galloway, amy hampton, calvin hoff, jeff lynott and placed them directly in business districts. We provided seed funding to help the districts experiment with new programs to better serve their diverse businesses. We provided innovative and personalized assistance to districts including helping districts identify 49 geographic nodes or commercial clusters across eight districts and two city quadrants. Analyzing almost 10,000 diversity points including business type, size, location, and longevity, plus business owner gender, ethnicity and race to help districts set diversity benchmarks. Helping staff visit more than 3,000 businesses and using their feedback, adding 168 business benefits to better serve the business mix in these rapidly evolving districts, analyzing diversity and skill sets of 54 district volunteers and almost 1,000 data points including business type, size, location, longevity and individual gender, race, ethnicity, leadership experience, seniority in districts and onboard. But wait, there is more. After the devastating cancellation of this event, in 2017, 82nd avenue once again kicked off the rose festival by hosting its annual parade. And the district revitalized its website adding meet your neighbor profiles of the district's diverse businesses. In october we helped 82nd avenue expand their significant event around the world in 82 dishes. This ten-day restaurant hop incentivized Portlanders to sample international cuisine at two dozen businesses, generating more than 700 purchases and \$5,000 in new revenue. Reflecting the diversity of their district, 70% of the participating restaurants are owned by people of color. Initiative funding provided material



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translation and dedicated staffing to successfully address cultural and language barriers with the district's diverse businesses. Foster launched an innovative partnership with pbot last summer to proactively promote district business in advance of significant months-long construction for foster's long awaited streetscape. After expanding the annual tasting tour, featuring 43 participating businesses, they kicked off foster faves, a nine-week instagram campaign incentivizing customers to visit district businesses during construction. And in october, they hosted a new district-wide halloween event providing pbot's safe ride home program at all participating bars. This public-private partnership truly set the standard for proactive business support before and during the major infrastructure projects, and I strongly encourage pbot to work with venture Portland to continue in the future. Foster made sure the holidays were merry and bright by launching foster forward, a unique shopping incentive program that encouraged Portlanders to do their holiday shopping locally. And they produced a video explaining the program and capped it off with winter fest, a series of family-friendly holiday activities hosted by foster businesses followed by a first-time lighting of carts on foster with more than 20,000 twinkling lights. It is my pleasure to introduce jason nishikawa, vice president of the gateway area of the business association. Jason.

**Jason Nishikawa:** Thank you, jody. Good morning ted wheeler and commissioners.

**Wheeler:** Good morning.

**Nishikawa:** As jody said my name is jason nishikawa, and I am the vice president of the gateway business association. I am also a cpa and principal at urban and company's cpa's and I lead the brewery group. Last spring we were thrilled to join commissioner Fritz in opening the gateway discovery park in the heart of the business district. Our district, which has long suffered from systemic disinvestment is now filled with palpable new energy as our diverse community finally has a place to gather together. The park also provides a long needed venue for public events. In 2018 we partnered with the parks bureau to launch two new significant events that utilized and promoted the park and it's amenities. Our first event, cruising gateway, all wheels welcome, gave a nod to the historic cruising that occurred along the halsey wheeler corridor but focused on our future as a regional transportation hub with bike, electric cars, scooter and skateboard demos as well as information about our new park, gateway green. When the weather turned we hosted celebrating gateway, an international winter festival in the park. Highlighting our community as the communities of diverse cultures and unique winter traditions at a family friendly event that promoted positive programming after dark. Gateway is one of Portland's most diverse neighbor business districts. With more than three dozen languages spoken in David douglas schools, I am proud our board leadership accurately reflects our community's diversity. To showcase our diversity we used funding from venture Portland's catalytic investment initiative to hire a local photographer and invest in professional photos of gateway businesses and their owners. These high quality, unique photos tell the story of the district, featured on permanently on our new website and provide a critical, professional asset, which is out of reach for most of our businesses. Finally, last fall we convened with a new gateway leadership council bringing together leaders from three neighborhood associations, four community groups, and our business association to reset our relationship with prosper Portland and productively identify new opportunities and emerging assets related to the \$35 million in public investment coming to gateway in the next months. Our ability to play this important leadership role in our districts, strengthen our businesses, and serve our community as a direct result of our participation in the catalytic investment initiative. Thank you for your continued support in the investment in gateway and in east Portland.

**Fritz:** Isn't gateway the oldest business district? I think it may be.

**Nishikawa:** I believe so. It's the largest.

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**Hoell:** You've got two different districts at the table here who both claim to be the oldest. Probably a good thing they are separated.

**Fritz:** It's one of the oldest, yes, so it's really impressive that you are, your advocacy over many decades has resulted in this place, which the chair of your business association, when we did the opening of gateway discovery park said it was the first time 106th and halsey has been favorably compared with paris.

**Nishikawa:** Absolutely.

**Fritz:** And I think that was absolutely true.

**Fish:** We should also acknowledge that commissioner Fritz has a long standing relationship with the gateway area business association, and I am now old enough to remember that she was named gabba person of the year, and then she put that in her voter's pamphlet. And won convincingly so I think that there is a lesson there.

**Francis:** Thank you, jason. It's good to have you here with us. In 2018 kenton lodged a new district map featuring their iconic paul bunyan statute, and after winning restore oregon's coveted DeMuro award for paul's community funded, \$80,000 renovation, they launched deck the paul, a holiday celebration featuring district-wide lighting. Kenton expanded it's annual garage sale in participation with the kenton neighborhood association, and continued its long support of the kenton women's village by investing in new heaters for the residents. Finally 2019 will be an even bigger year for kenton as it happens to be the -- sorry. As we celebrate paul's 60th anniversary at their tenth annual street fair in may which happens to be the first street fair of the season, and we hope that you will join us as it promises to be a great party. In partnership with the water and parks bureaus, midway expanded its seconds annual midway thriving event at powell butte in june and continued to support the district's celebration of diversity at the midway festival of nations. They also continue to update their website, which features micro-sites for midway businesses and plays a critical role in reducing midways disproportionately large digital divide. And they hosted commissioner Fish, Fritz, and vega peterson at their ongoing monthly district lunch. When venture Portland created the initiative, we knew that for the catalytic investment of this magnitude to succeed long-term it would require a 3-5 year effort per district. The program's ultimate goal was to invest heavily in districts until the programmatic and financial capacity were self-sustaining. Once that happened they would graduate from the initiative, and we would bring on another district in need. Following the montavilla's successful program graduation, st. John's is the newest catalytic investment initiative participant. It is my pleasure to introduce liz smith, chair of the banner's committee and member of the st. John's boosters business association. Liz?

**Liz Smith:** Thank you, jody. I brought props, too. Can you hold my prop for me? Good morning, mayor wheeler and commissioners. As jody said I am liz smith, and I'm a member of the st. John's booster business association board formed in 1926. I also chair the st. John's banner committee, represent the boosters on venture Portland's board, and own busy lizzie social media marketing a small business consultancy. Like all of Portland st. John's is changing with hundreds of new apartments, residents, employees and commuters in our district we wanted to make sure our identity did not get lost in transition. Working with venture Portland we secured grant funding to hang 20 beautiful banners, last spring. Our unique banners were designed by a well-known st. John's artist, al-sharif, and referenced our district's unique assets including the river, parks, and historic bridge, and if you can see there is a little bicycle on here, too. We added that for the future greenway. We included our website on the banners, and after they went up, traffic to our website increased 30% and has continued to grow steadily over the last ten months. After the banner's launched we re-purposed the design to create more than 100 welcome baskets filled with coupons and logoed items from st. John's businesses. Baskets were distributed to new residents in three of the new apartment buildings. And I am thrilled to announce

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that we will hang another additional 20 banners in the district this spring. St. John's is extremely thankful for the opportunity to join venture Portland's catalytic investment initiative. With venture Portland's help, over the last seven months we significantly expanded two of our signature events, producing family friendly holiday festivities including safe trick-or-treating and portland's first tree lighting that attracted more than 3,000 attendees. I would like to give special thanks to commissioner Fish and his team and the staff at bds and pbob for their quick amendments to construction permits impacting our plaza. These critical changes allowed our tree lighting to occur and insured the st john's farmers market could continue its ongoing operations. Thank you for investing in st. John's and businesses through venture Portland.

**Francis:** Thank you, liz. As you may have noticed the williams district is undergoing massive change, with ten new high-rise buildings, more than 1,000 new apartments and 100,000 square feet of retail space, the district has been under construction for the last four solid years and will likely remain that way for the next two. To remind the people that williams is not just a difficult construction site, we used catalytic investment initiative funding to expand walk williams, a monthly event featuring late business hours, discounts, deals, and district-wide entertainment. Williams also launched a halloween event this year to provide safe trick-or-treating options for district kids and expand their map, which once again highlighted the historic black williams project markers. Last but not least, williams hosted their second annual williams gives campaign. Partnering with boise elliott school, ethos, friends of the children, sei and the vancouver avenue first baptist church to ensure the holiday was merry and bright for those in need. Their generosity was matched by fellow business districts, citywide. Local businesses donate to local charities at more than twice the rate of national chains. In fact, in 2018, Portland's nonprofit, neighborhood business associations donated more than \$100,000 to other local charities citywide while neighborhood businesses collectively contributed more than a million dollars to help keep Portland a wonderful place to live, work, and play for all.

**Hoell:** Thank you, jody. Our ongoing public private partnership truly drives Portland's economy. Last year Portland's neighborhood businesses contributed more than \$100 million in taxes to fund essential city services like first responders and parks, and now, it's once again your turn as we lead into valentine's day to show a little love to neighborhood businesses by continuing to investing in the businesses and business districts that make Portland, Portland. As you design the fy-19/20 budget, we ask you to continue the ongoing funding that enables us to support districts citywide and provide deep and targeted assistance to those in historically underserved east and north Portland. Your investment in venture Portland and the city's neighborhood businesses provide critical stability for the professional staff and district volunteers working to strengthen our economy and ensure our shared prosperity. It is a pleasure and a privilege to work with all of you and your bureaus, and together, we are growing business and connecting neighborhoods. Thank you for your support.

**Wheeler:** Thank you.

**Fish:** Mayor Wheeler?

**Wheeler:** Commissioner Fish.

**Fish:** That is venture Portland's annual report. Before a motion is made to accept the report and comments from council, I want to just acknowledge that we received a letter, each of us received a letter from pastor matt hennessey of vancouver avenue first baptist church, who wrote to offer his strong support for the work of venture Portland, and we know that he's not just the senior pastor at vancouver avenue first baptist church but he's also a chair of the board of ecumenical ministries so we thank the pastor for putting a lettered in. And I also want to acknowledge that, while heather didn't put this in her presentation, one thing that we've learned in the last couple of years is every time we have

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these big snowstorms, and as people know the last week, we've been busted by daily snowstorms that have been -- heralded by kgw and the city while maybe not quite the storms that we expected but still what we learned in past years is our messaging was a little off. We used to tell people during the storms, you know, stay home, be safe. Now what we encourage people to do is stay local. In other words, don't plan any big trips, don't get in your car and go, but it does not prevent you from walking to your neighborhood business, and frankly it's during the big snowstorms that our local businesses need our help the most. So for example, my daughter and I went out and ate at a local restaurant on saturday night. Apparently I was not the only person who went to my local grocery store. There was not much left when I got there. But, so we encourage people during increment weather to think about supporting a local business, because that's a tough time for them, and that could include going to a restaurant or buying something local or whatever, and I wanted to highlight that because our messaging was off a couple years ago, and thanks to venture Portland, I think we are now more unified in encouraging people to shop local while they are also dealing with these storms. With that, I would make a motion to accept the report.

**Fritz:** Second.

**Wheeler:** We have a motion from commissioner Fish and a second from commissioner hardesty. Any further discussion? Please call the roll.

**Fritz:** Thank you very, very much for the report and for all your work. Thank you commissioner Fish. I noticed how many of the photographs you prominently featured, so it's really impressive that your health challenges have not slowed you down and you continue to be such a champion for businesses, small businesses all over Portland, and if there is anybody visiting from outside of Portland, I bet they're really jealous as they're watching this, and all this with no sales tax, so thank you for the work that you do. It really is important and does make Portland, Portland. I am looking forward to getting and having a try at that puzzle from red castle. Aye.

**Fish:** I want to thank heather, matthew, jody, jason and liz for joining us today. I want to thank all of our 50 neighborhood business districts for stepping up and for being such a vital part of the local economy. All the data reminds us that we invest local. It helps our local economy. It is tempting, I think, in this new world to do our shopping online, and I will remind my -- the listeners that companies like amazon do not pay local taxes. They don't support little league. They don't give back to the local communities. Our local businesses do. And they do it consistently, and furthermore, I thought it was very powerful when matthew reminded us that during a very divisive debate about a shelter in foster, and frankly, these debates are inherent the divisive, just the nature of them, and there is usually a lot of push back and some anxiety initially, and then the tide turns. To have a local business district at the table talking about the importance of being welcoming to all is very powerful. We thank you for that leadership. I am proud of our catalytic investment initiative and the fact that the council has provided long-term funding. It is clearly paying off. We are grateful to all the small businesses, and frankly, we want to grow our small businesses and help them add payroll and additional employees. Heather, it's an excellent report as always. Once again, I am very proud to support your work. Aye.

**Hardesty:** Thank you. I greatly appreciate this

**Fritz:** You turned it off.

**Hardesty:** Oh, I turned it off?

**Fritz:** It keeps going on and off. Sorry. [inaudible] Sorry.

**Hardesty:** Thank you very much for your report. I would love to be able to review information in advance of the city council meetings so maybe next time I could get the report before you present. I vote Aye.



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**Wheeler:** Well, I enjoyed this presentation. Last year I enjoyed it even more. This year, I appreciate the fact that you keep data and you keep metrics, and you measure your outcomes in a way that the council can actually see and appreciate when budget time does roll around. I also want to acknowledge as my colleagues have the importance of small business in terms of creating shared economic prosperity for our community. It is a very high priority for me. It addresses a lot of the other issues that we spend a lot of time talking about here, as well. If we can connect people to employment, if we can connect people to wealth building opportunities, and if we can engage in trying to generate wealth for our community and for our neighborhoods. That is ultimately healthy for families and it is healthy for the community, and it goes without saying, as heather mentioned right up front, this is a small business town. It does not mean that we don't have large companies here. That does not mean that we don't like large companies here. It just means that given the structure of our local economy, we have to acknowledge and support small businesses. And this is one of the many ways that this council chooses to support small business enterprise in this community. So thank you for your excellent work. I look forward to next year being even better. I vote Aye, the report is accepted. Thank you all for being here today. Next item, Karla, let's go to time certain item 120.

#### **Item 120**

**Wheeler:** Commissioner Fritz.

**Fish:** Thank you, mayor. I'm very happy to bring forward this ordinance, and ever since i've been on the council for ten years now, I have held two half-hours every week for what we call constituent spots where anybody can come in and talk to me about anything. And sometimes my response is, well that's really interesting, thank you for telling me. And sometimes it's that's really interesting, and it would take my entire staff 20 years to get that done, but I appreciate knowing about this. Sometimes it's well, actually that's another council member's responsibility, so I will put you in touch with them and sometimes it's like wow, I am very interested in this. Let me see if I can do something about it. A couple of previous instances where when we did the conflict-free minerals resolution about using minerals in computers that are not procured in a horrendous way in africa and another one was the behavioral therapy for children experiencing autism which eventually became a state law as well as a local one. And there is another one that came to me as a constituent bringing it to my attention, and I have never thought about the challenge, and I thought well, this sounds really interesting, and please go talk to the human rights commissioner to see if they also share your concern, so that happened, and my staff worked with committee members and here we are today. We are asking council to support amendments to our civil rights code, presented in exhibit a. The more substantive change is the inclusion of non-religion such as atheism, agnosticism, or lack of belief in God or gods in the protected class of religion. While existing Oregon courts have recognized this, state law does not expressly prohibit discrimination based on non-religion. This leaves many of the community members vulnerable. This ordinance has been shepherded by my office and the city attorney's office in partnership with community advocates some of whom are joining us today. Cynthia castro, my policy advisor, and Kimberly mccullough, the policy director for the american civil liberties union of Oregon will explain more.

**Cynthia Castro, Office of Commissioner Fritz:** Thank you. Thank you, commissioner Fritz. Good morning mayor and commissioners. For the record, I am Cynthia castro, I'm a policy advisor for commissioner Fritz. Prejudice towards the non-religious, especially atheist has been chronicled in numerous independent studies conducted over the years. For example, a gallup poll administered during the 2012 election season found that only 54% of americans would vote for a well-qualified atheist president ranking them below other candidate categories like muslims and gays. In a separate survey, about half of American respondents considered atheists a threat to them. Another study reported

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American believes that atheists should be denied the opportunity to teach in public schools or right to hold a rally. Non-believers also face discrimination in the workplace when trying to volunteer and securing housing and other areas of life. In Oregon, no religious group comprises a greater share of residence than the religiously unaffiliated which includes atheists, agnostics, and nothing in particular. Portland was once ranked the most non-religious major city in the country followed by San Francisco and Seattle yet our city civil rights code and state law does not extend non-believers the same protections afforded to those, afforded to those who ascribed to different faiths. We appreciate the Cheryl approaching Commissioner Fritz and Kimberly last year to propose addressing this issue. Our office worked with the city attorney's office, Cheryl, Kimberly and the Human Rights Commission to draft the proposed code changes. We also consulted city equity managers in the office of equity and human rights. The most substantive change to the civil rights code appears on page 2 of the exhibit A. It reads, in addition to any other definition provided by law, the term religion used herein expressly includes non-religion such as atheism, agnosticism and non-belief in God or gods as has been recognized by the courts. Non-religion is included in the protections and statutes across the country that prohibit discrimination based on religion. If we were to create a separate protected class, it actually undermines the argument that non-religion is protected in all the statutes that don't list non-religion separately. Discrimination based on religion is just that. Discrimination is motivated by views that relate to religion and religious views, that include anti-religious views, views putting one religion above others or views putting religion above non-belief. It does not mean that non-religion is a type of religion. Providing protections for non-religion aligns with our city's intent to remove discriminatory barriers to equal participation in employment, housing, and public accommodations in the city of Portland. As we were reviewing the civil rights code the city attorney's offers found outdated Oregon revised statute citations. We are taking this opportunity to propose updating them. We are also interested in adding well established exceptions that allow a church or religious institution some latitude in hiring decisions. Ors 659.0064 permits a church or other religious institution to hire based on religious preference when certain conditions are met. Ors 6598.0301 permits an employer to make hiring decisions based on protected status when based on bona fide occupational qualifications. City equity managers and office of equity and human rights staff also suggested revisions to language in chapter 23 to be more inclusive such as using gender neutral pronouns. We recognize that other changes to chapter 23 may be desired. To be clear this project is not a comprehensive overhaul of the entire chapter. It addresses the issues that have been outlined. Now I am going to turn it over to Kimberly.

**Kimberly McCullough:** Thank you. Mayor Wheeler and members of the commission, I am Kimberly McCullough, I'm here on behalf of the ACLU of Oregon. I would like to start with thank yous, first to Cheryl Colby and the Freedom from Religion Foundation for bringing this idea to us, to Commissioner Fritz and her staff, and in particular Cynthia Castro for helping hearing us and helping us with many rounds of edits. This was actually a bit of a complicated project, and I am so glad we had the collaboration and also the city attorney I think provided a lot of great information. I also want to thank the Human Rights Commission for hearing us, for asking really great, great questions, and we had wonderful dialogue with them and appreciate their support. So to the ordinance, our organization has a long history of advocacy for religious freedom and separation of church and state. We believe that all people regardless of what they believe or what they don't believe deserve equal access to education, housing, employment and public accommodations. We also believe that all people regardless of what they believe or don't believe deserve to live in our communities with protections from discrimination. We have fought in the courts to ensure those protections, and we have also argued that our protections against discrimination based on



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religion do include protections for atheists, agnostics and non-believers, and fortunately, most courts agreed with us but we think that clarity in the law is crucial for the public to understand their rights and to understand that there are mechanisms for them to be able to advocate for themselves when they face discrimination, so we appreciate this ordinance so much and the way it provides that clarity to the people of Oregon. When we have had some discussions about this, the question has come up about does this kind of discrimination happen, and in fact, yes, it does, and I think that Cynthia Castro explained to you some of those, some examples of that. We also actually had a fairly prominent case here in the state of Oregon, that the ACLU of Oregon filed an amicus brief in, a friend of the court brief that went up to the Oregon state supreme court and in that case, what happened, there was an employer that owned a painting business, his employee was a painter, and as soon as the employee took the job, he faced what he felt was pretty intense religious discrimination based on the fact that he was non-religious. His employer was an evangelical Christian, and felt that he should be evangelizing to everyone including his employees, he repeatedly over and over and over again told his employee that he needed to go to his church. He even went so far as to call him at home during his off hours to try to get him to go to his church. He started telling him that he was going to go to hell, that he was a sinner and that he could not do his job properly unless he was Christian and went to his church. He even reached out to the person's loved ones and his fiancée to tell them the same things, and so this person, in the power dynamic they were in and as an employee felt really uncomfortable, and felt very harassed. They actually went to our bureau of labor and industries who decided to advocate for them. When this case went to the supreme court, the supreme court did say that our state level protections that protect against discrimination based on religion do extend those protections to an atheist in a circumstance like this. So, you know, that was basically what we argued in that case. And I think that it's just very important that people understand that, and that people of Portland do understand that, so that's why we really love this clarity in the law. Our national organization and our other affiliates have been engaged in litigation similar to this, many other places, and so there are other examples but I won't go through them today. So we really appreciate the opportunity to speak to you today and glad this ordinance is here, and we hope that you will pass it so thank you.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you, Mayor. Thank you, Commissioner Fritz. This is not something that I would have thought about that people would be discriminated against, but I appreciate the story, Kimberly. My condolences on your grandmother. I am glad that you are back and look forward to you this afternoon.

**McCullough:** Thank you.

**Hardesty:** Thanks.

**Castro:** I would like to invite Cheryl Colby, president of the Freedom from Religion Portland chapter as well as Dr. Crystallee Crain and Michelle Wilson from the Human Rights Commission. Thank you.

**Fritz:** Welcome. Thank you for being here.

**Wheeler:** Good morning.

**Cheryl Colby:** Good morning. I am Cheryl Colby, president of the, and founder of the Portland area chapter of Freedom from Religion Foundation, and I am a director on the international board, as well. FFRF is a nonprofit organization of non-believers that works to protect the constitutional principle of separation of state and church and to educate the public on matters of non-theism. It has more than 31,000 members, and in Oregon there are 1,000 members, including many who would live or work in Portland. I am like you in many respects. I value freedom and my family. I believe in compassion, public service, kindness, and consideration of all. I believe all communities should be welcoming to all

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people. I differ from many in that I simply lack a belief in a god or gods. What I don't believe in is that this one factor, being a non-believer, is justification for discrimination. The ordinance before you would protect all non-believers in the city of Portland. At present neither the city nor the state expressly prohibits discrimination based on non-belief, leaving it open to the courts to interpret whether we are protected or not. Even though existing courts, Oregon courts have thus far interpreted that non-belief is included, there are, in fact, courts across the country that have made the other decision. That have concluded we are not protected. In the real world opinions change, and judges are replaced. This should not be left to the interpretation of the courts. I wish to be very clear, this is not a question about which is right or better, religion or non-religion. It is about protection against discrimination. We are not asking for any special privileges or rights. We are merely asking for the same protection against discrimination in housing employment and accommodations that are afforded to those in religion. Now I only own a home, well the bank does, am retired and am fortunate to not need accommodations so why am I passionate about this? For me this change is about a validation that I am a human being of the same value to society as my fellow Portland community members. It says, my city values me, and affirms that it is unacceptable for others to discriminate against me and others like me. Validation matters to me. What does it mean to others? It means they would have the backing of the law, they will know their rights. Legally they cannot be rejected for a job, fired or treated any differently than other employees solely based on their non-belief. Their rental application or request for accommodations cannot be rejected simply because they are irreligious. As a non-believer I am not alone. According to the 2015 study Portland is the most religiously unaffiliated metro area in the nation. This will positively impact many people in Portland. This change is supported by freedom from religion foundation, humanist of greater portland, secular coalition for Oregon, center for inquiry for both Portland and southeast Portland, and protect our children. This action will show Portland as a leader, to the best of my knowledge. Portland would be the second city in the country to make this kind of change. In case you are wondering the first city is madison, wisconsin, the home of the ffrf, The national headquarters. This change says that Portland chooses to make certain non-believers receive the same protections as those in any form of religion. This is very affirming for those of us who are atheist, agnostic or any other form of non-belief. It is the right thing to do. I wish to express my deep appreciation to all who have been involved in this project. Kimberly, from the aclu for partnering with ffrf, amanda Fritz for taking this issue up, and being willing to, and your staff who have worked to help with this issue, and the excellent work done by the human rights commission. It was a team effort. I thank the city council for taking time today to talk about this issue.

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

**Michele Wilson, City of Portland:** Good morning. For the record I am michele wilson, and I am a human rights commissioner for the city of Portland, and I am joined by dr. Crystallee crain, who is also a human rights commissioner. Thank you for affording us this opportunity to join the discussion. We will share a bit of the highlights of the human rights commission's engagement with this issue and our recommendation to vote in favor of the non-belief ordinance. When cheryl first provided public comment at the human rights commission's February 8<sup>th</sup>, 2018 meeting, she shared that as of 2015 Portland is the most religiously unaffiliated metro area in the nation. Again, with 42% self-identifying as such. This was according to the public religion research institute. As the founder and president of, and on behalf of the Portland chapter of the freedom from religion foundation, cheryl asked the human rights commission to support the organization's request to city council to change Portland's definition of religion to explicitly include non-belief as a protected class. The human rights commission took notice. We at once realized that her request had immediate and important implications for Portland. We understood that this was about

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individuals, but also families, neighborhoods, and in many ways a fundamental part of the city's identity.

**Dr. Crystallee Crain:** And again for the record, I am Dr. Crystallee Crain. Thank you. Our processes weren't as straightforward. Yet as we all know disrupting oppressive forces requires deliberate, meaningful and often challenging efforts. We deliberately as a full body over a course of a few months in early 2018 and in conclusion with the calendar year took up this issue and did our own research. Through due diligence and reaching out to our statewide and even national networks, the commissioners were able to get the questions answered that we had. In particular Commissioner Perry reached out to a colleague in Maryland whose experience within local government and particularly the protected class codes and statutes, provided us with a valuable insight, especially when framing our approach to policy language. Internally most of the commissioners were immediately onboard with a few hesitated requesting more time to complete additional research and more information from the primary stakeholders like the Freedom from Religion Foundation. They initially believed the city's current definition of religion and religious affiliation may already imply non-belief but as I think we have heard today that may not always be the case. As a body reflected on the ways in which just about all of our social institutions are framed by one belief system or another and how these -- the increases, the vulnerability of people who have no religious affiliation to be excluded, shamed, and exploited. Our conversations were robust and included data driven reports and first accounts of prejudice and discrimination that people who identify as having non-religious belief experience in the workplace, socially, when accessing care, and their ability to secure housing, to access various public services and in generally participating in our culture that is entrenched with religious beliefs and affiliation. There have also been little to no representation in government for people with non-religious beliefs. The Pew Research Center's 2017 survey found Americans express more positive feelings towards various religious groups today than they did a few years ago. This does not continue to, you know, apply to folks in the Muslim belief or folks who identify as atheist so we felt as a commission that we wanted to engage in self-reflection, research and be able to come back and support the community in trying to find a resolution to this issue.

**Wilson:** Quickly, at least in government time, the human rights commission resolved to support the Freedom from Religion Foundation. With one abstention and no commissioners opposing on March 8, 2018, the motion passed to update the definition of religion to include atheism, agnosticism and non-belief in order to protect against discrimination. I, along with the former Commissioner Milone met with Commissioner Fritz to discuss the Freedom from Religion Foundation's request. And we informed her that the human rights commission did vote in favor of supporting the change to city code. Commissioner Fritz advised us that the next step would be to include her fellow council commissioners and Mayor Wheeler in the conversation. And we did. We are here today because the Freedom from Religion Foundation, especially Cheryl, called upon the human rights commission to stand up for what is right. Our official recommendation to council is to vote in favor of the non-belief ordinance effectively changing Portland city code chapter 23.1. The brief but nonetheless real buy-in issue that we faced within the commission illustrates that regardless of our expertise, and intentional commitment to protecting human rights, we, too, fall prey to value-based privilege. We simply don't know what we don't know. Our collective understanding required a bit of work and willingness to hear from community members in open and validating ways. I mentioned this to illustrate an important point, that we believe this outcome is a beautiful example of government working as it should, with and for communities we serve. Our collaboration with Cheryl and the Freedom from Religion Foundation, the American Civil Liberties Union of Oregon, especially Kimberly, and Portland city council members and their support staff, especially Commissioner Fritz and her policy

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advisor cynthia castro, various community stakeholders, city attorneys, and legal advisors, the office of equity and human rights, and even a representative from the state of maryland is illustrative of how impactful, diligent and respectful cooperation can and should be.

**Crain:** I would like to conclude by saying I feel like this problem is emblematic of the way that the human rights commission can be informative to the policies that the city puts forth, and our hope is that we are always aiming to be more inclusive, community driven, and wanting to focus our changes in the city to not be based on one group's oppression but how we can look at it from a perspective of collective liberation, so thank you for having us be a part of this process.

**Wilson:** Thank you.

**Fritz:** That concludes our presentation mayor. Thank you very much.

**Wheeler:** Very good. Thank you all for being here. Public testimony on this item, Karla?

**Karla Moore-Love:** Yes. We have four people signed up. The first three are Maggie, Robert Aughenbaugh maybe, sorry and david gray.

**Wheeler:** Very good.

**Fritz:** Go ahead Maggie.

**Maggie:** As a friend to the church of the triumphant agnostic, whose motto is we don't know and we don't care, I am very happy to have this resolution to acknowledge non-belief as a legitimate value system in Portland by the human rights commission. Having said that, I would like to say the human rights commission and the city attorneys are dragging their feet on realizing that homelessness, homeless people are a protected class.

**Wheeler:** Maggie, this is not about that. Again, and I ask you this every week and I ask you very nicely --

**Maggie:** It is on topic. It pains me that the human rights commission isn't recognizing homeless people as human beings before the law. It pains me --

**Fritz:** Do you support this ordinance or do you not support this ordinance?

**Maggie:** Uh, yes, I support it. And I would support, you know, homelessness as a protected class, as well. Yes.

**Fritz:** Thank you.

**Maggie:** All right.

**Wheeler:** Thank you.

**Robert Aughenbaugh:** Good morning. My name is robert aughenbaugh, I'm the president of protect our children. Do atheists and non-believers need protection from discrimination? Please consider this. One recent poll found that 50% of americans would not vote for a qualified atheist for president. A 2006 study found 48% of respondents would not want their child to marry an atheist. In both studies, percentages of disapproval of atheists were above those of muslims, african-americans, and lgbtq individuals. Many of the respondents associated atheism with immorality, including criminal behavior. The boy scouts, who finally allow gays, still don't allow atheists. A university of british columbia study found that believers distrust atheists as much as they distrust rapists. The study also found that atheists have lower employment prospects. Atheism and lack of regular church attendance have been used by courts to deny custody to non-religious parents. The constitution of seven u.s. States still bans atheists from holding public office. So discrimination against atheists and non-believers certainly exists. I think that in Portland, we all agree that people should not be discriminated against based on their religious beliefs. I think most of us agree that the people should not be discriminated against based on non-religion. I don't think that we want to leave this decision up to individual judges. I think we do want to make it clear to those involved in housing, employment, and public accommodation that discrimination against non-believers is unacceptable. The city code is not completely clear on this point, and that's why this simple change is needed. Thanks very much.

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



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**David Gray:** My name is david gray. I don't have a prepared written statement. This will be very brief. I came here mainly to support cheryl, who is a friend, and I am also a member of the ffrs and a member of the humanists of greater Portland. The local chapter of the american humanist association. I just want to say something about attitudes of most of us secular people. None of us, as far as I know, have a goal of vanishing religion or disparaging those who follow religions. Not going to happen. And I have come to realize, I do consider myself an atheist, but I have come to realize over the last five or six years that there is a very wide spectrum of people who follow a faith. I learned those lessons from my participation in an organization called the inter-faith council of greater Portland. Obviously, they are tolerant and accepting of different beliefs or they would not allow me to be in the inter-faith council. It's a very good group of people. We have a mormon lady, a muslim lady, people who go to various christian churches. I have learned that religious people can be very, very good, compassionate, kind, generous people. Yes, are there intolerant atheists? I have to admit, yes, there are intolerant atheists who do tend to disparage people of faith because how can they believe that stuff. But, I think that's a very small minority of us secular people, and religion is here to stay. So is secular thinking based on principal, based on rationale thinking and science. That's all that I had to say. Thank you.

**Maggie:** I didn't use up my time so I would like to say --

**Wheeler:** Your time is up, Maggie. Next three people please.

**Moore-Love:** The next, last person who signed up is dustin hokland.

**Wheeler:** Come on down. We'll wait for you. He's upstairs in the balcony. So Karla, while we have a break here, I noticed you have a new person working with you. Why don't you introduce her.

**Moore-Love:** Yes, mayor and council, this is Keelan McClymont. She is the new assistant council clerk.

**Fritz:** Welcome.

**Wheeler:** Great to have you here. Thank you.

**Fish:** You are learning from the best.

**Moore-Love:** We'll see.

**Fritz:** Mayor, this is a nonemergency ordinance, I would like to make a brief statement at the end.

**Wheeler:** Yeah. Go ahead.

**Fritz:** Thank you.

**Wheeler:** There he is. Thank you for being here.

**Dustin Hokland:** My name is dustin hokland, thank you mr mayor, commissioners. I don't have a whole lot to add that the very intelligent ladies before me were very well prepared. I just want to go on record to say that I support the non-belief ordinance, just make sure that I get it on the public record to say it out loud. Atheism and non-belief is just merely the not, not the belief in a deity, just as simple as that for most people. I did want to note that there is another group, fire brand atheists, anti-theists, and atheist activists that are a little more outspoken than maybe a traditional, basic non-believer. I probably fall in that category. I do worry about participating in rallies or speaking my thoughts publicly for fear of losing my job or affecting my employment. With that said, I would just want to say that I really would like to see this ordinance passed so that I can exercise my rights to freedom of speech, participate in rallies and things along those lines. Thank you all very much. I really do appreciate your time and I hope we get this done.

**Wheeler:** Thank you. Thank you for being here. Commissioner Fritz?

**Fritz:** Thank you. So we asked for the vote to be delayed until february 27th. I am going to be out of town next week, and we appreciate mayor wheeler being willing to do that even though he won't be here on the 27th. So I just -- did any of my colleagues want to make comments while our guests are here?

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**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you. I just want to appreciate your leadership, commissioner Fritz, in bringing this ordinance forward, and I don't see any problem with supporting it at all. We want to be a place of choice for employment at the city of Portland, and we want to make sure that people know that whatsoever their belief system, they will not face discrimination. I don't see any problem with that.

**Fish:** I'll just add that I look forward to supporting this ordinance when it comes back. I also want to acknowledge that we had two members of the human rights commission today that came and testified and shared with us the process that they went through to engage this issue and their deliberations, and I hope that this becomes the norm and not the exception that we hear directly from commissioners on these issues. I think it adds a lot at our debate and discussion. It has not always been the case. Those were superb presentations, and if we are going to have a commission that's charged with providing us guidance we should hear from them from time to time on these important issues. I appreciate the two commissioners took the time to share their perspective with us.

**Wheeler:** Yeah, and I would like to share that sentiment, as well, and Kimberly, since you are here, and we are in agreement on this issue I want to acknowledge that because I might not agree with you later this afternoon on a completely separate issue. [laughter] But as I dug into this, I have come to the definite conclusion that the -- this particular ordinance does not change any law or rights insofar as anything different than that is already acknowledged by the Courts here in the state of Oregon and has been acknowledged by the courts in the state of Oregon. That I am persuaded that our ordinances are not clear on the point. To the degree that we support a particular right to the degree that we support a particular law, I think it is incumbent upon us to be crystal clear about those rights when it comes to our ordinances. So I view this as a long needed technical cleanup of our ordinance, and were I to be here on february 27 I would support it for that reason. Commissioner Fritz?

**Fritz:** Thank you colleagues. This does my activist heart good. And this is as was said government responding to community members and partnering with community members, so thank you, Cheryl Colby, for bringing this to my attention and to the human rights commission attention. Something that you said struck me in particular. This is not about who is right. It is about being welcoming. It's about being inclusive, it's about nobody worrying about discrimination so whatever anybody's beliefs, it's not about who is right. It's about being welcoming. And thank you, Kimberly McCullough, from the ACLU for being a wonderful resource for us as usual, and thank you commissioner Dr. Crain and commissioner Wilson for testifying, the entire human rights commission, including and also the office of equity and human rights liaison, Tatiana Elejalde, Dr. Markisha Smith, is here on her second day as being in charge of the office of equity and human rights, welcome, along with Dr. Koffi Dessou, who has been ably filling that role for the last year. Thanks to the city attorney's office, particularly Judy Prosper, Molly Gardner, Lori Kraut and Tracy Reeve. And I do also want to acknowledge my former staff Goldann Salazar who worked with Claire Adamsick in my office and now Cynthia Castro for carrying the baton over the finishing line. I also want to acknowledge Philip Wolfe, who is here with us, and particularly mention that there are other things in chapter 23 that need to be addressed, in particular the captioning ordinance, which Mr. Wolfe, as a commissioner on disability, was instrumental in bringing to the council's attention a few years ago and has made us aware of changes needing there so we are not done on chapter 23 but this is certainly a very positive step forward, and thank you very much, everybody, for your work on it.

**Wheeler:** Very good. This is a first reading of the non-emergency ordinance. It moves to second reading on february 27, 2019. [gavel pounded] That takes us to the regular agenda. Second reading, Item 129.



**Item 129**

**Wheeler:** Colleagues, this is a second reading of an ordinance. We have already heard a presentation and public testimony. Is there any further discussion? Seeing none, please call the roll.

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

**Wheeler:** Portland's Participation in the levee ready columbia program puts us in partnership with other local state and federal government agencies as well as businesses, environmental and community organizations who are working to gather and are committed to reducing the flood risks along the columbia river and planning for a safe and equitable future along the river. Our collective goal with our partners to remind you is to reduce the risk of flooding so we protect tens of thousands of jobs and residents, thousands of acres of farmland, and hundreds of acres of parks and natural areas. The intergovernmental agreement supports this important partnership to maintain, reinforce, and improve the columbia river levee for the benefit of the communities today and tomorrow and I vote Aye. The ordinance is adopted. Next item, Item 130.

**Item 130**

**Wheeler:** Commissioner Fish.

**Fish:** Mayor and colleagues, the columbia boulevard wastewater treatment plan, as you know is investing in the infrastructure necessary to safely handle methane gas. With our poop to power initiative the city will dramatically reduce our dependence on the flaring of excess gas which will reduce our greenhouse gas emissions dramatically. The existing infrastructure necessary for flaring is outdated and must be upgraded. It is so outdated, in fact, that the flare must be manually lit by a bes employee which raises significant safety concerns. Bes engineer aaron lawler is here to explain more. Take it away.

**Jim Brown, Bureau of Environmental Services:** Thank you, commissioner Fish, mayor wheeler. Commissioners. I am jim brown.

**Fish:** Jim, take it away. [laughter]

**Brown:** Supervisor with bes. And [laughter] we had a little last-minute change with paul suto being called away. I am here to -- with aaron lawler, who is the project manager for the bureau of environmental services for the columbia boulevard wastewater treatment plant gas partner replacement project. I will turn it over to aaron for a short presentation on the request today.

**Aaron Lawler, Bureau of Environmental Services:** Good morning. Thank you for your time today. I am aaron lawler, bes engineer, here today to talk about the waste gas burner project. What we have here is an overview of the columbia boulevard wastewater treatment plant, which is a cso plant, combined sewer overflow plant with a peak capacity of 450 million gallons a day of combined sewer and stormwater. Currently columbia boulevard uses an anaerobic digestion process to digest primary waste activated sludge producing biosolids and biogas. The plant produces approximately 1.5 million cubic feet of, per day of biogas. When possible as commissioner Fish mentioned the biogas is beneficially used, poop to power, including fuel for boilers to provide processes in building heat, co-generation to produce and sold to neighboring industrial companies. A separate project is also underway to further increase the beneficial use by converting it to renewable compressed natural gas for vehicle fuel use and injection into a pipeline. Just for clarification purposes waste gas burners are also commonly referred to as flares so you will probably hear me go back and forth between waste gas burners and flares. The initial presentation for this project was delivered on may 24, 2017 to the council. It was to introduce the project to council and request a pte service agreement, that's a professional technical excellent contract with brown and caldwell. That was approved, and during the predesign phase we have identified some additional scope and fee requirements to complete this project, so we are here today to ask for an amendment to the original pte

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contract to be able to meet our project objectives. Sorry I got a little bit lost there. I am sorry, where am I? There we go. The waste gas burners are over 36 years old as commissioner Fish mentioned. They are significantly deteriorating showing severe wear and corrosion and creating structural and seismic issues as well as safety issues for wastewater plant staff. So this project is intended to replace those flares and install new flares located at a new location and upgrade them to increase safety capacity, reliability and meet all applicable codes and requirements. The installation of the new waste gas burners will meet manufacture installation and necessary code requirements. The new flares installed will have the capacity to flare all of the biogas produced at Columbia Boulevard, assuming all beneficial uses for biogas are offline which is, of course, the worst case scenario. In the future we hope that these will be used very rarely only when our systems are down for maintenance and repairs. Although, this is a code requirement to have the capacity to flare all produced biogas at Columbia Boulevard so we will be meeting our permit and code requirements through this project. The flares at Columbia Boulevard provide destruction of methane gas prior to discharge to the atmosphere. This is reducing the greenhouse gas emissions. Flares are only used in biogases produced at Columbia Boulevard and not beneficially used as I mentioned, this is a permit requirement to have this capacity on the site. This photo here shows the location of the new flares. We are looking at three flares, located near digester nine and ten which puts it much closer to where we actually produce the gas. So the current budget and estimated total project cost is \$3.5 million almost. This is the entire project cost. This includes design, the consultant portion, the in-house portion, as well as the construction of the final installation. The current construction contract estimate is \$1.7 million, and the proposed schedule is shown on this slide here. We hope to have construction completed at the end of 2020.

**Fritz:** Commissioner Hardesty has a question.

**Hardesty:** Excuse me, Aaron. Could you go back to the slide? Yes, so the -- you are confidence in this estimate is low?

**Lawler:** Correct.

**Hardesty:** So \$1.7 million is a high number. So what does that mean when you say your confidence is low that that would be the estimated cost?

**Lawler:** Yes. So low cost estimate is tied directly to different classifications of cost estimating during the project management and engineering, so during the predesign phase, we have a lower cost estimate as there is more unknowns associated with the project. As we move through the phases of design, predesign, design, advertisement and finally get the construction bid, we adjust the cost estimate on a regular basis and update the confidence level. So this current one is a plus 50 minus 30% range, so in terms of the overall cost estimate.

**Hardesty:** I didn't understand the last thing you just said. But let me ask you this once you have more confidence are you going to be coming back to the city council and presenting that information to us?

**Lawler:** Yes. In a later slide I will touch on that, but yes, we plan to come to council before issuing a contract to the construction, for the construction of the project.

**Fish:** Let me also add to our newest colleague that the estimating of confidence level is heavily prescribed in our contracting processes, and when we are doing initial scoping, it is typically in these large projects you will see low confidence and that's because you don't know what you don't know, and there are going to be roadblocks that emerge and we are going to discover something in the soil or there's going to be something in the code or whatever, so bureaus are encouraged to be conservative in their estimating, what you would not want is them to come in and say a high confidence level when they don't know what they are facing. This way when there is an adjustment in price or an adjustment in scope it is not a shock to the system and we are being transparent. But you will see the lo

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go to medium and then go to high over the course of various items that come back to council, including when we do actual work and additional contracting in the future but it is not unusual at this stage to have a low confidence, and again, it is -- you will see this in water bureau projects, in bes projects, in large scale parks projects at the earliest stage when basically you don't know what you don't know.

**Lawler:** And just to kind of add some clarity, the reason we are here today again in front of council is because we ran into some things we did not know when we initially scoped the project so as the scope and budget has increased there is a threshold that requires us to come back to council and ask permission for the amendment.

**Hardesty:** Thank you. I was just a little nervous when you are asking for more money and you have low confidence in where you are headed.

**Lawler:** Understood. So the current bes five-year capital program has the budget for the completion of this project, including this updated overall project cost, and as I mentioned this is -- this process is based off of a predesign tech memo with the class 4 estimate which is the plus 50% minus 30% range in the overall project cost estimate. So this is a breakdown of the overall cost estimate, so the estimated project cost is everything to completion. The pte support contract, that is what we are here in front of council today for, an amendment to the original council, or to the original contract, so it brings the total pte support contract to \$632,874 by the end of the project. The project was initially advertised on a quality based selection, four proposals were received, and brown and caldwell were select based on their qualifications and in accordance with the city code 5.68. The initial negotiated fee was \$293,939 for the original contract, and of that, the dmwesb subcontract's participation was at 31.3% above the aspirational 20% goal set by the city which equates to \$92,002 of dmwesb. The amendment is associated with relocating the flares instead of replacing them in their location. It also has additional gas modeling to support the poop to Power projects that we are creating, and we then we identified some additional complexities in design. Amendment one scope and fee was developed with brown and caldwell and the total amendment is \$338,935, that's the minimum we are requesting. Of that there are optional tasks that's again to help cover some of the unknowns that were not quite sure there so those require written approval by the owner's representative before they can use those funds. We made sure to include dmwesb participation at the same level as the original contract, so after the amendment we still have 31.28 percent participation of dmwesb. This brings the updated contract not to exceed amount to \$632,874. This is just an overall summary letting you know that the request today is about 10% of the overall project cost. The overall project budget is listed there, as well, to demonstrate that. So that concludes my presentation, and I would -- I am requesting the authorization of the execution of a pte amendment with brown and caldwell with a contract not to exceed limit of \$338,935.

**Fish:** At concludes our presentation mayor.

**Wheeler:** Very good. Any further discussion while we have this panel? Public testimony, Karla?

**Moore-Love:** Yes, we have one person signed up. Maggie?

**Wheeler:** Thank you gentleman.

**Fish:** I think maggie is waiving. [inaudible] second reading.

**Wheeler:** Okay, very good. This is a first reading of a nonemergency ordinance. It moves to second reading. Next item.

### **Item 131**

**Fish:** Mayor and colleagues this matter is incorrectly labeled. This is actually a bureau of environmental services item, and with your consent I would like this pulled back to my office.

**Wheeler:** No objection. Next item.

**Item 132**

**Wheeler:** Colleagues, commissioner eudaly, of course, could not be here this morning. I've been asked to move this to february 20. It was noted publicly on the tuesday memo. Next item.

**Item 133**

**Wheeler:** Same story, different ordinance. We are also requested to move this to february 20. That was also noted on the tuesday memo. Which gets us to the consent agenda.

**Item 122**

**Wheeler:** Colleagues this ordinance is the result of resolution 37405, which the city council previously --

**Fish:** Mayor?

**Wheeler: Commissioner Fish.**

**Fish:** I'm sorry. My guess is that this item is going to take some time. There is some public interest in this, and I think that we are going to be setting aside time. We have, if I could, just seek the indulgence of my colleagues. We have another item that was pulled, 127, for which we tied up all morning. The city's forester and I just wonder if we could take 127 out of sequence, adopt the substitute and that's all, that's all the work that we have to do.

**Wheeler:** Without objection.

**Fritz:** Actually, this staff has been waiting all morning.

**Fish:** My matter will take ten seconds.

**Wheeler:** Let's take care of 127 and then we can at least excuse them. She's going to be sticking around for a while. Read 127, please.

**Item 127**

**Wheeler:** Commissioner Fish.

**Fish:** I handed out the ordinance with the revision. This gives us a little extra time to work out the details. This is a very straightforward matter. It has broad support and I am seeking to offer this as a substitute.

**Moore-Love:** Is that an amendment? I only have it as an amendment and I don't have what it is.

**Fish:** I'm sorry. You don't have the paperwork?

**Moore-Love:** No.

**Fish:** It just changes the time line for working out a classification issue.

**Moore-Love: No.** This is just an amendment. It's not a substitute. It's an amendment.

**Fish:** It's just an amendment. It's an amendment, it's non-controversial. I move the amendment.

**Hardesty:** Second.

**Wheeler:** We have a motion and second, any further discussion?

**Fritz:** Yeah, a clarifying question, does that mean then in the directions that the money, that, or the directions are implemented or not? They're going to be coming back with a different set of numbers in november?

**Nicolle Wynia-Eide, Bureau of Human Resources:** Commissioner, I am nicolle wynia-eide, from the bureau of human resources, and all the amendment does is change the effective date of the classifications, of the new classification and the compensation change.

**Fritz:** And why is that?

**Wynia-Eide:** To give us more time to implement the changes.

**Fritz:** What change, what implementation is necessary?

**Jenn Cairo, City Forester:** I can speak to that, commissioner. Jenn Cairo, city forester. The types of changes we are making are things like updating standard operating procedures, trainings. Manuals that we have to update in order to switch roles for some staff.

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**Hardesty:** So I have a question -

**Fritz:** I'm just, it's a long time until november.

**Wynia-Eide:** It will probably take place before then but it will take place no later than november.

**Wheeler:** Commissioner hardesty?

**Hardesty:** Thank you, mayor. So will the employees that are impacted by this receive -- will their pay be impacted over the six months it's going to take us to do the other stuff that you are going to do?

**Wynia-Eide:** My understanding is their new duties will not be given to them until it is impact -- until it is effective at which case their pay will also be changed.

**Fritz:** So then effective date in the directions needs to be changed as well because it says effective february 13th.

**Hardesty:** Do you see where that is?

**Wynia-Eide:** Yes.

**Linly Rees, Chief Deputy City Attorney:** So as legal counsel I just want to note it occurs is all three of the directives so I would like clarification as to whether all three directives need the new date, as well.

**Fish:** I think there's -- okay so maybe I misspoke. And I, this was on consent and we did not hear from any council office of any concerns. The transition of switching out one group of employees for another is going to take a little longer for us to effect. The other terms and conditions [inaudible] been agreed to. The transition is going to take longer. And that's why we are seeking the additional flexibility to work out those details. This has been discussed with our labor partners and this reflects the realities of doing a big lift in terms of having one group of employees take over the work of another group of employees, and we want to get it right.

**Fritz:** So maybe a friendly amendment commissioner that in each of the three directives a, b, and c change february 13, effective february 13, 2011 to no later than november 1, 2019.

**Fish:** I think we can, yes we will accept that as a friendly amendment. Thank you.

**Wheeler:** Very good. Any further discussion on the amendment? Call the roll on the amendment, please.

**Fritz:** Aye. **Fish:** Aye. **Hardesty:** Aye. **Wheeler:** Aye. The amendment is adopted.

**Fish:** This goes to a second reading.

**Wheeler:** Is there any - that's correct. Is there any testimony, though, on this item?

**Moore-Love:** It's a pulled item, I don't have any sign-up sheet --

**Wheeler:** Anyone want to testify on this?

**Moore-Love:** I am sorry. Yeah. This one I don't.

**Wheeler:** Seeing none. this is a first reading of a non-emergency ordinance. It moves to second reading as amended thank you.

### **Item 122**

**Wheeler:** Back to item 122 which is still an open item. This ordinance is the result of a resolution 37405, which the city council previously adopted on december 19, 2018, which outlined a partnership agreement between at&t and Portland to provide common interest in accelerating broadband deployment in Portland. The city council resolution authorized and directed the office for community technology to negotiate a franchise agreement and execute a temporary revocable permit based on the franchise within 60 days of resolution 37405 being adopted. That deadline is february 17, 2019. At&t and staff have been working hard to meet the deadlines outlined in the december resolution, and this ordinance accomplishes the first target. Jennifer li from the office of community technology is here to answer any further questions. Thank you for your patience.



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**Jennifer Li, Office for Community Technology:** Thank you. Thank you, mayor and commissioners. I am Jennifer Li, and I am from the office for community technology. I am the program manager there responsible for negotiating and administering franchise agreements on behalf of the city. As the mayor noted resolution 37405 outlined a series of milestones for the partnership agreement with AT&T. I would like to briefly go over those milestones right now. First city council directed OCT to negotiate and execute a temporary revocable permit with AT&T for small wireless facilities in the right-of-way within 60 days of the adopted resolution. 60 days as you noted from December 19 is the Sunday February 17. As outlined in the partnership agreement AT&T has agreed to pay a higher rate than what the FCC has deemed presumptively reasonable, and those terms are also in the TRP. Second city council directed OCT to negotiate and execute the franchise agreement based on the temporary revocable permit by June 30, 2019. Third, city council directed PBOT, Portland Bureau of Transportation to negotiate and execute a master lease agreement by February 17. Fourth, AT&T will prepay five years of franchise fees for small cells to the general fund and other permitting fees in two installments. The first will be \$625,000 and is anticipated to be April 14, 2019. The second prepayment will be September 30, 2019. Fifth AT&T will be donating \$200,000 towards a local nonprofit who does work on digital equity issues, and this prepayment -- excuse me, this donation to the nonprofit is anticipated by the end of 2019 if not sooner, and so in less than 60 days the city and AT&T has negotiated a franchise agreement for a ten-year term which will supersede and replace AT&T's current grant of authority. AT&T has had a franchise agreement with the city since 2004, and the new franchise that the city has negotiated with AT&T is intended to replace the previous agreement last negotiated in 2012. However, because of the time required to complete the formal franchising process required by the city charter and the time lines created by resolution 37405 we ask the city council to grant AT&T a temporary revocable permit which is under substantially similar terms to the new franchise agreement. The ordinances before you would grant a temporary revocable permit to allow AT&T access to the right-of-way for wireless communication services. This temporary revocable permit will be for a limited duration of up to one year. The temporary revocable permit will allow AT&T to proceed while the city works through the formal franchising process required by the city charter which includes public notice. The new franchise agreement will then come before city council for consideration once the formal franchising process has been completed, a process which we usually estimate can take up to four to six months. Staff anticipates the first reading on the franchise will be in April or May 2019. I am happy to answer any questions you might have.

**Wheeler:** Commissioner Fritz, first, please.

**Fritz:** Are we allowed to not have 5G?

**Li:** We are not. The FCC has issued a number of orders recently, most recently in, I think, August of 2018 and then there was a second in September of 2018. The August 2018 order basically prohibited local governments from issuing a moratorium or effective moratorium on wireless installments so basically we can't say no.

**Fritz:** And we, we appealed that, or we testified against that, didn't we?

**Li:** We did. The city council had an emergency session in October to authorize the city attorney's office to file a lawsuit or join in a lawsuit you know, protesting the overreach of the FCC, and that litigation is currently underway. It's been transferred to the Ninth Circuit very recently, and it's been combined with a number of other cases involving the small cell order which was issued by the FCC in September 2018 so those are proceeding in the Ninth Circuit court right now.

**Fritz:** And this council is not allowed to consider potential health impacts, is that still the case?



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**Li:** Yes, that's still the case. Local governments are preempted from taking into consideration in wireless citing decisions, potential effects, environmental effects or health effects of rf emissions.

**Fritz:** I think it was in 2009 that we had a resolution from the council?

**Li:** There was a resolution in 2009, excuse me, there was a resolution in 2009. We also, the city council also adopted a resolution in 2012 saying the same thing urging the fcc to update its health studies on rf emissions. There is currently also an open docket at the fcc that we've also urged the fcc to act on and they have not.

**Fritz:** Because they haven't even done the studies on 5g have they?

**Li:** I don't believe that the fcc does the studies themselves. I think they have scientists that take a look at what the studies are out there but I am not certain on that.

**Fritz:** Thank you.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you, and thank you commissioner Fritz. You asked a lot of the questions that I had. So when do you anticipate the court case being heard?

**Li:** I don't know. I think the transfer to the ninth circuit court was closed down by the government shutdown and I am not sure what is going to be happening next.

**Linly Rees, Chief Deputy City Attorney:** Commissioner Hardesty, I'm not the attorney on that. We can find an answer and get back to you on that. I would not say it's imminent.

**Li:** I know the parties, although the local governments asked the courts for a stay and that was denied and we also asked -- I think we asked the fcc to stay their order, too, but it was effective january 14th, I think, of this year. In january of this last year.

**Hardesty:** Does that mean that all local governments are being forced into a partnership with at&t under another name? Is that an accurate statement?

**Li:** I will not say that. I think in Portland we have chosen to negotiate with at&t and find common interests in their deployment of their wireless technology and what the city, the city's priorities are, so as digital equity, closing the digital divide, insuring that we have fair compensation for use of the right-of-way. Other cities may be taking different tacts but partnership agreements are things other cities such as boston, san jose, lincoln, nebraska have all taken.

**Hardesty:** Has your office -- this is intriguing. I just heard about this when it showed up on the agenda so I appreciate my colleagues giving me an opportunity to learn more about this. Is there -- did you in your negotiations actually talk about the measly amount of community money, \$200,000, for, to address the digital divide when we are talking a multi-billion dollar organization? That just -- that's a drop in the bucket, and that won't really help address the digital divide at all.

**Li:** Those terms were discussed before our office started negotiations with at&t on the franchise itself. So the december resolution had outlined the terms including the \$200,000 so I personally was not a party to those negotiations.

**Hardesty:** So someone else negotiated that deal? Before you were assigned.

**Li:** I was, part of the direction from city council, you know, we decided these things, do these the first of which is the trp so that's my role in this.

**Hardesty:** Just to put on the record, does this have anything to do with creating an opportunity for the community to have internet, to have a community owned internet service for the community like either government owned or you know, set up like Multnomah county is investigating? Do we have an opportunity to do that through this process?

**Wheeler:** Could I just comment on that? Multnomah county has a partner in that research and that is us. We allocated \$25,000 to that research report, and it's my understanding that we are looking at what, a year, year and a half long process.

**Li:** Probably.

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**Hardesty:** So does that mean at any time we would be able to get out of this deal and do a better deal that would actually be better for the community?

**Li:** Well, I don't think that municipal broadband and at&t services are mutually exclusive. I think you can have them both. The issue that we are facing, I think as cities, is that the fcc has issued these orders, basically, you know, telling cities we must approve these permits within a certain timeframe and we cannot slow that timeframe down in order to wait for the results of the municipal broadband study. Our office looks forward to the results but the study but I think it's a separate issue from what at&t is doing.

**Fritz:** Just to clarify we are not saying that only at&t can have 5g in portland, we are not allowed to say only they are, they're just the first ones who have come in offering to put any money on the table which the other companies are not offering to do anything at this point. I also want to clarify that the league of Oregon cities is partnering with the league of California cities, and I think with Washington and other states because everybody throughout this state is really concerned about this, particularly independence and Monmouth who have their own municipal systems and are really just outraged that this might compete with it or just that they have to go through all this infrastructure improvement for a private company so I think we all agree this is an abhorrent process.

**Wheeler:** Portland is actually a national leader on this subject. I was recently at the u.s. Conference of mayors and my main presentation was on this issue and the city's leadership with regard to the lawsuit, the request for the change of direction from the fcc, and there is no question this has broad support. Big cities, small cities. At the end of the day it is really a property rights question and whether we have the authority to regulate our right-of-way and charge reasonable fees for that right-of-way or whether the federal government can preempt us but it is my view that that issue which, we don't call the shots for the courts, We don't schedule for the courts, it's certainly a priority but I see that as being somewhat different and removed from this question here before us today.

**Li:** And if I may, commissioner hardesty, at&t, the agreement for at&t is the first one to come before us, so to speak because at&t has agreed to a higher rate than what the fcc has deemed reasonable so the fcc in their september, small cell order said that the cities, it's presumptively reasonable that cities could charge no more than \$270 per pull, and that's cumulative of all recurring fees so lease fees, franchise fees. At&t in this agreement has agreed to franchise fees for \$1250 per pull, so it's significantly higher than what the fcc has deemed reasonable.

**Hardesty:** Why do you think they want to pay us more than they are required to?

**Li:** It's not that they are required to, it's what they are presumptively deemed reasonable. We have to prove that if we were challenged, that our costs were whatever we say are. But I think that at&t, you know, honestly is looking at the opportunity to build, and they want to serve their customers faster, and this is their –

**Fritz:** Way to get in –

**Li:** Their way of getting in the market sooner. The other carriers have not approached us about the fees yet.

**Hardesty:** Will we be creating an equitable system if the big boys can come in and pay \$1250 per pull and other folks come in and they can't? Does that create an equitable opportunity here in the city of Portland?

**Li:** Well, under federal law we are required to offer the same rates to everyone, so as at&t is the first to come to an agreement, we are going for offer \$1250 to everybody else. We are required to not be discriminatory, and to offer everybody the same rates who are doing similar services.

**Hardesty:** Thank you very much. I really appreciate your responses.

**Wheeler:** Very good, any public testimony on this item?

**Moore-Love:** Yes, we have 14 people signed up.

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**Wheeler:** Colleagues, I have a problem. I am due at the clean and safe luncheon to thank the people who have been participating in that. I have an excused absence, five minutes ago. And we have one, two, three, four more items left. The problem is these are all emergency ordinances that require at least four members of the council to be present.

\*\*\*\*\*: This is an emergency too.

\*\*\*\*\*: We all have a right to be heard.

**Hardesty:** Would you like to do the emergency –

**Wheeler:** They are all emergency ordinances.

**Fritz:** This is too.

**Wheeler:** Let's just go for it. Let's go ahead. And if somebody on my staff could please let the folks know I am sorry I will not be able to attend. Thank you.

**Moore-Love:** The first three please come on up, are Michael Hanna, Michela Bedard, and Martin Pall. Okay Michela is gone. Let's go with Robyn Gottlieb. Robyn here? Okay thank you.

**Wheeler:** Greetings, Michael. You want to start us off. It's good to see you.

**Michael Hanna:** Greetings.

**Wheeler:** Can you do it in two?

\*\*\*\*\*: Yes.

**Hanna:** Yes.

**Wheeler:** Great. Take two minutes. Thank you.

**Hanna:** Great. Hello Mayor wheeler and commissioners, thank you for giving us the time to be heard on this issue. I'm not sure which office removed this from the consent --

**Fish:** Put your name in the record.

**Hanna:** Oh, i'm sorry, i'm michael hanna proud resident of Multnomah county. I'm not sure which office removed this from the consent agenda, but I thank you commissioner Hardesty for moving the consent agenda so we can speak on this. We are at a crossroads and there are two paths forward for our community's connectivity digital infrastructure. Corporate ownership and control or community ownership and control. It's very simple. For over a year through the municipal broadband pdx campaign many, many of us have lobbied the city of Portland to adopt, advocate for municipal broadband which is publicly owned, not for profit fiberoptic network. An internet utility for every resident and business operated by Oregonians for Oregonians. More than 200 cities and towns in the united states have a publicly owned fiberoptic internet utility not for profit. The city of Portland staff have spent countless hours according to the lobbying report working with at&t and verizon over the last year and we just heard that we it's a sovereignty issue, it's property issue, that's correct. Mill valley has put in an emergency ordinance to delay 5g. So i've used technology my entire life. I love technology but technology is a tool to improve our lives. Negotiating with at&t in this manner is being a tool for the corporations. They mentioned the 200k for digital inclusion. That is less than what at&t extracts from our local economy every day, so just to put that in context. Also, at&t gave a \$600,000 bribe to trump's mob lawyer michael cohen to further push 5g, so I have three requests for my elected officials today. Please don't be a corporate tool. Stand up against this corporate power grab and deny this attempt to declare an emergency because it is obviously not an emergency. Guaranteeing at&t profit is not an emergency, and please put this to a full vote for the public. Thank you.

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

**Robyn Gottlieb:** Hi. Can you hear me? This is my first time testifying. Hello everyone. My name is robyn gottlieb and i'm from the stop 5g campaign and the digital commonwealth alliance. I'm here today to ask you, Portland city council, to decline to vote on 5g as an emergency ordinance. When the public comes to you with their plan for a publicly owned municipal broadband internet, one that includes subsidies for cost for low-income families

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and will generate revenue, we have to fight tooth and nail for it at the city. But when telecom corporations come in with their plan to increase their monopolies by taking over the internet sector the city welcomes them in with open arms over 100 times. This is with no caps on the prices they can charge, no equity mandate and no input from the public. All of this that I mentioned gives the perception that on that issue, the city cares more about the voices of corporate interests than they do about the voices of the public, but I really hope that's not the case, which is why i'm here today. The 5g effort was hidden from the public and added to the consent agenda as an emergency ordinance. If it weren't for commissioner Hardesty we wouldn't be here today to give our testimony before it's too late. The city is on track to allow 5g, which is a new, potentially dangerous technology, into our city. I urge you strongly to reconsider that. Instead, I am requesting you to just say no to 5g and support a three year moratorium on the issue. Portlanders have made clear what internet they want from the city, and it's not 5g, it's municipal broadband. Thank you again, commissioner Hardesty, for moving this from the consent agenda so we can have our voices heard, and thank you, commissioner Fritz, for listening to the people and securing funding for the municipal broadband study. Thank you all for letting me speak today.

**Wheeler:** Thank you

**Fritz:** Just so you know. Thank you. I appreciate commissioner Hardesty pulling this as well, but any member of the public can pull something from the consent agenda. You just let the council clerk know.

**Hanna:** Thank you very much.

**Gottlieb:** Thank you.

**Hanna:** That's good to know.

**Wheeler:** Great and I do also just want to clarify, and i'm glad that people are here and they want to testify, but you say this was hidden from the public or the public did not get a chance to testify is not accurate. We had a full hearing on this subject in december, and we had lots of presentations and lots of public testimony. This is on the consent agenda because it's coming back staff having completed the work that they were authorized to do during that hearing, after that testimony, after a vote of the full council. Just for clarification. Good afternoon.

**Martin Pall:** I'm martin pall. I'm a professional who has worked in this area, I've published eight papers on it, and discovered the main mechanism of non-thermal effects. I would like to have three minutes please.

**Wheeler:** Let's start with two and see where you get. We have a lot of people and a lot of issues, and we have a full afternoon.

**Pall:** Yeah. I wish that the propagandists from at&t were limited to three minutes, or two minutes, for that matter. I discovered six years ago the mechanism by which the major mechanism by which emfs produce nonthermal health effects, and those effects are produced at levels of exposure that are approximately 7.2 million times lower than our current safety guidelines allow. There are other in addition effects, considerations. Specifically, pulse emfs, emfs that pulse up and down, are in most cases much more biologically active and therefore much more dangerous than our non-pulsed emfs. Every single wireless communication device communicates via pulsation, and the pulsation effects are ignored universally by the industry and by the fcc. 5g is designed to be extremely highly pulsed. That is one of four reasons why 5g will be much more dangerous 5 than the exposures that we already have. There are many severe and even existential threats to us based on the exposures that we already have. Cancer has been discussed a lot, but it is number four or five on my list. The most important things I believe are the neurological and neuropsychiatric effects, which are already very far along in our societies, and the reproductive effects, which are also very far along in our society. Both of those develop cumulatively with time, and they become more and more severe with increasing



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time of exposures, to the point where they become basically -- they will -- we will have, and let me say we're already seeing this now, a crash in our collective brain function. And that will destroy us. We will have a crash in our reproductive function. We're already seeing that now in three station countries, and the other technologically advanced countries will probably follow in short order. The --

**Wheeler:** Make one more good point.

**Pall:** Make one more good point. Okay, what should we do? First of all, I think Portland should join the fcc lawsuit that the california league of cities --

**Wheeler:** We're leading it, more to the point.

**Pall:** Good. Secondly, I think that if we're forced to put in 5g with at&t, there should be an understanding that the city of Portland will study the health impacts of those emfs, and if they are shown to be substantial, the city of Portland should shut down the whole system.

**Wheeler:** Thank you. Appreciate your testimony, all three of you.

**Moore-Love:** Next three are scott france, philip wolf, and kay o'neil.

**Wheeler:** Good afternoon. Would you like to go ahead and start sir?

**Scott France:** Good afternoon. Yes, thank you. Mayor wheeler, city commissioners. My name is scott france. I'm a 23 year resident of southeast Portland. I'm here to ask you that you, the leaders of the city that brands itself as an environmentally progressive city, consider the potential damage to living systems in this region that 5g could bring, the implementation of 5g could bring. Over 230 scientists from more than 40 countries have expressed serious concerns regarding the ubiquitous exposure to emfs, electromagnetic fields, generated by electric and wireless devices already before the additional 5g roll out. They refer to, quote, numerous recent scientific publications that have shown that emfs effect living organisms at levels well below most international guidelines. The effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic disorders, structural and functional changes of the reproductive system, learning and memory deficits, neurological disorders, and the impacts on general well-being in humans. Damage goes well beyond the human race, as there's growing evidence of effects to both plants and animals. And I can supply your offices with those studies. After the scientists' appeal was written in 2015, additional research has convincingly confirmed serious health risks from fields from wireless technologies. The national toxicology program study shows a significant increase in the incidence of brain and heart cancer in animals exposed to emfs. The european union funded review body looked at 100 studies on how emf radiation may affect the environment. It concluded that this radiation poses a risk to bird and insect orientation and plant health. So i'm here to ask you that you decline a vote on 5g as an emergency ordinance.

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

**Kay O'Neil:** Hi. I'm kay o'neil, and i'm here to talk about the surveillance and privacy risks of 5g. At&t tracks and sells personal data from our phones. They want to expand the dragnet to include our home browsing history. In other words, 5g is a way for telecoms, not just at&t, to better access our data so they can sell it. Motherboard recently investigated a plethora of phone geo location companies with little oversight by telecom industries, ranging from car salesmen, property managers, bail bondsmen, and bounty hunters. Compounding that already highly questionable business practice this spying capability is also being resold to others on the black market who are not licensed by the company to use it seemingly without their knowledge. This investigation shows not only how widely americans' sensitive location data has been sold through the overlooked and questionable data broker market and its black market, but also how the ease of access dramatically increased the risk of abuse. Motherboard -- and i'm happy to provide the full investigation that was just completed a month ago -- found that an individual company made more than 18,000 data location requests through a data broker. Carriers like at&t assured customers



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location tracking abuses are isolated incidents. Now it appears that hundreds of people could track our phones, and they were doing it for years before anyone in the wireless companies took action. Senator ron wyden said in an e-mail statement after he was presented with motherboard's findings, that's more than an oversight; that's flagrant willful disregard for the safety and security of americans. I encourage the mayor and all the commissioners to say no to at&t's alleged emergency to request for a fast track contract. Please read the mountain of evidence owning broadband as a public utility would provide. Chattanooga, tennessee, makes hundreds of millions off their broadband revenue. We could have the same commonwealth here in Portland. Thank you.

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

**Philip Wolfe:** [Speaker typing, communicating via TDD] Hi mayor and commissioner. Please allow me to demonstrate my concerns and I believe the public has not seen this before including you. [requests mayor take his phone]

**Wheeler:** I'm not sure what he's asking me to do.

**Hardesty:** You want us to take your phone? Is that it?

**Wheeler:** Take your phone. That's dangerous, Phil.

**Wolfe:** Due to connection, please give me less than 1 minute...and I will make a point.

**Wheeler:** Do you want me to answer it?

\*\*\*\*\*: Answer the call.

\*\*\*\*\*: Yes.

**Wheeler:** Hello?

**Wolfe:** [TTD conversation with mayor; indiscernible]

**Wheeler:** Very good, thank you. Can I hang up? I'm confused on what --

**Fritz:** So philip was signing into his computer and it was talking on his phone. Is that what was happening?

**Wheeler:** I'm sorry. I don't know what I'm doing. Okay.

**Fritz:** That's very impressive.

**Wheeler:** Thank you. It's a good technology. Thank you. There's like a translator.

**Fritz:** Yeah, we should put the phone on speaker.

**Wolfe:** Apparently you hung up on me. I was about to ask you to put the phone on speaker and put mic near the phone. Well -

**Wheeler:** I'm sorry, I screwed up the demo. I apologize. He shouldn't have given me the technology. That was his mistake. Okay. I get that. Thank you. I get that.

**Wolfe:** My point I have emailed you addressing my concerns. But mainly I want to stress that deaf community rely on VRS video relay service to make calls especially emergencies... but because 80 percent of deaf Americans are unemployed due to discrimination, they rely on government assistance for rent, utilities, etc. With 5g, it will be higher and greatly impact our deaf community. This is not the way to go. Please say no to 5g and support city public owned municipal broadband because it provides accessibility for all. Thank you. Questions?

**Wheeler:** Thank you.

**Moore-Love:** The next three are Julia DeGraw , leah gibbs, and stephen king.

\*\*\*\*\*: Leah had to leave.

**Moore-Love:** Okay, then we'll go with andrew markell.

**Wheeler:** Good afternoon. Thanks for being here.

**Julia DeGraw:** Good afternoon. My name is julia degraw, and I live in the neighborhood of montavilla, and I wear a lot of different hats, but I would like to be speaking on behalf of the Portland metro people's coalition today. And i'll keep it short, but process matters. And I do understand that there was apparently a meeting where people gave public testimony. I don't think anyone's arguing that there wasn't that opportunity. But this is a very big issue, and I think having an additional opportunity for groups and individuals to share their input

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would have been a very good idea. And I think additionally your actions aren't really matching your messaging when you look at the fact that you had seven months to enthusiastically support municipal broadband by joining the host of all the communities and cities in Multnomah county, including Multnomah county, to move forward a municipal broadband feasibility study. It took 7 months to get \$25,000 which was almost half of what Gresham put in with a much smaller population. And you did it really at the last minute, so and I think I would like to echo a little bit of what robyn gottlieb said, which is that, that indicates to me and to the public, it looks like your priorities are with at&t rather than really robustly exploring a public owned internet that addresses the equity issues that, frankly, at&t is unable to address. A corporate internet system does not address equity issues, they're talking about \$250, one of the estimates is \$250 a month for this service. That's not a working class price people can afford to pay for internet. And these are industries that extract up to a million dollars a day out of Multnomah county alone. That's what at&t, sprint, verizon, and t-mobile extract a day from our region. We could have a robust, publicly owned internet, and I would like to see a lot more enthusiasm coming from the city on that and seeing a lot more slowing down of this process. But this actually accelerates it by giving them this contract. So anyway, I urge also that you do not vote on this as an emergency and that you have a more public process moving forward. Thank you.

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

**Gottlieb:** Leah gibbs had to leave but she e-mailed her testimony to read.

**Wheeler:** Could I get your name for the record?

**Gottlieb:** Yes. I'm Robyn gottlieb reading for Leah gibbs. "Good morning council members and mayor Wheeler. My name is leah gibbs, and i'm a member of the Portland metro people's coalition and i'm here to voice my strong opposition for the emergency ordinance for 5g. You've already heard strong testimony regarding the concerns of privacy, equity and safety around the issue of 5g. I share all those concerns. I did want to mention how nice it was to see earlier how the counsel supporting local businesses, and that there was a discussion about how keeping business local improves the community. Fortunately, we have the option of a locally and democratically owned internet service, municipal broadband, and I and the coalition strongly support that option. I would like to talk briefly about what this decision means to the children in our communities. I am a mother of two young kids who attend a Portland public school. Our children do not have lobbyists, they do not make campaign contributions, but the implications of our decisions on their lives must be considered. I'm veterinarian. I believe in science. And when I was first told about the health concerns of wireless radiation, I thought it was laughable. However, in my mission to prove myself correct, I found that those with the biggest concerns are those that we should listen to most, and I changed my mind. Those with concerns include the american association of pediatrics, m.i.t. Scientists, and a host of other credible and respected medical and scientific experts. There is strong scientific work published to suggest the concerns about 5g may be outsized in children with a developing neurologic system and thinner skulls that allow for greater absorption of environmental radiation. Increased research by nonindustry-funded scientists is needed prior to proceeding with implementation of technology that cannot be avoided if brought to an urban area. 5g creates an unavoidable electric cloud around our neighborhoods. There is no reason to rush into a contract with out-of-state corporate interests. We have emergencies in this city. The state of public education, the treatment of our houseless population, the opioid crisis, those are emergencies. Giving a contract to at&t is not an emergency, and I urge you to vote against this emergency ordinance.

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

**Andrew Markell:** Good afternoon. Thank you for having me, mayor and commissioners. My name is andrew markell, i've been a resident of Portland since 1990. And I just want to

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sum up everything that i've heard today. I came with a prepared testimony, but with two minutes and it seems obvious to me, someone that has worked in Portland and has known Portland to be a city that values freedom and democracy and equity and has a global reputation for this. To be listening to the concerns of the community, there are very strong community concerns around surveillance, around equity issues, and around health. There's no unequivocal evidence on either side, so it seems to me the onus of proof must fall with the corporation. And the corporations have a long history in the last five years or more of demonstrating that they are very callous with our privacy, very callous with our data, very callous with our rights as citizens and that their game plan is always to obfuscate the issue, much like they did with cigarettes, and to create a cloud of uncertainty, and to label those that have questions to be insane, conspiracy theorists, and meanwhile the poorest and most disadvantaged in the community are always the ones that suffer the most. So there are options on the table, and what i'm hearing everyone say today is we want the time to consider those options. Mill Valley is taking the time to consider those options. Governor brown of california has made it possible for every city in california to consider those options. It seems incumbent upon us as a state and as a city with this proud global reputation of equity and justice and fairness and privacy to follow suit. It is completely baffling to my mind why we would rush into something like this with a pending case in the ninth circuit, why we would follow donald trump's lead in demanding that all cities adopt this. I mean, Portland should be at the furthest reach of donald trump's demands upon the citizens. So it is incumbent upon all of us to take time to reflect and to really study this issue and to hear all sides. That is my request. Thank you very much.

**Wheeler:** Thank you. Thanks all three of you. Next three, please.

**Moore-Love:** Are Stephen king, marc koller, and andrew soulek.

**Wheeler:** Good afternoon.

**Stephen King:** Hi. How're you doing? My name is stephen king. I'm a resident of north Portland, and I guess i'm going to put in my prepared remarks to maybe bring up two things. First of all, we've talked a lot about municipal broadband and the value of that, and I don't know if the connection between 5g and municipal broadband is made entirely clear, but all the money at&t will make or sprint, or whoever, all the companies coming in, is made at the end, between the connection between the tower or the wire and the consumer, so the consumers are the people who bear all of the expense, the people paying all the money. So as you do municipal broadband, if you have to compete with a 5g, for consumers, it cuts significantly down on the potential revenue and the potential savings for people within Portland, to the point where municipal broadband may not be even doable. So we don't know that answer yet. We haven't done the study, but this could actually kill municipal broadband. And we need to understand that and we need to stop that and we need to look at it before we put this through. That's number one. And on this, an additional part of that is that the cost of this 5g is going to run way in excess of what most people in this community can pay, or many people in this community pay, especially disadvantaged communities. So by doing this, by taking this step you're pretty much putting the stake in the coffin on municipally owned broadband. The second piece is the fcc made us do it -- is not an excuse. We really need to direct this. I mean Trump and their minions have done all sorts of ridiculously stupid things, and we stood up. And we standing up. We've got a lawsuit. Why are we doing a contract before the lawsuit is complete? There's a hr-530 in front of the house of representatives right now to overturn the fcc. Let that play out. Don't rush into this. There's no reason to rush to this. At&t is the world's largest telecom company in the world. They have \$160 billion worth of revenue.

**Wheeler:** Thank you.

**King:** They have half a trillion dollars worth of assets. They do not need this gift from us. Thank you.

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

**Marc Koller:** Thank you. My name is marc koller, i'm also, like some of the previous speakers, a member of the Portland metro people's coalition. We are an organization of over 20 different citizen groups who, you are very well aware of the broad reach of support that municipal broadband has across the metro area. And I just wanted to speak -- I know we have already talked about it. I'm sorry that professor pall didn't have a longer time to speak to you about the health risks involved in our, not only in our community but around the world from this technology that's being ignored quite honestly by not just the trump administration, because people talk about that, but the lawsuit regardless of the results of the lawsuit, I think it's imperative upon this group and this city to stand up against a decision that is clearly in the best interests of the corporations against the health and welfare of our citizens. I know it's a challenge for you folks to stand up when the federal organizations, quote -- and I heard it earlier in this discussion -- demanding that we accept a technology that we do not want. That is our right as citizens to stand up when a policy or a law is against the best interests of our people. And I think we as citizens an members of this community would expect all of you to stand up for us against the organization that is pushing this technology on us when we clearly have an alternative that is both safe, reliable, and provides us the resources that come from that technology. So i'm just speaking as a member of this community to ask you all to stand up when the time comes. You're all elected officials. You respond, I hope, to us as individual citizens who demand that you do the right things, regardless of how it appears from a federal standpoint in terms of requirements. So I just ask you all to remember this is what the people are demanding and that you stand up for all of us. Thank you.

**Wheeler:** Thank you. Thank you, appreciate it. Good afternoon.

**Andrew Soulek:** Good afternoon, mr. Mayor, commissioners. My name is andrew soulek  
—

**Fish:** Sir could you pull the mic a little closer so we can hear you?

**Soulek:** My name is Andrew Soulek, and i'm really nobody special. I don't represent a group or a cause or anything so much as I'm a concerned citizen. I'm a home owner across the river here in buckman neighborhood, and i've been for 30 years living in Portland since '73. My concern here is the pace of which things are accelerating along this line and I realize to some extent, based on what I heard this morning, your hands are tied because of this federal lawsuit, but really, I don't see why this is such an emergency. I know that there's a push by these corporations to make america's cities smart, and i'm just wondering why we have to depend on technology to be smart about stuff. I think the smart thing for us to do is to take more time and realize there's one meeting already or testimony was given about this subject, but it appears to me the scope of this is so large that it demands more time. It demands more publicity. It demands more community involvement. And I would like to urge this council to take whatever steps they feel would enable the public to be more informed to completely vet this operation and distribute this information to the public in the way of public forums, so that everyone becomes involved because if it's passed, it's going to affect everyone here. And I would just hope you vote against this as an emergency measure and, by doing so, vote for transparency, due process and putting the health and safety of the citizens of Portland ahead of short-term corporate profit. Thank you.

**Wheeler:** Thank you. Thanks, all three.

**Moore-Love:** The last person that signed up is maggie.

**Wheeler:** Good afternoon.

**Maggie:** I just want to say how much I love each and every person who came up to testify on this issue today. It matters so much to every individual who needs defense against



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electronic invasion of corporations, of foreign entities, of big brother, of the danger of emfs. Everyone who showed up today cares about the general citizens, the little people.

**Wheeler:** Thank you. Does that complete our testimony?

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

**Wheeler:** Very good.

**Fish:** Mayor?

**Wheeler:** commissioner Fish.

**Fish:** I move that we remove the emergency clause from item 122.

**Fritz:** Second.

**Wheeler:** We have a motion from commissioner Fish, a second from commissioner Fritz to remove the emergency clause. Any further discussion? Please call the role.

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

**Wheeler:** Aye. The emergency clause is removed. The ordinance is amended.  
commissioner Fritz.

**Fritz:** Could I ask a question of staff please, Miss Li?

**Wheeler:** Please.

**Fritz:** Is there a reason that we have to go into this before the lawsuit is figured out? Are we required to allow 5g whenever anybody wants to have it?

**Li:** I'm not sure if I understand your question.

**Fritz:** I'm not, I'm not quite sure what the fcc -- how broad the directive is. I know that it sets a -- a flaw or a suggested maximum for the amount of money we can charge and as we heard, it's a lot more. Does it say that we have to allow 5g facilities to be built in any particular time frame?

**Li:** I think not in so many words, but the -- hopefully, i'm answering your question. The august 2018 fcc order preempted cities from imposing a moratorium, so if we have the applications, we have to accept them and review them or deny them within a certain time frame.

**Fritz:** But we don't have to do this -- because this is a temporary permit, which we're saying is before we get to the final agreement. Are we allowed to wait and allow that franchising to move forward?

**Li:** I think I see what you're saying. What we're trying to do today with the ordinance is to follow the direction that we were given in the december 2018 resolution, which one of the milestones specifically was to issue and negotiate and execute a temporary revocable permit with at&t by february 17.

**Fritz:** Okay.

**Li:** It's -- currently, at&t already has a franchise, and it's in effect, so this just looks at sort of the current fcc standards around small cell rates and takes that into context. So we're kind of -- we're adapting the franchise to fit current federal law.

**Fritz:** So obviously, by our vote today to the take the emergency clause off, we're not going to be done by february 17, so the council is hereby saying you don't necessarily need to rush into things. I'm troubled, on page 15 of 23 of the franchise agreement, there's added a section M that refers to the challenge of the city. I would prefer to see it say that since our challenge is upheld, this entire contract is null and void. Because when you said that, I had not fully understood that this sets the rate for all of the other subsequent agreements, and so if it turns out that the fcc's regulation is tossed out or overturned by the congress, as we just heard, we might want to charge more than \$1,200 per pole.

**Li:** Yes that's true. I think the -- what the city would like to do today with this ordinance is to set the rate at what we think is at least slightly more proffer than \$270. So by approving the franchise at the \$1250 rate, we're affirmatively saying to all the other carriers, this is it for the city. So if we delay, I think there may be a question about is this \$1250 appropriate, should it be lower.



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**Fritz:** Well, from my perspective, or should it be higher if it turns out that the fcc rules - we are required and under oath to follow the laws of the united states of america and the state of Oregon and the city of Portland, so we unfortunately have to do what the fcc says. On the other hand, if there -- i'm interested in the interim before this comes back, and what can we do that could push limits we know from the 2009 resolution, which shows, I just looked it up and when it originally passed, it passed 3-0, but two members were not here, and we brought it back for reconsideration so that commissioner Fish and one of our other colleagues could vote, so it would be a 5-0 because it was residence setting in 2009. And yet we've asked every year it's been on the city's legislative agenda to try to get them to look them to look at health impacts, and they're basically doing what the tobacco companies did in not reading the information and not looking into the problems. On the other hand, it's the law that we're not allowed to consider health impacts, so I think I would like, in the interim, before this comes back, we need to look at, yes, we want to get more money than 200 bucks a pole. On the other hand, this is a matter of principle which we're currently litigating, and are there ways to make sure that we don't set that precedent in the event that the litigation is successful.

**Fish:** Commissioner, will you yield for a moment? By taking the emergency clause off, what we have given ourselves is the additional flexibility to have further briefings from the office of community technology. Also, if any member of the council wishes to bring an amendment, it could be brought next week if the council so chooses, so what we have done is given the community a little more time to weigh in, given each member of council a chance to talk to the office of community technology. It will come back for a second -- for a vote next week, but that's just a placeholder. What that says is that it comes back, and then the council decides how it wants to proceed. So I know that, just speaking for myself, there are a couple of issues that have been raised. I would like to talk to the office of community technology about and just get my questions answered. Mayor, I appreciate some of the points that you made clarifying the record. I think it's a healthy process for us to take a little more time. It will come back next week, but that's just a control date. That just means that's when it comes back. And the council can decide how to proceed.

**Fritz:** It doesn't actually necessarily have to come back next week, as we just did earlier. We can send it -- I mean -- I think this is a really important issue that I personally would like to be involved in making the decision, having been in charge of the former office of cable communications and franchise management. I think that issue really exemplifies why the council decided to pull the office of community technology out of the office of management and finance and have it be a stand-alone bureau again. Because it is something that is of great community concern. Commissioner Hardesty was the president of the forerunner of open signal Portland community media. So it's obviously something that both of us have been working on for a long time and would really like to join with our community partners to see where we can push some of the direction to be more in the way we would like it to go. Thank you for your work, Jennifer.

**Li:** Thank you.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you, Mayor. I would also like to hear from legal counsel; like, what options the city of Portland has, especially since we're in the middle of a lawsuit, and I would like to know if there's any precedent of us moving in one direction while we're in the middle of a lawsuit rather than waiting for the lawsuit to be completed.

**Rees, Chief Deputy City Attorney:** And we will make sure you get that briefing in the interim.

**Wheeler:** Very good. This is a first reading of the nonemergency ordinance. It moves to a second reading as amended. And I presume we need to pick a date. The next date that I believe the entire council is available is the 13th of March, if I remember correctly.

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**Moore-Love:** That's correct.

**Wheeler:** Why don't we take that as a placeholder.

**Hardesty:** Thank you. Really appreciate it.

**Fish:** Good idea.

**Wheeler:** Okay, very good. So let's do that.

**Fritz:** And thank you to all the community members who came today.

**Hardesty:** Appreciate it.

**Wheeler:** Thank you.

**Wheeler:** Michael, it was good seeing you again.

**\*\*\*\*\*:** Good to see you mayor.

**Wheeler:** Yeah you bet.

**Fish:** Commissioner hardesty, I have a question for you. I read somewhere you're leading a rally at 1:00 o'clock. Are we about to lose you? Because we have three emergency items and I just want to make sure we manage our time.

**Hardesty:** I will be here through these, and actually, I think these will be answered quickly. They won't take the time.

**Fish:** Can we deal with them together?

**Hardesty:** Yes --

**Wheeler:** We have to do 124 separately, but we can read 125 and 126 together. So that will speed things up a bit. 124, please, pulled from consent.

#### **Item 124**

**Wheeler:** Good afternoon. Thank you for your patience. You learned a little bit about 5g.

**Karren Bond, Office of Management and Financing - Risk:** I did. I don't know if I heard of it before.

**Wheeler:** Very good. Commissioner hardesty had some follow-up questions on this item.

**Bond:** Oh sure. Absolutely.

**Hardesty:** Thank you so much for being here. And my questions are really brief. My question was, I noticed that there were three accident claims that we are voting on today, and I just wanted to know if there's a trend that we should be concerned about, because all three of these accidents were with Portland police bureau vehicles. So I wanted to make sure it was on the records that that just caught my attention, that there was three at one time. They're for small claim amounts, but I wanted to hear that on the record. Thank you.

**Bond:** Right. And I don't know that there's really a trend or uptick in them. We can possibly run some sort of a report to let you know if we're getting more accidents. I mean, we're on the road all the time every day, so we do have a lot of accidents, not just police but other bureaus too. But we would be happy to try and get that data for you if you would like. I don't have it available right now, today.

**Fish:** If I can just speak to this point. We deal with a lot of property damage and bodily injury claims on consent, and they're not exclusive to the police bureau. We have infrastructure bureaus that have trucks and cars and things. And these things are normally negotiated with individuals through their attorneys and go through our risk management, and so the dollars are usually not in question. My suggestion is that we approve them, but that the commissioner get a briefing on trends and also what steps are -- frankly, I think we all want to know what steps are we taking to prevent these from happening? Are there any policies, policy issues which are raised by virtue of having these claims on a regular basis?

**Bond:** And we can look into that and get that information to you.

**Hardesty:** Thank you, commissioner Fish. In addition, though I would like to know whether or not in any of these accidents there was any discipline involved?

**Bond:** Discipline is something that's handled directly with the police department. Risk management doesn't get involved in that part of the claim. Our job is to make the person whole again, but it's up to the bureau.

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**Hardesty:** Thank you. I appreciate your response to that. Yes, you're risk management, but for me, I would love to have a rounder conversation about like how do we close the loop. I mean, accidents happen, and certainly with wet pavements and ice and all the good stuff that we encounter, accidents do happen, but when I start seeing a trend, then I want to know that the bureau is at least having conversations with their employees to find out why that is and to do any corrective action that needs to take place. So thank you.

**Bond:** You're welcome.

**Hardesty:** And mayor, i'm happy to support these today. But those questions, I just wanted to make sure were on the record and that additional information will be coming to my office.

**Bond:** Yes.

**Wheeler:** Very good. Public testimony on 124.

**Moore-Love:** I don't have any sign-up sheets for any of these.

**Wheeler:** Call the roll.

**Fritz:** So the city has adopted vision zero which says that all crashes are avoidable and that we also put into place a required follow-up with city employees who are involved in crashes. I'm very concerned that the number of -- we do get them on a fairly frequent basis, and this may be due to distracted driving since they have the mobile display units in their patrol vehicles, I think we should be looking into voice-guided directions coming from the computers or even looking at pairing up officers so that they don't have to concentrate on -- so that one can be concentrating on drivers and the others can be concentrating on avoiding crashes. Aye.

**Fish:** Aye. **Hardesty:** Aye.

**Wheeler:** Aye. The ordinance is adopted. The items are adopted. Please read items 125 and 126 together.

#### **Items 125 and 126**

**Wheeler:** Commissioner hardesty.

**Hardesty:** Thank you. My same statements apply, so if you were here, I just want to know whether we're facing a trend and, if so, what are we doing in reference to this trend.

**Becky Chiao, Office of Management and Financing - Risk:** My name is becky chiao from risk management, and as karren said, we don't have that trend information prepared this morning, but we can provide that too.

**Hardesty:** Thank you very much.

**Fritz:** And I would further like you to track individual employees. I don't know if we -- do we now have a flagging mechanism so that if somebody is in more than one crash, that's a cause for looking into their driving habits?

**Chiao:** The police bureau has one system and other bureaus all are together in a different system, and that's -- again, that's something that I work on, but --

**Fritz:** It might be something to look at through risk management and bureau of human resources, another place in omf, because i've been in charge of bureaus where it turns out that, because the incidents were spread further apart, it wasn't flagged, a particular employee. It had a number and I am concerned about that, so just something else ms chiao for your very busy schedule to be thinking about.

**Chiao:** All right. Thank you.

**Wheeler:** Any testimony on 125 or 126? Mary doesn't look interested. Please call the roll on 125.

**Fritz:** The last person here. Thank you, Mary. Aye. **Fish:** Aye. **Hardesty:** Aye.

**Wheeler:** Aye. The ordinance is adopted. The next item, 126. Call the roll.

#### **Item 126**

**Fritz:** I sit corrected, another person here. Thank you for staying. Aye.

**Fish:** Aye. **Hardesty:** Aye.

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**Wheeler:** Aye. The ordinance is adopted. And with that, we are adjourned until 2:00 p.m.

**At 12:39 p.m., Council recessed.**

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## Closed Caption File of Portland City Council Meeting

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

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

**FEBRUARY 13, 2019**

**2:00PM**

**Wheeler:** Good afternoon everyone. It is Wednesday, february 13th. This is the afternoon session of the Portland city council. Please call the roll.

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

**Wheeler:** Here. Good afternoon.

**Karen Moynahan, Chief Deputy City Attorney:** Good afternoon. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings, you may sign up in advance with the council check'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. If it does not, you may be ruled out of order. 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're in the audience and would like to show your support for something that is said, please feel free to do a thumb's up. If you want to express that you do not support something, please feel free to do a thumb's down. Please remain seated in council chambers unless entering or exiting. If you are filming the proceeds, please do not use bright lights or disrupt the meeting. 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 will be subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** Very good. Thank you. Before we read the item, I want to give us a little bit of context. In december, I asked for a work session to discuss the city's participation in the joint terrorism task force. This is an issue that commissioner hardesty raised as an issue during her campaign. This is also an issue that's come before the Portland city council on prior occasions. In collaboration with commissioner hardesty's office, we hosted a work session yesterday that was comprised of two separate panels. The first panel included community advocates and experts in support of the city's withdrawal from the joint terrorism task force. The second panel included representatives from the Portland police bureau, the fbi and the united states attorney's office. I'd again like to thank all of our panelists for taking the time to share their knowledge with us yesterday and contributing to a robust discussion about civil rights and public safety and what we need from our federal partners in order to make this relationship sustainable. Today, we have before us commissioner hardesty's resolution to remove ppb participation from the joint terrorism task force. Otherwise known as the jtff. Commissioner Fish and I have also submitted an ordinance containing the city federal m.o.u., memorandum of understanding, with the terms of the city's participation in the joint terrorism task force in the event that the council wishes to stay an active member in the jtff. In summary, what's being presented today for



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you to testify on are effectively three options, whether to withdraw from the jtff, whether to stay in the jtff or whether to find ways to improve the city's involvement in the jtff. And we would welcome your active engagement on any of those options. You will notice this is not a combined hearing. In other words, we are not going to read both the resolution and the ordinance at the same time, but it would be great if folks testifying today could consider these options as they weigh in. So, with this, I'll give commissioner Hardesty an opening statement. I'll then give commissioner Fish a brief few minutes for remarks. After that, we will jump right into the presentations. Commissioner Hardesty.

**Hardesty:** Thank you, mayor. Thank you, colleagues, and thank you, the general public for being here today. This is an issue that's near and dear to many peoples' heart. It really gets to the fundamental question in our democracy. How safe are community members from the overreach of their local and federal law enforcement officers? And do we as a community feel safer being part of the joint terrorism task force, or do we believe community safety lies in some other mechanism? I appreciate folks being here today and lots of people wanting to testify. And I'm going to ask once again if people would really be respectful of the body, because I want to make sure we get to a vote today. I do not want any interruptions to prevent us from actually having that vote. I want us on the public record. And I want us to walk out of this room by 5:00 being clear about where we stand as it relates to the joint terrorism task force. So, thank you all. I really appreciate you being here. And I look forward to what will be a very lively discussion here today. Thank you.

**Wheeler:** Thank you, commissioner Fish.

**Fish:** Mayor Wheeler, commissioner Hardesty, and colleagues, I want to reiterate my understanding of what we're doing here procedurally. So, the issue that we will be discussing this afternoon is a resolution that commissioner Hardesty has brought forth and that resolution will be voted on today regardless of where we are in the testifying, because we're going to lose a quorum. There will be an opportunity for a vote. And I appreciate that. If the vote is in favor of the resolution, then that has the effect of a withdrawal within, I think, 60 days from the jtff. If the vote is against the resolution, then there is an ordinance which has been filed, which the council will take up in due course, which memorializes the current memorandum of understanding. I have a number of amendments, which I intend to offer. They are not germane to the resolution, because the resolution is a thumb's up or thumb's down on current participation. But if the council votes down the resolution for any reason, then I have amendments that I will offer based on the feedback that we've received from the community in terms of how to strengthen the relationship and specifically some of the outstanding testimony we got yesterday during what I thought was one of the most thoughtful and well-constructed work sessions we've had. But I will not be offering those amendments at this time, mayor, because my amendments, which deal with requiring observance with state law to be memorialized in the memorandum of understanding, more robust annual reports, having the police chief obtain necessary security clearance and other issues, those are not germane to this resolution. It is only if this resolution is voted down that I will seek to amend the ordinance which is before council and will do it in the ordinary course. And I appreciate the collaborative way the council has structured this hearing.

**Wheeler:** Thank you, commissioner Fish. Karla could you read item 134, please.

#### **Item 134**

**Wheeler:** Thank you. Commissioner Hardesty.

**Hardesty:** Excuse me, mayor. As you know, Kimberly from the ACLU was unable to testify yesterday, and we've invited her to come and give invited testimony. We also have two people who are headed to the airport who did testify yesterday, but I would appreciate your indulgence to allow them to also testify using whatever the normal two or three minutes that you're going to give to people when Kimberly has completed her turn.

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**Wheeler:** Yeah, very good. Thank you, commissioner.

**Hardesty:** Thank you.

**Fritz:** And then my understanding that there's going to be a couple of presentations on the -- from the mayor's staff with equal time to talk about the report and share them as the chief outlaw's video. Is that what's going to happen?

**Wheeler:** So, by -- that was the plan this morning, but it is my understanding that council office has changed that. Michelle, could you give me clarification on that, please? Please state your name for the record. Where are the council offices on that request?

**Michelle Plambeck, Legislative Director to Mayor Wheeler:** Michele legislative director to mayor wheeler. At this time, on this resolution, commissioner hardesty has some invited testimony. Once the resolution has been considered by council, then we take up the ordinance, and at that time, we would have time for invited testimony and presentations.

**Fish:** So we're not, we're not -- my understanding was we were going to have a little bit of equal time as a predicate for this hearing just to set the stage. Is that no longer the proposal?

**Plambeck:** That was no longer the plan, but if council wishes, of course, tracy reeve is here as our --

**Wheeler:** Well, let me -- can I just be clear on the record. I want to get to testimony as quickly as possible.

**Hardesty:** Yes, as do I.

**Fish:** And I do think if we're extending the courtesy of having three people testify in favor, it does seem to me normal course of how we do hearings that, if there's a couple people that want to set the stage and in the context for another view, we ought to make time for that.

**Wheeler:** I would support that so I recommend we tee up the testimony from chief outlaw and I would also recommend we have a.c. Resch present to give an overview of the 2019 jtff report.

**Plambeck:** Great. They are both here.

**Wheeler:** Thank you.

**Hardesty:** And i'm assuming it's going to be within the same ten minutes that we're giving for the other invited testimony. Is that correct, mayor?

**Wheeler:** Is that how long your testimony is going to take?

**Hardesty:** Yes, the testimony that we've given kimberly -- we did not want to extend this. This is really for the public to talk.

**Wheeler:** Yeah, and that's my concern as well. Because really, folks, we have to call the question at about 4:30, and I want to give as much time for public testimony as possible. So if you could orchestrate that.

**Plambeck:** Yep.

**Wheeler:** They will collectively have ten minutes. My recollection is the chief's presentation is about six of that ten.

**Plambeck:** My recommendation would be to move forward first with the testimony from the folks from out of town and kimberly mccullough.

**Wheeler:** Very good. Go for it.

**Plambeck:** Thanks.

**Wheeler:** Thank you.

**Hardesty:** Thank you. So if we could have kimberly from the aclu come up, please and also, yes, please, our other guests who have to get to the airport. Thank you. And please introduce yourself for the record. Kimberly, feel free to start.

**Kimberly McCullough, ACLU of Oregon:** Ok. Thank you. I was going to say mayor wheeler, but he's over there. Mayor wheeler, members of the commission, my name is kimberly mccullough. I'm here on behalf of the aclu Oregon and i'm here once again on

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behalf of our organization asking you to withdraw the city of Portland its membership in the jttf. You have heard from the aclu and from myself on this issue many times so rather than repeating my prior testimony, I want to focus in on exactly what we're asking you to do. First of all, we're asking you to listen as elected officials to the many community groups that are asking you to hear their concerns about this city's police officers working for an entity that we do not trust. Second, we are asking you to engage in a moral and ethical quandary. Mike German, who is sitting next to me here and who you heard from yesterday, is actually a very good example of someone who is faced with the complicated decision of whether or not to continue a deep relationship with an entity that regularly engages in civil rights violations. Mr. German was motivated to join the fbi out of a desire to protect and serve. Much like, I believe, that our local police chief and members of the Portland police bureau are motivated by a desire to keep us safe. But in all things that we do, we have to ask ourselves the question of whether or not the tools that we use to keep ourselves safe are in fact causing different types of harm and if we are causing harm in the name of keeping ourselves safe, I would hope that, like Mr. German, we would change our ways. It is this type of introspection and action that the aclu here in Oregon and across the country wishes that the fbi and ice would engage in. But their track record, unfortunately, does not reflect a commitment to protecting us from violations of our civil rights. And instead demonstrates repeated targeting of religious groups and political activists by the fbi And horrific practices of family separation in our immigrant communities by ice. To be clear, the fbi and ice have a demonstrated history right up until the present day of dragnet surveillance and profiling. I want to lift up just a few examples. Recently, in California, the fbi investigated civil rights groups as a terrorism threat and viewed the kkk as victims. Not long ago, the fbi also targeted black lives matter by sending out notices to law enforcement across the country about black identity extremists being a domestic terrorist threat. A domestic terrorist -- terrorism briefing the fbi gave to law enforcement agencies in 2017 warned them of the threat of pro-abortion extremists, which there's no evidence exists. In fact, the opposite does. And recent admissions here that the -- that if the jttf lacks evidence of prosecutable criminal activity for a jttf suspect that they have -- that they have an admission that they have engaged in immigration enforcement against those individuals. So, like Mike German, this city faces a moral quandary. Do we sacrifice our rights in the name of safety? Or do we instead commit ourselves to the values of this city and the state of Oregon, which have been memorialized many times in our state and local sanctuary laws, our anti-profiling laws, and our very unique laws that prohibit collection of information about people based on their religious and social views. To be clear, we are not asking that the city sit idly by if there is a true threat to our communities. Before the jttf existed and during the time that the city was not a member of the jttf and while the city collaborated with the jttf on a case-by-case basis, nothing prohibited the fbi and the city of Portland from sharing information about actual threats to our communities. And nothing will prohibit that type of information sharing if we pass this ordinance. What will be prohibited is two of our local officers working directly for an entity that does not respect or follow local and state laws that protect our communities from targeting and civil rights violations. It has been suggested that all of this can be addressed by reporting and security clearances. And although we do appreciate the attempt to build in sideboards, we are unconvinced that this will address our concerns. For a number of years, of our past collaborations with the jttf annual reports were promised to this body and to the public but even calling them reports is somewhat misleading. What we got was thread bear and totally insufficient. We simply do not trust that anything will be different this time around. Trust is crucial here. We've been asked why we don't trust the fbi and we've been told that past examples of rights violations here in Portland should not bother us. We've been told that current and past examples of rights violations from different jurisdictions interacting with these same federal

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agencies also shouldn't bother us. We've been told trust us despite those things. And we've been told that, unless we can lift up the veil of secrecy that currently covers the jttf here in Portland and point to violations of rights happening this very minute that we should just have faith that everything is ok. But we don't have trust, and it's for very good reason. And it will continue to be this way until the fbi, ice and those in high positions of power in our federal government engage in the type of introspection and moral quandary we're asking you to engage in today. We are asking you to listen to us, to listen to representatives of community groups that advocate for civil rights and civil liberties, groups that advocate for immigrant communities, religious minorities, political activists, people of color, and all people who have been targeted unfairly by the fbi and ice. Please hear us. Please understand, yes, we want to be safe, but safety to our communities is not just safety from terrorist threats. It is also safety from the violation of our rights and the targeting of our communities by the fbi and ice Thank you.

**Hardesty:** Thank you.

**Wheeler:** Commissioner hardesty, could I ask a question? I know at least two of your panelists have planes to catch and we thank you for being here. Kimberly, are you sticking around for --

**McCullough:** I will.

**Wheeler:** Because I might have some follow-up later.

**McCullough:** Yeah. Absolutely.

**Wheeler:** Great. Appreciate that.

**Michael German:** Mayor wheeler and commissioners, thank you again for inviting me both yesterday and again today. My name is mike german. I'm with the brennan center but i'm testifying in favor of the withdrawal from the joint terrorism task force in my personal capacity. I appreciate the leadership that the city council has shown on this issue nationally and that i've been able to participate in it. I don't have much to add to what we discussed yesterday, but I do want to address one issue, which I think is a bit misleading, because it seems like we're presented with a question of whether to stay in the joint terrorism task force and that that will somehow improve our security or withdraw and that will somehow risk our security when you have to keep in mind that local law enforcement was in the joint terrorism task force in boston before the boston marathon bombing. They were in the joint terrorism task force in pittsburgh before the synagogue shooting. The department of defense was in the joint terrorism task force before the fort hood shooting. These were all instances and more where -- what happened has more to do with the flood of information coming in through these unregulated systems that don't use a reasonable standard. And so, in boston, for example, the fbi was warned that Tamerlan Tsarnaev presented a threat and did a 90-day assessment. It turned out that that was one assessment of 1,000 assessments they had done that year. So, they're doing so much work that the -- the important details were lost, and the boston police chief later testified that he was unaware of the warning that the fbi had received and would have done things differently had he known that information. So, there -- I wish I could promise you complete secrecy. Obviously, I can't do that, but neither can the joint terrorism task force do that by saying that if you stay in, you will be 100% safe. So this is really about making reasonable decisions to make sure that we're protecting all our interests, as kimberly suggested. So thank you again for inviting me.

**Zakra Billoo:** Mayor wheeler, commissioners, thank you again for convening this conversation and considering this important vote. My name is Zakra Billoo, I am the executive director of the san francisco bay area office of cair, the council on american islamic relations. We are the nation's largest american muslim civil rights organization. A number of years ago, we looked at Portland as we were doing work in san francisco after facing years and years of abuse by fbi agents targeting members of the muslim community



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showing up at their mosques, their homes and their workplaces, sometimes targeting minors at schools to ask them questions about religion and politics, things that we hold dear as protected by the first amendment. And so often doing it with the cooperation and support of san francisco police officers. We looked at that time to Portland to say, this city is safe. It protects its community's civil rights, and it's doing so in a way that provides leadership for the rest of us. And after a number of years of navigating promises from the fbi and the jtff officers that they would report, that they would provide transparency, that they would follow local law, we were left with no choice but to withdraw from the joint terrorism task force, because as has been noted, the reports weren't even reports. They were laughable at best if they were on time, if they were produced, if they had any information that we could use. I appreciate the optimism that we might get better reports in Portland, but you led the way once before. I ask you to lead the way again. Yesterday, I sat here and heard on the record representatives of the u.s. attorney's office saying that they disregard Oregon state law, that they are not obligated to follow it. I heard the special agent in charge of the fbi say on the record that he did not know that there was a reporting requirement. Why would anything change? We looked to you for leadership then. We look to you for leadership again. I urge you, on behalf of cair, the council on american islamic relations, on behalf of so many minority communities over and over again targeted by what is a federal agency giving us security theater and manufacturing terrorist threats to move forward, to withdraw from the joint terrorism task force.

**Fritz:** Thank you.

**Wheeler:** Thank you.

**Hardesty:** Mayor, that concludes my invited testimony.

**Wheeler:** Very good. So, with that, then, we have chief outlaw's video. Is that correct? It's teed up and ready to go, Mustafa? And then we'll have a.c. Resch. Karla, how much time was the first panel?

**Moore-Love:** Sorry. I stopped the clock. They were just over ten minutes, almost.

**Wheeler:** Very good. Thank you.

**Moore-Love:** About 12 minutes.

**Danielle Outlaw, City Police Bureau [via video]:** Good morning. I am chief Danielle Outlaw. Thank you to Mayor Wheeler and the city commissioners for allowing me to provide remarks via video today. As you watch this, I will be at the major cities chiefs conference talking to other chiefs and sheriffs from all over the country and canada about the challenges they face in the creative strategies they are implementing in their communities. Specifically, I will be introducing the topic of it white nationalism, crowd management and an increase in violence and public disruption in demonstrations. Effective partnerships between law enforcement agencies to reduce or prevent criminal activity is a key component of contemporary policing. Our partnership with the fbi in the joint terrorism task force is one of those relationships that keeps our community safe. As chief of police I fully support our continued participation in the jtff. I believe that removing Portland police officers from the jtff is a disservice to our community and not in the best interest of our city's public safety. We need to remain a fully committed partner in the jtff. Countering violent extremism in all forms requires partnerships and cooperation across jurisdictional lines. If a majority of the city council votes to leave the jtff, the Portland police bureau will still work to investigate reports of terrorism activity and violent extremism reported to the Portland police. However, we may be walled off from the day to day information from other agencies that is violent to protecting our community. The Portland police bureau remains the largest law enforcement agency in the state of Oregon. We have resources, personnel and expertise that may prove invaluable to the investigation and prosecution of individuals or organizations intent on causing our community harm. We want to be on the front end of these investigations. This can allow us to reach out with our



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behavioral health unit, our family services division, our youth services division or other connections and services we have to resolve an issue before a plan to commit an act of mass violence becomes a reality. Portland police bureau members are out every day in our community. We know our city and we have developed positive relationships with many people who can help guide us and influence the investigative processes of our federal law enforcement partners. Questions continue to be raised about privacy rights and public safety as law enforcement conducts investigations with federal agencies. While I understand those concerns, there are strong legal and policy oversight measures in place to ensure we can continue our participation in the jtff without compromising our laws or policies. As law enforcement officers and as a community, we need to be vigilant about these issues. But we also need to be vigilant about real threats and the fact that there are people intent on harming our community. I appreciate this opportunity to provide testimony today. While I am available by phone during this session, it is my wish that if you have questions, you can hear directly from the subject matter experts and the people that are actually doing the work. Thank you for providing a respectful process in which all stakeholders and the community can voice their opinions.

**Wheeler:** Very good. And we have a.c., assistant chief, jami resch is here as well. Good afternoon. Thank you for being here.

**Jami Resch, Portland Police Bureau:** Thank you for having me back again. Is this on today? Good afternoon, mayor and commissioner. Commissioners. I'm jami resch, assistant chief of investigations for the Portland police bureau. I hope you've had time to review the report that was given yesterday. I believe it clarifies a couple of the points, and I would like to add a little bit more. Clearance was mentioned several times yesterday in regard to the mayor. What I want to be clear to everyone is that, if there is instance --

**Hardesty:** Excuse me. Are the captions playing?

**Wheeler:** Sorry. Go ahead.

**Resch:** Ok. Clearance was mentioned several times yesterday in regard to the mayor. What I want to be clear is if there is ever an instance in which the mayor needs information, there is a process in place to provide a nondisclosure agreement and the information can and will be provided. Training was questioned yesterday. The city attorney's office has provided the required annual jtff training for the officers. It began in 2015 and has continued. Not only by the legal update training provided in the required annual in-service all officer attend but also when the city attorney meets annually with ciu officers to provide legal update and training specifically to the jtff officers and answer any questions. Most importantly, ice was mentioned yesterday, and I want it to be clear that there are two branches of ice. The ero which is the enforcement and removal operations, which enforces immigration laws and is not a member of the jtff, and hsi, the homeland security investigations which is a member of the jtff and is responsible for the enforcements of laws that threaten national security. Again, the enforcement and removal operations of ice are not a member of the jtff, and I think it is important to distinguish this. This report breaks down the number and types of cases handled by the ppb officers and again illustrates the oversight, ors and directives the officers are required to follow. If this report does not provide the information that you were looking for, the Portland police bureau, and I can confidently speak for my fbi and us attorney partners, would be happy to meet with you to discuss what it is you are looking for and what you would like the report to look like. Lastly, as I sat in the work group yesterday, I heard a universal theme from all presenters on each side, the mayor and each commissioner. That universal theme was that we all want what's best for our community and what is best for Portland. In fact many yesterday highlighted either being born and raised in Portland or having spent the majority of their lives here. Both sides acknowledge that there have been failures in past investigations and the desire for safety. Portland has never shied away from being

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different, from standing alone or being the first. What I offer for you is a Portland police bureau and partners who are willing to cocreate a jttf that this council is comfortable with and does feel as the safest option for the city of Portland. I do not believe Portland should walk away but again be the first and lead the nation in how this work should be done correctly.

**Wheeler:** Thank you.

**Resch:** Thank you.

**Wheeler:** Very good. And are you sticking around?

**Resch:** Yes.

**Wheeler:** Ok. Very good. Then people might have questions for you later as well.

**Resch:** Ok.

**Wheeler:** Thank you. All right. So, there we have it. With that, Karla, how many people do we have signed up?

**Moore-Love:** We have 36.

**Wheeler:** 36. Let's do this. Let's try and get it in two minutes. Let's be as quick as possible. And that will give us plenty of time as a council to consider what you've said and collaborate. Please call the first three people. Oh, yeah. And if there are people with small children and I heard at least one little child here, and if there are people with special needs or disabilities, please let Karla know and we'll move you up to the front of the list. Thank you.

**Moore-Love:** We'll go with mr. Walsh and then we'll also take brandon mayfield and kayse jama. And then after them -- i'll be calling the next three because I believe we have people in the overflow rooms.

**Hardesty:** Yes, we do.

**Moore-Love:** We do? Ok. Thanks. So after this first panel, then it will be millie hobash, jim kennedy, and rabbi aerial stone.

**Wheeler:** And you said 36, Karla. Is that correct?

**Moore-Love:** Yes.

**Wheeler:** Ok, great. Thank you.

**Joe Walsh:** Good afternoon. My name is joe walsh. I represent individuals for justice. I would ask a little patience. I'm losing my voice. Some people are celebrating that.  
[laughter]

**Hardesty:** Not us.

**Walsh:** There are number of people who could not be here today because of the timing or because of their personal experiences. Eileen sends a message to get out of the jttf, and she writes, please use my name. I am a 62-year-old stage 4 cancer patient living in a nursing home, previously houseless. She wanted me to say she is against this. Dr. Kathryn kindle --

**Hardesty:** I'm sorry, excuse me, mr. Walsh. She's against what?

**Walsh:** Pardon?

**Hardesty:** I'm sorry. You said that she wanted you to share that she was against "this." I want to know what the "this" is.

**Walsh:** She was against us being in the jttf.

**Hardesty:** Thank you.

**Walsh:** The way you have this arranged, there's going to be a lot of confusion on who is saying what. So -- and we are against being in the jttf. We want you out. These are people that have contacted me that couldn't be here that wanted their names at least written in the record, and i'll probably not do a great job. Some of them I don't know, so i'm only going to use their first names. Ruth: I see many potential abuses with the jttf but no advantages.

Please get out. Amy: Thank you for your passion, joe. Please tell them get out of jttf.

Kathy: Please use my name and thank you for doing this. Kurt: You can use my name and

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please tell them to get out. Individuals suggests is an organization that's been around for a while. It's very informal, and we take positions on things. And we want you out, please. There's no going back from this. If you stay in the jttf, we will remember. there's no going back, no apologies. Thank you for your patience. And I promised patty that I would behave myself today. That should be good news for all of you. [laughter]

**Hardesty:** Thank you.

**Wheeler:** Next three please.

**Moore-Love:** Kayse, you want to come up with millie. Kayse, millie and brandon?

**Wheeler:** Folks, just a reminder, thumb's up if you like what you're hearing, thumb's down if you don't. We find the applause slows the process down. We want as many people to be able to testify as possible.

**Moore-Love:** After them will be jim kennedy, rabbi ariel stone, and dr. La roy haynes jr.

**Wheeler:** Good afternoon.

**Kayse Jama:** Good afternoon, mayor wheeler, members of city commission. my name is kayse jama. I am the executive director of united Oregon. And thanks so much for inviting me yesterday to speak with you. I won't take a lot of time. I just want to highlight couple of points. I've been in this city for 20 years. I'm a very proud Portlander. I love this city. And I love this community. I think this issue for me comes down to, boils down to one thing and one thing that I said yesterday, which is if we withdraw -- if we stay in the jttf, we're sending a message for our muslim community and people who are activists in the community that is your civil liberties is expendable. It does not matter. If we pull out, we're sending that we're an inclusive city. We want to make sure we want to protect our community from [inaudible] war machine. That is the real core value for Portlanders that I think we ask you to uphold today. I think all of us including all of you here we want what's the best for Portland. And I know you care. Even if we disagree where we stand on this issue. I want all of us to remember that. We're in this together. We're a community. Our community and muslim community particularly want to be safe. And we want to be part of this community. No one wants to be -- want to put in jeopardy our safety. With that said, I want to also introduce you to you millie Hobash who is a member of Portland leadership program that city of Portland funds. And she's going to tell her story today. So millie, please.

**Wheeler:** Thank you.

**Milly Hobash:** Hello. Thank you for your audience. As was noted my name is millie hobash and I am a participant in unite oregon's pilot program. I am the daughter of a yemeni immigrant who moved to Portland in 1991. And I am also a firsthand witness to the effects of the jttf. My family's home was raided when I was 10 years old after several years of very heavy surveillance. My father was detained on charges that he was not allowed to know for the first portion of the trial. He was kept away from our family for a year and a half. The charges were found to be false. My parents' attorneys were told by the prosecuting attorney that the charges had been invented wholly to strike fear into the community and weaken bonds between individual members of the community. The judge ultimately dismissed the charges with prejudice meaning they were unsubstantiated and cannot be brought again. However by that time, the raid had already destroyed my family. My father was left chronically underemployed and unable to find skilled labor. My mother is permanently traumatized. I left school at age 10 and did not return again until I completed my high school diploma at pcc many years later. My young siblings were left fatherless during this time and family and friends completely distanced themselves from us out of fear, isolating us. My family is hardly the only one. Other families in our community had their homes raided multiple times. Family members detained, were forced to leave Oregon or were offered money and safety in exchange for providing false testimony. This story has played out many, many times within my community to many people that I know. It has

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sowed a complete distrust between the muslim community and the city of Portland and so with that, I urge that you guys vote against remaining in the jtff.

**Wheeler:** Thank you.

**Hardesty:** Thank you.

**Fritz:** Thank you for your courage in coming today. I appreciate that.

**Wheeler:** Good afternoon.

**Brandon Mayfield:** Thank you mayor and commissioners for this opportunity to be with you again on this distinguished panel to bring up this important issue whether or not to get out of the jtff. This is my third go-around, and I want to thank everyone here who supports getting out of the jtff and, as you can see, we have a very large contingent, so much so that every time in the past it's even risen to the rafters, as you can see. First of all, the function of the city police, federal investigators, and ice are not the same. They investigate federal crimes, and ice, their job is to enforce immigration laws to detect and deport illegal aliens. The jtff engages in surveillance and electronic monitoring without probable cause and the use of informants and interviews and in sting operations that entrap people and, as you've heard from the testimony, affect people's lives in very long-lasting, meaningful ways. The local police don't do that. This is a violation of our fourth amendment protections. And the Oregon constitution and state laws, which includes our sanctuary laws. This prevents any law enforcement official to collect or keep -- i'm sorry. It states no law enforcement agency or subdivision shall use personnel for detecting or apprehending immigrants whose only violation are federal immigration laws. The fbi reported just two months ago when asked if the jtff participated in immigration-related arrests said, we will use immigration violations as appropriate to disrupt subjects who pose a threat to our communities. They said, we take terrorism subjects off the street using every tool we have. And in meeting with the mayor's office, just recently, it was reported that when they were asked how many arrests were made, they said 200 arrests are made under the jtff, 25 of which were immigration related. 25 arrests immigration related. It wasn't clear if that was national or local. But it just shows where their priorities lie. So, in closing, I just want to say that you can't say you're prepared to take a stand to protect our city and state immigrants and ethnic and religious minorities and at the same time offer city and state resources to federal programs like the jtff that targets them and works with ice Thank you.

**Hardesty:** Thank you.

**Wheeler:** Thank you. Next three please.

**Moore-Love:** Are Jim Kennedy, Rabbi Aerial Stone, and Dr. Leroy Haynes Jr. And they'll be followed by Amanda Aguilar Shank, Eric Vega, and Seemab Hussaini.

**Wheeler:** Good afternoon. Welcome.

**Jim Kennedy:** Good afternoon. Thank you, mayor and commissioners. My name is Jim Kennedy. I'm here on behalf of the Portland JAFC. Appreciate the opportunity to talk to you today about our concerns about the joint terrorism task force participation. There's been a lot of information shared recently examining all the safeguards and efforts put into place by the jtff participants and overseers to ensure local officers are not violating state law and that Oregonians civil rights are not impacted. The efforts are commendable. And I believe the people in place are righteous but ultimately, the oversight process amounts to self-regulation that occurs in secret. At Portland JAFC, we understand that civil rights become secondary when people are afraid, most of us feel comfortable that our civil rights are safe, but everybody fears physical harm. Policies that make us safer are always better until our civil rights are impacted. The incarceration of Japanese-Americans during World War II was considered prudent policy that kept us safer. And, yes, that was a long time ago, and it was a great abuse. However, it was revealed to be bad policy through the history of time. And just recently, Chief Justice Roberts wrote that *Korematsu vs. The U.S.* which essentially says that safety takes precedence over civil rights during times of military necessity was



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gravely wrong the day it was decided and has been overruled in the court of history. We are not trying to equate mass incarceration with the jttf. But our history tells us that meaning – that well-meaning enforcement agencies that protect us from physical harm are also the ones that can infringe on our civil liberties. Trust but verification is the minimum requirement. And if we cannot -- if we cannot transform the jttf in to operate in a transparent fashion, then we should stop cooperating.

**Wheeler:** Thank you. Good afternoon, sir. Welcome.

**Dr. Leroy Haynes, Jr.:** Our distinguished mayor ted wheeler and illustrious commissioners of the Portland city council, i'm reverend dr. Leroy haynes jr., chairperson albina ministerial alliance coalition for justice and police reform. I come before this city council as a longtime civil rights leader who marched with dr. Martin luther king and served as a member of the southern christian leadership conference and the student nonviolent coordinating committee sncc. I have seen and experienced how law enforcement agency like the fbi, the sheriff department and local police have abused and misused their authority to stop the progress to expand the democratic process to include blacks, communities of colors, other oppressed groups under the banner of law and order. And american patriotism. The foot soldiers of the civil rights movement and post-civil rights movement have seen how these various groups have been used to block civil rights, to block voting rights, to block basic constitutional rights of citizens of our country. A vicious attack by j. Edgar hoover whose spirit continued to be in the fbi and the fbi to destroy completely the reverend dr. Martin luther king and other black leaders as well as the civil rights movement shall never be forgotten. The abuse of civil rights and constitutional rights by the fbi cointel program should never be forgotten. History has taught us very clearly that when law enforcement become politicized as was the case with the fbi and other agencies, the constitutional rights of citizens and noncitizens will be violated. And although there are individuals within the fbi and other agencies with great character and integrity and commitment, the constitutional rights, they are no match to the politicalization of what we see today and witnessing with our own eyes the corruption that is taking place. This is why amac opposes the city joining the joint terrorism task force. Thank you very much.

**Hardesty:** Thank you.

**Wheeler:** Thank you.

**Rabbi Ariel Stone:** Mayor wheeler, members of the city council, my name is rabbi ariel stone, I speak as a leader of the Portland interfaith clergy resistance and as a rabbi representing Portland jews who oppose our sanctuary city's participation with the fbi and the joint terrorism task force. Our reasoning is deeply rooted in prophetic ethics in which judaism and christianity share our sense of social justice. Out of the ethical imperative to treat the homeless wanderer and the refugee equally with the home-born, we reject the federal government's persecution of those immigrants who are our neighbors living in our midst. Out of the ethical imperative that justice requires truth, we reject the assertion that the joint task force work can only be done in secrecy from you or that Portland police should have discretion to engage in deception in the course of their work. And out of the ethical imperative to treat others as we ourselves wish to be treated, we believe and support those who among us testify to their persecution. We stand with those who are targeted and whose right to due process and to be considered innocent until proven guilty has been violated. Jewish legal tradition warns against putting a stumbling block before the blind, allowing the fbi to function in Portland in secrecy when we know that their standards for respecting the human rights of our residents differ harmfully from Portland's own puts a stumbling block before you and your duty to serve those whom you represent and before the Portland police in their duty to protect and serve. Not every fbi action is wrong, but our city's cumulative experience with the task force does not meet the social ethics that our city's residents have repeatedly affirmed. In order to minimize the risk to civil and human



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rights violations against the people of Portland, we need transparency. We expect full participation and oversight from those who represent us. Ending our participation in the task force does not mean that we expect Portland to no longer cooperate with the fbi when circumstances warrant. It does make an important assertion that you are committed to protecting all those who share our home. We cannot seek our society's safety at the expense of the most vulnerable among us. The joint terrorism task force is a source of terror for our innocent Portland neighbors, and we object to aiding and abetting its unethical and unholy activity.

**Wheeler:** Just a quick reminder before Karla -- i'm being somewhat lax on the time here, but I want to be very, very clear. If you hold yourself to two minutes, that increases the likelihood that other people at the end of the list will actually get to give testimony.

**Moore-Love:** The next three are amend aguilar shank, eric vega and seemab hussaini and they'll be followed by joel beinin, pastor ed mondaine and jai singh.

**Wheeler:** Good afternoon.

**Eric Vega:** Hi. My name is eric vega. I am representing the Portland immigrant rights coalition, an immigrant rights organization. The record of this federal administration is unclean and flies a false flag. It makes claims of we're just going to go after the bad guys but, in fact, and I think if you reflect upon this, you can see that the trump administration is anti-immigrant and anti-muslim. And this perspective seeps into everything. It taints claims to neutrality. It taints claims to fairness. It taints claims to justice. We have an immigrant rights hot line, and we are in communication with people across the country. And what we hear over and over and over again is people, families, who are concerned about their children, who are concerned about their jobs, who are concerned about cooperation between local law enforcement and federal agencies. They don't go to the store. They don't go to the doctor. They don't take their kids to school because they live in fear. And this is the result of this administration. They say, those immigrants that we talked to, that we do not want to be collateral damage. And we say that because it flows from our experience in the world. We believe that this administration's record is clear. It can't be trusted, and you should send a clear message. When the muslim ban was being put forward, people in Portland and all around the country went to the airports and they protested. When the children were being separated from their families, people everywhere in the country got together and they protested. They bent the curve of the – and the direction of this administration. You have a voice. You have a choice. Please withdraw.

**Wheeler:** Good afternoon.

**Amanda Aguilar Shank:** Hi. City commissioners, thank you for having me here today. That was a very powerful testimony just from eric vega, and i'm here to -- my name is amanda aguilar shank. I represent freedom to thrive formerly known as enlace. I'm also a mother and a second-generation immigrant living here in Portland. I'm here to urge you to vote to withdraw from the joint terrorism task force for a lot of the reasons that have been brought today. We know the trump administration has been actively hostile towards sanctuary states, municipalities. We know they've doubled down on apprehension of Portland residents who are immigrants, surveillance of black communities, we know the fbi has a history in Portland of targeting youth, people of color, particularly muslims, black community, immigrants. And I think the only -- it's enough evidence for me to hear the story of millie who just sat in this chair a moment ago. It's enough to hear the story of mohamed mohamud back in 2010. I know that i've heard these stories you all have heard these stories of young people are most marginalized, the people who need the most support to thrive in this community who are being actively terrorized, criminalized by the jtff and by the city's participation in the jtff. I also wanted to let you know that my last couple seconds, I was in the overflow room across the hall. It's completely full. It's 100% full. It's standing-room only. I asked in there if anybody supported staying in the jtff, and nobody

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does. Everybody -- every person to the person in that room supports getting out. And so, I urge you to follow the lead of san francisco, many municipalities that will follow and withdraw from the jttf.

**Wheeler:** Good afternoon.

**Seemab Hussaini:** Good afternoon. Mayor wheeler, commission, yeah, thanks for having us all here today. And when I say all, I hope that it's a bunch of people that you guys will be able to hear and understand that we're here. We're here in force. It's all of us. And as she just mentioned that it's -- it's support to withdraw from jttf. I sit with our community as my blessed job allows me to. As a community member with unite Oregon and community organizer, my name is seemab hussaini. You guys heard from my executive director Kayse Jama yesterday and today. I sit with our affected community members. I sat with you all yesterday in our work session. I've listened to the reasons to remain in jttf. We heard from our u.s. state attorney, billy williams, loath to acknowledge our 30 years of sanctuary status as a state. So, i'm here to tell you that in my position, who do I trust? My position is a smaller representation of yours. I sit in the community and I listen to them. And I advocate for my community. But we're here today -- we've come with our communities. We would bring all of them, but you don't have enough overflow for us.

[laughter]

\*\*\*\*\*: Mmm hmm, that's right.

**Hussaini:** So, please vote with open honesty after listening to us again today. No amendments, ordinances can fix what's wrong. There's no walling off as I repeatedly here. Separate powers allow for meaningful exchange. Vote to withdraw the joint terrorism task force from Portland police bureau. Thank you.

**Wheeler:** Thanks for being here. Appreciate it. Next three, please, Karla.

**Moore-Love:** Joel beinin, pastor mondaine and jai singh. And they'll be followed by Debbie Aiona, Harvey Thorstad an Maxine Fooksoon.

**Wheeler:** Good afternoon.

**Joel Beinin:** Good afternoon.

**Wheeler:** Go ahead and start.

**Beinin:** Good afternoon, mr. Mayor and commissioners. My name is joel beinin. I'm the donald j. Mclaughlin of professor of history emeritus at stanford university. And i'm speaking on behalf of jewish voice of peace, one of 47 community organizations urging the city council to withdraw from the joint terrorism task force and cancel its memorandum of agreement with the fbi. The fbi and ice are the biggest players in the jttf. They regularly engage in profiling and surveillance that is prohibited under Oregon law. The fbi has a long history of targeting and profiling political dissidents and others based on race, ethnicity, nationality and religion. Its counter intelligence program conitelpo which operated from 1956 to 1971, targeted martin luther king jr. and other african-american leaders of the civil rights and black freedom struggles, anti-vietnam war organizers, feminists, and american indian movement. These practices continue today and have particularly affected arabs and muslims and other immigrants. The fbi's actions in this respect are entirely consistent with the policies of president trump who has made clear his intention to continue targeting people based on their religion and country of origin. Participation in the jttf violates Portland's status as a sanctuary city. Ice participates in the jttf, meaning that Portland cooperates with ice. Portland cannot remain a sanctuary city in good faith if it maintains formal ties with ice. A Portland fbi spokesperson openly admitted that the jttf uses ice data in its investigations to deport people on the basis of suspicion aone rather than probable cause. This violates the city's pledge not to cooperate with ice as well as a violating Oregon law which prohibits law enforcement agencies from collecting or maintaining information about the political, religious or social views or activities of is any individual or group unless such information directly relates to an investigation or -- of a criminal activity.

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Some jewish organizations have argued that participating in the jtff will enhance the security of Portland's jewish community. Recent experience shows that this is unlikely.

**Wheeler:** Sir, i'm going to have to ask you to wrap it up.

**Beinin:** In recent years, by far, biggest threats to the security of american jews have come from white nationalist organizations and individuals who have been unleashed by the election of president trump. Neither in Charlottesville, virginia, nor in pittsburgh, pennsylvania, did the city's participation in the jtff prevent attacks on the jewish community.

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

**Jai Singh:** Good afternoon. Dear mayor wheeler and commissioners, my name is jai singh, i'm a field organizer with asian pacific network of Oregon, apano. The fbi doesn't have prohibitions on surveillance and we also know that they regularly target members of our community based on religious or political activities and perceived immigration status. The communities that I work with as a field organizer for the asian pacific american network of Oregon, apano, includes a south asian immigrant community as well as those that practice the sikh faith. There has been increased targeting in discrimination in our communities as we have seen with the detention of over 70 south asian Punjabi sikh individuals in oregon's only medium security prison in sheridan, Oregon this past year because of the federal government's zero-tolerance policy. The jtff is an extension of trump's deportation force. On behalf of apano, we urge Portland to stay true to its values and protect our rights by withdrawing from the jtff. Thank you.

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

**Pastor ED Mondaine:** Good afternoon. I'm ED Mondaine president of the naacp. To mayor and to our president eudaly and to esteemed commission. Martin luther king made it very clear in this, quote, became adage, injustice anywhere and is a threat to justice everywhere. Whatever affects one directly affects all indirectly. The naacp has had a long history of dealing with the unscrupulous practices of the fbi and other agencies fashioned to keep surveillance on what is thought to be a threat to our great nation America and its citizens. The ability of the ppb to help facilitate civil and human right became a threat when we see a continued partnership with the joint terrorism task force as it relates to ppb. Recently as they watched in horror as we assisted in the furtherance of bigotry as the ppb intervened in an illegal eviction of a paying guest at a local hotel. When it is ambiguous at best as to the role ppb plays with the jtff, it becomes a bit problematic. It concerns me when our police commissioner and police chief are only informed about what work the jtff officers are involved in if those officers of the fbi decide and what is on a needs-to-know basis. The joint terrorism task force when we look at our state's sanctuary law, which prohibits local and state law enforcement agencies from expending its resources from enforcing federal immigration laws. The ability to exercise civil and human rights becomes a threat when we see the continued partnership with the ppb. I am continually at awe that our time and resources are not better spent dealing with white nationalists and a barrage of other white-ring extremist groups. And thank you very much.

**Wheeler:** Thank you.

**Moore-Love:** Next three are debbie aiona, harvey thorstad, and maxine fooksoon. And they'll be followed by a.j. Mendoza, sandy polishuk and olivia katbi smith.

**Wheeler:** Did we lose a shoe?

**Hardesty:** Anybody see a shoe?

**Wheeler:** Did she lose a shoe?

**Eudaly:** She did.

**Fritz:** Very tied boots, not just a show.

**Hardesty:** The whole shebang.

**Wheeler:** Sorry, you got upstaged by a very cute kid. Good afternoon.

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**Debbie Aiona:** It's irresistible, I understand. Mayor, commissioners, i'm debbie aiona, representing the league of women voters of Portland. Over its 99 year history, the league has developed a set of fundamental principles upon which we act. Two of those principles relate to the city's participation in the fbi's jttf. The league promotes an open governmental system that is representative, accountable and responsive and that protects individual liberties established by the constitution. Furthermore, it promotes political responsibility through informed and active participation in government. The league first testified on this issue in 2001 and again urges council to withdraw from the jttf. We value the protections afforded by Oregon law to individuals engaging in political and other noncriminal first amendment activities. Portland residents have no guarantee that our local officers assigned to the jttf are honoring those protections due to fbi restrictions on access to information. A december 2018 guardian article underscores the community's concern about fbi actions. The article revealed that the fbi created files on climate change activists in the midwest. These files are part of a larger effort to assess the work of 350.org. The league believes that our democracy is strengthened and sustained by active participation government. That involvement is threatened when individuals feel they have to look over their shoulders because they fear they are targets of government surveillance and file keeping. We urge you to withdraw and instead work together on legitimate law enforcement investigations on a case-by-case basis. Thank you.

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

**Harvey Thorstad:** Good afternoon. Mayor, commissioners, thank you for looking into this jttf issue. I'm harvey thorstad. I represent veterans for peace. We strongly advocate withdrawing from the jttf. We're composed of about a -- over 100 chapters, international, including a few chapters in ireland, britain, okinawa, mexico, japan. We've been opposed to the jttf move since its inception. It's part of the federal policy of the war on terror. And internationally, we've seen the war on terror in iraq, a good part cities in rubble, thanks to our great efforts. Libya, again, a country in chaos, cities in rubble. Happening in syria, somewhat in afghanistan, and now to some extent looking at venezuela. The jttf is basically a secret organization. It separates. It makes the cohesion between the police force and the community -- it's divisive. It brings them apart, rather than closer. Even in some of our own groups like our own chapters in our peace movement, somebody comes up with an odd thought. Well, gee, are you a jttf spy trying to lead us into something to discredit us or something like that? The jttf is divisive. I strongly oppose getting out of it.

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

**Maxine Fooksoon:** Good afternoon. Thank you, mayor wheeler and city council members. My name is maxine fooksoon and I speak as a nurse practitioner representing Oregon physicians for social responsibility. Our organization urges you to withdraw from the joint terrorism task force. Oregon psr is an organization of health professionals and public advocates concerned about threats to human health from war and social inequities. From our perspective, the city's involvement in the jttf is of grave concern as we see no evidence that the collaboration protects either the community's safety or its health. The american public health association issued a statement last year declaring that police violence is a public health issue that disproportionately impacts communities of color, people with disabilities and mental illnesses, people living in poverty, people experiencing homelessness, immigrant communities and lgbtq communities. In short, how we police our communities has a direct impact on the public's health. So considering both effectiveness and equity, we dig ourselves in even deeper in our relationship with the jttf. There is repeated evidence that the fbi and ice disproportionately target communities based on national origin, race, religion, political beliefs, and sexual and gender preference. The health connections are real and direct. This is not some distant correlation. The century foundation found direct negative impacts as a result of fear that comes from surveillance



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targeting and profiling. The heaviest impact is felt on communities already at a health disadvantage. Fear, of course, correlates with stress and is a potent trigger of trauma and chronic disease. It's known that when communities live in fear and distrust, they are also under-accessing the needed health, educational and social services. As advocates for community health and safety, Oregon psr believes that policing should be based on fairness, community involvement, cultural competency, and restorative practices. Please leave the jttf.

**Wheeler:** Thank you. Next three, please, Karla.

**Moore-Love:** We're going to go with fyndi jermamy and then we'll go with a.j. Mendoza, sandy polishuk and they'll be followed by olivia katbi smith, emory mort and malcolm chaddock.

**Wheeler:** Would you like to go ahead and start? You've got your hands full.

**Fyndi Jermamy:** Yes. Hello. I'm Fyndi Jermamy. Good afternoon. I'm not going to take up too much of your time. I do just want to acknowledge that I believe that the jttf regardless of how the language is written, I think we should get to a point in america where we see that racism and discrimination exists. Right? And regardless of how this is written, we know that people of color are going to be discriminated against and targeted at a much more higher rate. It was nice to see that the police officers came up here and talked about their training and the things that they're receiving, but we also know that their trainings are not always effective and they continue to receive training because they're not always following through. So, we ask you to withdraw, please. Thank you.

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

**AJ Mendoza:** Good afternoon. Mayor, council. My name is a.j. Mendoza. I am an organizer at Portland jobs with justice. We are a coalition of over 100 unions, faith communities, student organizations. We take action around workers' rights and economic justice. We urge the city's withdrawal from the jttf, and I think it's -- there's an outflow for me from the labor movement at its best, and that is when we understand that an injury to one is an injury to all. And in thinking about what to say last night, the enormity of this situation and not wanting to repeat what's been said, I -- I was reminded of something one of my mentors taught me, which is good leaders need to be ready to make decisions but great leaders will always reserve the right to grow an understanding and make a different choice. So, I think there's some obscuring of things that should be made plain. This creates a situation where communities of color, we're -- members of our community who are muslim are going to be experiencing discrimination. We've heard it. It makes my stomach -- like the pit of my stomach fall out to hear how seriously someone's life was affected by this. And that alone -- if that can happen even once, then we have no business being a part of this. And we can change that. If sanctuary means anything, it has to mean that this cannot continue. Yeah, I read the op-ed. And I think I draw a different conclusion about who's a part of my community that I need to protect and whose safety concerns me.

**Wheeler:** Thank you. Commissioner hardesty.

**Hardesty:** I just want to say I know how nervous you are, and you did an incredible job. Thank you so much for being here. [applause]

\*\*\*\*\*: I love you, a.j.

**Wheeler:** Good afternoon.

**Sandy Polishuk:** Good afternoon. Mayor wheeler and commissioners, thank you for the opportunity to speak today. I'm sandy polishuk speaking as a representative of 350 pdx which has partnered with the city repeatedly on resolutions and initiatives to move this city closer to its climate goals such as the fossil fuel infrastructure band and divestment from fossil fuels. Our previous mayor most hosted a meeting of local government and environmental leaders with 350.org cofounder bill mckibben. Does this sound like a terrorist organization? Of course not. 350pdx works the full range of climate solutions from



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collaboration with you to rousing the public to raise their voices. So it's not dangerous initiatives such as the Jordan cove project. Does this sound like terrorism? Of course not. Occasionally, we put our kayaks in the river to try to protect the arctic from oil drilling or our bodies on railroad tracks to stop dangerous trains, oil trains. We never hurt anyone. Or damage property. We don't run away if authorities come to arrest us. Does that sound like terrorism? Of course not. Yet, we know courtesy of the guardian, that the fbi is watching 350.org and the network we are a part of. Their interest in peaceful groups like ours takes resources away from the genuinely dangerous. Surveillance of this type creates a chilling effect reminiscent of the mccarthy era when people were afraid to sign a petition or attend a meeting. We especially want immigrants, refugees, the muslim community and people of color to feel safe enough to exercise their rights as part of our movement and community as well. Whether or not the city is in a formal partnership with the fbi, the Portland police department can and will cooperate and work with them in appropriate emergencies. But the city does not need and should not be a partner to the secretive and unlawful work of the fbi against groups such as 350pdx. We urge you to withdraw by passing the resolution. And I have stapled a copy of the "guardian" article to my remarks that I will give you. Thank you.

**Wheeler:** Thank you, sandy.

**Moore-Love:** Next three are olivia katbi smith, emory mort and malcolm chaddock and they'll be followed by dan handelman, mark kramer, and ned rosch.

**Wheeler:** Good afternoon.

**Olivia Katbi Smith:** Hello. My name is olivia katbi smith. I am with the Portland chapter of the democratic socialists of america. I'm also a member of the arab community here in Portland. I'm probably not going to say anything you haven't already heard, but I think the fact that you are hearing the same thing over and over again from so many different community members and organizations is a testament to what the people of Portland are asking you to do. Last friday, the city council unanimously rejected racism and white supremacy to put these values into practice, we need to recognize and reject the racism in federal immigration enforcement by dhs and ice. President trump has been clear in his bigotry against Muslims and immigrants. And DHS internment camps overflow with children from latin america. Even if you try to wall off Portland from ice, policies of the jttf are set in Washington, d.c., not in Portland. The only way Portland can prevent ice abuses is to refuse to participate in the jttf. The fbi tells us that this task force makes us – makes our city safer. We want to know safer for whom? It doesn't make it safer for muslims, immigrants, people of color and activists who are disproportionately targeted and those surveilled by the tasks force. I'd also like to know why we're so eager to take the word of an abusive agency like the fbi who have sided with the kkk as victims versus civil rights organizations over the word of community members who you claim to represent. I just want to reiterate that by voting to stay in this task force, you will be siding with the fbi over community members like millie and after hearing her testimony, I don't know how you can stomach that. Some officials say we should stay in the jttf as long as there's no evidence of wrongdoing, but that is an impossible burden to put on our communities. Jttf units nationally have engaged in entrapment, surveillance of activists, investigations motivated by bigotry and have protected white nationalists from prosecution. But if such abuses happen locally people may not come forward because of fears of deportation and communities are made compliant by fear. There's more than enough evidence that the jttf elsewhere has engaged in this wrongdoing. But by saying you need more evidence specific to Portland, you are signaling you would rather sit on your hands and wait for something else bad to happen to our vulnerable communities rather than take proactive steps to prevent something like that from occurring based on evidence and testimony you've already been presented with. We call on our city council to protect our city from jttf

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abuses now not when it's already too late and we promise to replace anyone who votes to stay in this taskforce with people who actually fight in solidarity with us.

**Wheeler:** Good afternoon.

**Emory Mort:** Hello commissioners. My name is Emory Mort with Portland's resistance and we strongly urge accepting commissioner Hardesty's resolution for withdraw from the joint terrorism task force. Today, we want to speak in specifically in solidarity with activists, organizers and all those who stand apart. People who are frequent targets of FBI JTTF counterterrorism efforts. We invite you to consider the following pattern. Native peoples lead the fight against pipelines in standing rock and across the country. They call themselves water protectors. To the FBI, they're potential ecoterrorists. Black Americans unite in the streets to demand justice and dignity. They call themselves perhaps Black Lives Matter. To federal agents they're Black Identity Extremists. Our neighbors here go to the border or to our local secret prisons, standing up to protect immigrants, refugees, children. They might call themselves Occupy ICE. Federal and local agents beg to be allowed to unleash the full force of the law on these heroes. Socialists, communists, anarchists say we all have the right to health care, houses, streets without armed militias. They stand strong as proud antifascists. Our chief of police goes on right-wing hate radio to discuss whether these heroes too are terrorists who just need their butts kicked by our heavily militarized police. And as we all know, this is just a start to a long list of persecuted activists, organizers, and people who stand apart. In exchange for this coordinated reactionary force, what do we get in return? Do we get safeguards, protections for whistleblowers? A society free from daily mass shootings and terrorizing events? Warnings to maybe stop doing wars to create more terrorism? No, we get the opposite. And we hear from leaders a folksy Portland wisdom. Work across departments. Well, we'd sure like it if your offices took a break from meeting with the FBI. We need to stay in because Portland needs a seat at the table. I see a table, and I see 50 different groups in these seats voicing our sincere concerns and our vision. And speaking of vision, we hear in op-eds progressive vision that cities will stay united in the JTTF. My time is up here but I think it's safe to say our vision is 180 degrees different from that. Despite the opposition we here believe that together we will win.

\*\*\*\*\*: Solidarity.

**Wheeler:** Good afternoon.

**Malcolm Chaddock:** Good afternoon. My name is Malcolm Chaddock and I'm here on behalf of individuals for justice. I have the dubious distinction of having had membership in two groups which have been declared to be enemies of the state by the FBI, a Peace Fresno and Veterans for Peace, which was on the terrorism watch list for some time. In 2003, I came here to Portland and within 48 hours, I was in these chambers testifying to what happened to my very first peace group, Peace Fresno. And we had had an infiltrator in our midst contrary to California constitution. Now, I know that's not a local phenomenon, but it is indicative of the repeated practice of the FBI and those -- it works with. And since that time we've been having this debate every so often. And the same set of circumstances seem to obtain rooms full of people saying we need to get out or stay out depending upon the circumstances. And here we are again. The theme is -- has been beaten and beaten to death. The FBI can't be trusted to play by any sort of rules but its own. And the people of this city don't want anything to do with them. So, I think that maybe this time, it's time to actually get out. Thank you.

**Wheeler:** Thank you. Next three, please, Karla.

**Moore-Love:** Next three are Dan Handelman, Mark Kramer and Ned Rosch. And they'll be followed by Nathalie Paravicini, Jacob Bureros and Alex Wise.

**Dan Handelman:** Am I waiting for Mayor Wheeler to call my name?

**Hardesty:** No. Go ahead.

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**Eudaly:** Please state your name. Welcome and please state your name for the record. I'm currently acting president of the council.

**Eudaly:** Thank you, president eudaly. [ laughter ] president eudaly and mayor -- absent mayor wheeler and members of the council, my name is dan handelman representing Peace & Justice Works and our project group, portland cop watch. We observed yesterday's work session, read commissioner Fish's op-ed and looked at the counter legislation being proposed for today's hearing. Our group believes the best course of action is to stay out of the jtff. Other task forces involving Portland police do not have the same documented history involving the fbi appropriately focusing on people of color, immigrants and others in violation of Oregon's anti-spying statute. The proposed amendments of the current agreement with the fbi do not fix the problem of deputizing ppb officers which is not needed, including molotov cocktail threat against mayor Wheeler. Agreeing to wall off ppb from immigration issues will not guarantee compliance with the Oregon sanctuary law. The fbi runs the task force. Portland cannot override their actions. The fbi special agent in charge stated repeatedly including in his Oregonian op-ed, he can't guarantee the task force won't utilize immigration charges and such actions are used when there are no other options to disrupt crime or violence. If Portland officers participate in an investigation on the front end and the fbi turns the alleged suspect over to another agent for deportation for lack of prosecutable criminal activity, the ppb has participated in the immigration aspect of the jtff. The end result is the same as if the ppb did the investigation themselves. Requiring the chief to seek security clearance does not change anything. City policy already asks the chief gets top secret clearance. The issue is the bureau civilian commissioner does not access to the same information that's why mayor potter, former police chief withdrew from the jtff. The fbi claims mayor wheeler's one-day nondisclosure agreements are functionally the same as top secret clearance. We doubt that's true since he can't sit with his officers for debriefing without another waiver. Nobody in authority has been talking about changing our nation's reliance on using violence to enforce state policy which leads to so-called terrorism. While attempting to address problems of being in the jtff, any tweaks to the current status quo do not protect civil liberties. Support the resolution to withdraw from the jtff. I do want to point out the letter you were handed by kimberly from the aclu does have 50 signatures from different organizations, most of whom are here today.

**Eudaly:** Welcome. Please state your name for the record.

**Mark Kramer:** My name is mark kramer. I have been a member of the national lawyers guild since 1981. The guild has been supporting and protecting civil liberties and police accountability in Portland and beyond since that time and before. Along with other concerned citizens we advocated to have Portland to withdraw from the jtff in 2012, only to see us return in 2015. I have personal experience with surveillance overreach. More than 30 years ago I had the dubious honor of being included in the ppb red squad files. In litigation which led to the dismantling of the red squad, the bureau admitted to using paid agents, volunteer informers and other techniques to monitor dissenters and agreed that even reasonable suspicion of something as trivial as trespass triggers their response. I was included in the red squad not for terrorist or subversive activities but for representing individuals protesting apartheid and u.s. supported repression in central america. That informs our analysis today. We have three specific problems or many specific problems with the jtff. One is that the lack of classification. The mayor does not have classification. We don't believe that the de facto classification that's been applied for will suffice. It is essential that the mayor and the commissioner of police and also, we advance, the director of ipr have a role and be given security clearance before Portland continues in the jtff. The existing memorandum of understanding provides that each jtff member will be subject to the personal rules and regulations of the ppb. However, without the mayor and ipr and the commissioner getting the security clearance, there is no way to enforce that. By

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participating in the jttf, the ppb will lose autonomy in investigations. So if there is a jttf investigation, the police, our bureau, may not do collateral investigations, may not do independent investigations, it is limited to the jttf agenda. For those and other reasons we urge you to support commissioner hardesty's proposal to remove Portland from the jttf. Thank you.

**Wheeler:** Thank you and perfect timing. Good afternoon.

**Ned Rosch:** Good afternoon. My name is ned rosch and I speak as a member of the jewish community, active nationally with jews, muslims and allies in the network against racism and islamaphobia. We know two things about the jttf. One is that participation in it does not guarantee safety. The most deadly anti-semitic attack in american history recently took place in pittsburgh while the city was actively engaged with the jttf. The second thing we know is that collaborating with the fbi and ice through the jttf means embracing intrusive surveillance, frightening levels of islamaphobia and the targeting of immigrants, people of color and activists. We want our city council to be part of imaging the future we collectively dare to create. In thinking about what community and safety might look like we need revolutionary vision and radical imagination. Because it is our imagination, not partnerships with ice and the fbi, that tells us what's possible. Security is important because it gives us a sense of what we are fighting against. But imagination and community are key because they tell us what we're fighting for. The elusive search for security for some must not come at the expense of freedom for others. To build our future, we need solidarity among all who call Portland home. We need the people who are in targeted communities as it is they who enrich our lives, and they desperately need us to think, act, and vote inclusively. We urge you to affirm the dignity of all who live in our community and withdraw from the jttf. Thank you.

**Wheeler:** Thank you. And, dan, I apologize for getting up. I do have the testimony on my laptop. So I heard it and I apologize for that. Next three, please.

**Moore-Love:** Are Nathalie paravicimi, Jacob and alex wise, and they'll be followed by Teresa Raiford, lightning super humanity and edith gillis.

**Wheeler:** Good afternoon. Would you like to start, please.

**Nathalie Paravicimi:** Good afternoon. My name is Nathalie paravicimi. I am a doctor and I serve the migrant community. But I am also the state co-chair of the pacific green party. I am here to urge you to withdraw immediately from the jttf. For one thing, we pay enough taxes to the federal government for them to afford enough resources locally. We do not need to use our local resources to any further actions with an organization that has an abysmal track record that lasts to this date. My english is not that good today.

**Wheeler:** It's fine. It's fine.

**Paravicimi:** And what really makes us secure is a police force or security force that works with our community, that is part of our community, that's not antagonizing our community. And any association with ice is totally contrary to public safety. And to the public well-being and I speak from a doctor. Because when our migrant people don't go to the clinic because they're afraid, then we have more epidemics and more public health issues. So I didn't prepare any statements. But we are very strong in the green party that we want the Portland to leave the joint task force immediately. And we are very determined that if that doesn't happen we will take note and we will elect more people on the city council to make that a reality. Thank you very much.

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

**Alex Wise:** Good afternoon. My name is alex wise. I am representing people organizing for Philippine solidarity, which is a showing up for racial justice action group and a member of the international coalition for human rights in the Philippines. We are asking that the city withdraw from this task force and we would like to share our experience with the u.s. Government torturing a guest of ours. In the Philippines under Duterte, there's always a



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fresh outrage. Yesterday he arrested journalist and time person of the year. This is part of a crackdown on all opposition happening with the complicity of the us government. In April, 2018, we invited speakers from the Philippines for a stop the killings national speaking tour against the tens of thousands of extrajudicial killings. We invited a drum aba, a young leader of a Moro indigenous Muslim community organization which works for peace. His homeland is in the poorest part of the country experiencing a multisided civil war and martial law. He had a brand-new 10-year u.s. entry visa and speaking invitations from groups like us and the united methodist church. ABA was stopped at the san Francisco airport and refused entry by customs and border protection, a member of the joint terrorism task force. For over 20 hours he was then treated like you see a terrorist interrogation on television. Being forced to strip naked in front of industrial fan blowing cold air, forced to sign a blank confession, offered only a ham sandwich to eat and restricted water. He was repeatedly accused of being a terrorist and a communist, asked about his personal political beliefs and who he knows. They played psychological games, leaving him alone with a grenade on the table. He was told he had no human rights and was denied access to a lawyer and any communication at all for hours. At the airport and around the country we protested for him and thankfully he was not disappeared to a black site. He was put on a plane and deported back to the philippines. The san francisco city government, which I believe is not a member of the joint terrorism task force, passed a resolution asking for an independent investigation. We want you to follow their example. Stand up for civil and human rights against the federal government and leave the joint terrorism task force. Thank you.

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

**Jacob Bureros:** Good afternoon, mayor and commissioner Hardesty, commissioners, thank you for letting us speak before you today. My name is Jacob Bureros. I am the founder of Direct Action Alliance, cofounder of Occupy ICE PDX, founder of the Fifth District Progressive Out in Clackamas County, and I currently work with Femmes Strike Back and Power Portland among other groups locally. What we do is we stand up for our neighbors. Because our government isn't doing it well enough right now. I am also a member of Portland Committee for Human Rights in the Philippines. My family is from Cotabato in Mindanao which is now currently under martial law and I have seen far too severe a price being paid by people in my own family for when the government is able to run rampant and run amuck without any accountability. We know for a fact right now that the Portland Police does not have any accountability. We know for a fact that our federal agencies, law enforcement agencies have no accountability for when they break the law. What recourse does the community have? We don't have any recourse currently. So what is to stop them from breaking the law? What is to stop them from not acknowledging any of the agreements that you make? What do we know for a fact? We know few things for a fact. For a fact, we know that the bombing in Boston occurred despite being part of the JTTF? We know for a fact that the shooting at the Pittsburgh Synagogue occurred despite being a member of the JTTF. We know that here in Portland, Millie's family was abused, was treated in the most harsh, disgusting way. I was upstairs and I had to go outside and smoke a cigarette. It was enraging. One victim is too much. One victim is too much. We can't have more. We know for a fact that this does not make us safer. We know for a fact that it hurts our community.

\*\*\*\*\*: That's right.

**Bureros:** It's up to you guys to make a difference. Not all of us can make a difference. We are one people. That's why we have to band together and become groups. But you up there, you speak with the full power of the city of Portland. And we are demanding that you withdraw from this unjust task force. Stand up for us, inspire our youth, inspire my kids, inspire your kids. Do the right thing. Please.



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

**Wheeler:** Next three, please.

**Moore-Love:** The next three are Teressa Raiford, Lightning super humanity and Edith Gillis and they'll be followed by John, Brian King, Ned Rosch. Oh, did he speak already?

**Wheeler:** Good afternoon. Teressa, do you want to start?

**Teressa Raiford:** Of course. For the record my name is Teressa Raiford. I am a native Oregonian and the founder of Don't Shoot Portland. And we don't have to assume anything. The last time that it was brought forth to the council, as a community organizer, I organized in my community. I educated community. I spend my own time and energy to the detriment of even my health. To organize community around this issue, to educate them on their involvement and what that could mean for our city. Out of the 30 people that showed up in 2015 to give their testimony, the people from the black community, including the children -- I can say that all of them have been arrested. And many of those arrests occurred in 2015, following all of our testimonies throughout the year, following the testimony. After you guys voted to participate when we asked you to withdraw. When we gave you valid reasons to withdraw, when different organizations came here with experience and data to tell you to withdraw. People like myself were humiliated, we were discredited, we were arrested, and we were emotionally traumatized. It's terrorism. It's clear terrorism. And if you don't understand why black people in Portland protest or black people in America protest today, you don't have to go any further than to look downstairs in the display case that's on display right now for Black History Month. Crack, guns, money, the drugs that were brought into our community. The participation with community partners and agencies, the continued participation and community policing against our bodies. The removal of our children, the mass incarceration. These audits don't lie. We might want to say that the city and the JTF has nothing to do with our education system but when we have officers in there and they have access to resources within the city's coffers and bureaus, that can actually give them an opportunity to investigate and interrogate, without us even having the opportunity to participate, and when those same agencies have the opportunity to help us waive our further rights so we don't have the benefit of privacy, then that's a problem. And for all the communities that are speaking out today, people in this country, the ones that wrote the language that created the oppression, the capitalism, the patriarchy system that binds us and ties us to this type of interrupted behavior, this type of trauma, you understand that you did it for us. Thank you for including us but you need to withdraw. Thank you.

**Wheeler:** Good afternoon.

**Lightning:** Good afternoon my name is Lightning. I represent Lightning Super Humanity. One of the best things I think you did, Mayor, was bringing in Police Chief Outlaw. I'm going to stand alongside her on this decision. I am going to request she does have security clearance. I would also like to add every one of you to apply and to try to get security clearance. I want to understand what her position will be on the reports that will be supplied and furnished to the public. I want to have a clear understanding on her position on why this will be beneficial to stay with JTF. And I am going to go by what she says based upon her training, based upon her experience. And I will rely upon her to protect the interests of the people in this city. Now, my position again, plain and simple, is that 18-usc 871, threats against president and successors to the presidency, domestic terrorism, well you know what? When you're dealing against the FBI, you want people also within the FBI who have a clear understanding about a lot of the people in this city. You need to have somebody in there. You need to have somebody you can trust. I trust Police Chief Outlaw. I trust her with the people of this city. And I will go along with her decision. On this. At the end of the day. And she understands by her stepping out like that, all the people in this city will be watching her very close on this. And they do want improvements made to it. They

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do want different things and adjustments made to it. I think she is going to get the job done on this. And I want her to have the right. She can withdraw immediately at any time. And the fbi needs to understand this right up front. If she decides to do that, we are out. Thank you.

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

**Edith Gillis:** My name is edith gillis. And I have given the clerk for you the lyrics of the Portland raging grannies sang this morning or this afternoon. The Portland raging grannies are opposed to the joint terrorism task force. I am here now as an individual. I have been wearing these clothes in mourning for decades for people who have been murdered by the Portland police through no excuse. My children have been traumatized for 12 and a half years. After many police tried to murder me when I tried to stop one cop from unlawfully murdering a peace keeper who was law abiding and peaceful. My elderly neighbor azziz was taken to the hospital last night because she was so overwhelmed that three of her family members had been murdered by the Portland police that she was just not able to get up and get out. She has bed sores. She has to have surgery. She may die from it. Larry Nicolas is having his birthday tomorrow on valentine's day. For five and a half months he has been in ice custody [inaudible] because he was unlawfully jailed because of having mental illness from years of trauma and abuse in the philippines. Over 6,000 filipinos are forced to leave and over 27,000 have been murdered that we know of just recently. Being in the jtff did not protect my neighbor who just found out last night that another family member was murdered or died in custody last night. We don't know the details yet. They keep lying to us. Being in the jtff did not stop deaths, [inaudible] and terrorism of racism. Being in the jtff didn't protect me and my fellow medic, one upstairs who mlk weekend was afraid that the joey gibson goons were stalking and were going to abuse us. Probably beat me to death. They didn't stop joey gibson from assaulting me or assaulting a sweet innocent little boy sitting on the sidewalk. Get out of the jtff now.

**Wheeler:** Thank you. Next three, please. Karla.

**Moore-Love:** Next three are john, just the name a john, only. Brian king, and marc goodson and then the last three who signed up will be Maggie, marty slapikas, and eric d fletcher.

**Wheeler:** Good afternoon.

**Brian King:** Good afternoon, thank you. My name is brian king. I am a resident of Portland. The issue of the day is community safety. Historically when Portland city council considers safety it's prioritizing the safety of white Portland owners. In light of last friday's resolution against white supremacy we should considering the racism in the jtff agencies when considering our partnerships. In 2012, a white man named christopher barker, a leader of the klan faction called the loyal white knights, assisted in a plot to attack mosques with a radiation weapon. The fbi intercepted and stopped this plot to its credit but no notably no jtff unit was involved. The fbi intervened in the prosecution of mr. Barker, got him parole and made him a paid informant under the direction of the Greensboro, north Carolina jtff. During his years under the care of the jtff mr. Barker was charged with multiple accounts of assault including assaults on his wife. He was charged with arson, theft, possession of war weapons, associating with violent extremists and violation of parole and attempted murder against another klansman. In 2016, the state attempted to prosecute mr. barker for attempted murder. The jtff petitioned to have the terms of his parole retroactively lifted so that he would not be charged with those parole violations. In 2017 mr. Barker made bond in the attempted murder charges and was released after only three months in prison. Assault, weapons charges and attempted murder of the results of the greensboro jtff's work for public safety when a white man was charged with terrorism. We have been told to only consider the behavior of our local jtff so it's important to note that the initial intervention for mr. barker came from the national fbi attorney in Washington

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dc. These agencies don't respect Portland laws. They don't respect Oregon laws as we have heard yesterday. They work on their own agenda. What happens when a muslim person of color is accused of terrorism? The East Bay Express, california weekly paper investigated fbi charges against five terrorism suspects. In each of these cases the suspects were young muslim men who were vulnerable due to mental illness or precarious employment or family estrangements. They ended up being entrapped and set up for prison for decades in prison. The racism is clear. If you're a white man, you're free and on the fbi's payroll. If you're a muslim immigrant, you're set up for decades in prison. To combat racism in the jttf, we must withdraw.

**Wheeler:** Thank you.

**John:** My name is john. I am here to talk about a few things. One, I want to reiterate the concern brought up yesterday about the fbi labeling the protest in california as a kkk rally, where leftists were targeted afterwards and surveilled. I am pointing out that the kkk were not present in the traditionalist workers parties and the golden state skinheads were present. Which the concern here is that it shows that they obviously don't know anything about white nationalism neo-nazi groups, that they are confusing those two. Though they have similar ideologies they are two, three totally different organizations. So I wanted to point that out because one of the arguments is that we need these people to protect certain communities from these white nationalists and neo-nazi organizations. I also want to point out that I have had many very bad interactions with law enforcement. And though I will show them respect for the most part I don't trust any of them. And this has changed drastically in the last couple years. Because of my experiences with them. One of the first ones was in may day, 2017, the one that was deemed a riot here. And I witnessed and experienced use of force on myself and also another individual that was punched and tackled to the ground by the Portland police bureau. Later found out that this person was not even a part of the protest. Was just a random citizen that was walking through the city of Portland. Another being at occupy ice on three different occasions the department of homeland security attacked protestors and then lied about it and most recently was my experience with working people, working with people on the border providing humanitarian efforts. And about half the people, about seven people that interact with down there were stopped by border patrol on the way back through, interrogated. Some for up to nine hours having cell phones taken, birth certificates, personal information taken. So my point to this is that these are all law enforcement agencies, some of them are federal and the fbi is not exempt to abuse. I believe this is something that runs rampant in law enforcement. And is a cultural issue within those agencies. And policies aren't going to change that.

**Wheeler:** Thank you both.

**Moore-Love:** Last three who signed up are Maggie, marty slapikas and eric d fletcher,

**Wheeler:** Good afternoon.

**Maggie:** Age before beauty.

**Wheeler:** Sir, would you like to go ahead please?

**Marty Slapikas:** My name is marty slapikas. I wish I could say I represented a whole bunch of people. I don't. I'm here on my own and I have several comments. One is the definition of terrorism is the use of violence against civilians to promote a cause so unpopular that it cannot succeed without an element of intimidation that involves terrorism international, domestic terrorism and the current threat. Back in months before the year 2000, many months before 9/11, the united states commission on national security issued a report co-chaired by former senators rudman and hart outlining threats and recommendations as what must be done to counteract the threats to the united states. The commissioner report the six threat areas, biological, cyber, nuclear, chemical, radiological and enhanced conventional. Also listed were seven strategic functions. Deterrence,

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prevention, preemption, crisis management, consequence management, attribution and retaliation. Four levels of involvement were listed. And they are federal, state, local, and private. Each level of government involvement might need to satisfy 42 distinct mission areas. Most if not all mission areas required gathering current and accurate information. When I was entering Portland for the first time crossing i-5 interstate bridge late Sunday night on November 13th, 1988, I was unaware Oregon has passed a state law in 1987, ORS 181-852. It was caused by an incident in 1977. A lawsuit resulted and the Oregon revised statute that created Oregon sanctuary law. To make my testimony more shorter and hopefully meet with the time limit, by pulling out of the federal joint terrorism task force, limiting cooperation between an agency with vast more information, gathering assets than Portland, and see the attachment one I put in there, 63 areas of gathering information from around the world come into the joint terrorism task force. Our city decreases the safety that state and city citizens believe they are offering to those who seek a sanctuary from their former countries. I have got concerns and I will just list them. If the city of Portland is no longer participate in its shared national security, does the city have the resources to protect its citizens from the threats listed in the commission's report? Will the city of Portland no longer share its information with the federal government?

**Wheeler:** Sir, I need you to wrap it up.

**Slapikas:** Okay, all right. City leaders desire Portland's participation in the global economy. Like it or not Portland is on a global two-way street participating in the global economy should clearly alert city leaders to take notice of the obvious threat of global international terrorism to our local citizens, institutions, and economy. City of Portland shares a part in the national fight against terrorism to protect our civil rights and existence.

**Wheeler:** Thank you.

**Slapikas:** I do not suggest pulling out of the joint terrorism task force.

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

**Maggie:** Hi. As some of you may know, I am the granddaughter of an Armenian immigrant. And back in the day, it was McCarthyism. And you know, you know, when your mother comes home from school and she has to say, dad, everybody keeps asking me what I am. You're American. That's what you are. Instilling fear into people, I mean, we've had foreign born people from all over the world serve in our military. We have a grand tradition of migration and integration of culture. You know, I grew up around three military bases because war drives migration. And Korean, Japanese, German, Vietnamese, Cambodian, you know, all these people, you know. I ate my way through the kimchi and the sushi and the German stollen and global warming, it's all going to drive migration. We have to stop being so paranoid. You know what creates violence and lack of safety is marginalization. Creates lack of safety. And that's what we need to focus on. We need to focus on integrating everyone into the community and saying, you're valued and you're valuable and you're input matters. That's what makes a safer community. So, I would like everyone's input to matter.

**Wheeler:** Very good.

**Maggie:** Thank you.

**Wheeler:** Thank you.

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

**Wheeler:** All right. Very good. So, commissioners, would you like to invite some of our expert testimony back up to ask questions?

**Philip J Wolfe:** I'd like to speak. I'd like to speak. I would like to speak.

**Wheeler:** Did you not get a chance to testify, Philip?

**Moore-Love:** He didn't sign up.

**Wolfe:** [inaudible]

**Wheeler:** Ok. Come on. Fine. Yes. And the list is closed. This is it.



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**Marc Goodson:** I was 38 I believe or 39.

**Wheeler:** Did you get skipped? Yeah, come on. If you were on the list, come on.

**Goodson:** All right.

**Wheeler:** Yeah. We'll let philip -- he's testifying right now.

**Goodson:** My name is mark goodson.

**Wheeler:** He's testifying.

**Goodson:** Go ahead. Sorry.

**Wheeler:** Thank you.

**Wolfe [via TTD]:** Hi Mayor and commissioners again. I will be quick, I promise. When I was at protest for occupy ice PDX...

**Wheeler:** Thank you.

**Wolfe [via TTD]:** ice officers pointed rifles at me with sniper red lights on my chest. [speaking and signing] my hands were up with the on me, I don't want to die, I don't understand] [TTD] I wasn't prepared to die. Lucky I'm still here. From that traumatic experience, because ice sleeps with jttf, i'm not asking but I am demanding you to let them go in order to end violence starting with jttf.

**Hardesty:** Thank you.

**Goodson:** Thanks.

**Wheeler:** Good afternoon.

**Goodson:** Good afternoon. Thanks for providing our community with a voice to speak on this. I think largely we see distrust in the federal government. And I think that's duly noted, and it feels good to be part of a community that is politically aware and progressive. And I thank everybody who has stepped up and spoke today to address the withdrawal from this. So, I guess when you think about the way that terrorism has been, like, the nametag for convincing the populations of the u.s. to go to war, during the iraq war, how the media uses that kind of terminology and fear tactic. It's interesting to really analyze, like, what the task force is aligned do. And we see that there's obviously a lot of bad policy coming from that group as seen through different accounts that we've heard today. So, going back to the healthy amount of distrust that we have for the government, the federal government, I - - I do thank you for -- for being here, this council, again, providing space. But I think it's concerning, and I -- I think that we do need to understand, like, if they -- if we withdraw from this agreement, like, who's to say that they're not going to continue doing the same thing that they've been doing? So, what is our -- how are we going to police them policing the people after we withdraw, if we withdraw? You see what i'm saying? When can we have a meaningful place for safe dissent? And, you know, I feel like we need to be progressive in this and take this seriously.

**Wheeler:** Thank you.

**Hardesty:** Thank you.

**Wheeler:** Thank you, philip. Very good. Colleagues, what's your pleasure?

**Hardesty:** Mayor to your point, I believe that out of 38 speakers, we had one person testify in favor of us staying. So I don't know that there's a need for us --

**Wheeler:** There was at least twice that many. There was at least two. [laughter]

**Hardesty:** My bad. I must have been in the restroom when the other one spoke. But having said that, I don't see a need to repeat testimony we heard yesterday. So if my colleagues are ready, i'm ready to call for the vote.

**Fritz:** I --

**Wheeler:** I would actually like to ask some questions because and I've heard the testimony and I appreciate it. But I still have some questions that identify -- commissioner Fish.

**Fish:** Mayor, I just want to correct the record on one point. We have received a lot of testimony, written testimony and emails and we've heard from a lot of people actually



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support the jttf who are not here today. The record includes emails, letters, and testimony, and I don't want to diminish anyone's voice just because they couldn't be here.

**Fritz:** Before you move on, mayor, if I may.

**Wheeler:** Certainly.

**Fritz:** I noticed in the ordinance that it's called out that it would be binding city policy. I believe we need to add that to the resolution to add a further be it resolved that this resolution is binding city policy.

**Hardesty:** I will second that.

**Wheeler:** We have a motion from commissioner Fritz. We have a second from commissioner Hardesty on the point of making the resolution binding city policy, which would be parallel language to what was in the ordinance. Any discussion? Legal counsel, are there any issues we should be aware of?

**Karen Moynahan, Chief Deputy City Attorney:** None, mayor.

**Wheeler:** Very good. Call the roll.

**Fritz:** Aye.

**Fish:** This puts the resolution and the ordinance on equal footing in terms of binding city policy and I think that's fair. Aye.

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

**Wheeler:** I support the amendment. The amendment passes. So to the main motion, I have a number of questions unless anybody I typically let my colleagues go first. I'm not sure who I'm asking these questions of, so maybe I'll ask them and maybe Kimberly, I know you're still here, perhaps you would like to have a shot at these. A.C. Resch is here. Perhaps she would like to have a shot at these. They're questions that have been looming. Some of them have been raised by testimony today. And I start with the assumption that Kayse Jama got it right when he started us off and he said we're all here for the same reason. We all want what's in the best interest of the community. We may just fundamentally disagree about the best strategy to get there. So my question is this. If we choose to withdraw from the joint terrorism task force, the task force doesn't go away. The task force continues to operate without us. Doesn't that mean we're missing the opportunity to assist with priorities, with policies in bringing our city's value to the table? And if that's true, how does that possibly help protect or serve our community?

**McCullough:** Mayor Wheeler and members of the commission, I think my answer will come back to what I was talking about earlier which is trust. And while we have a greater degree of trust with our local law enforcement, we don't trust the FBI and the JTTF -- and ICE so the idea that, you know, our officers in working for the JTTF is somehow going to transform a massively long history of rights violations by the FBI and by various JTTFs around the country, it is -- it's dubious to us. And that doesn't mean that I don't trust that our local law enforcement would do the best that they can to advocate. I -- I take them at their word. But I think that this is an issue where we just have a lack of trust. And, again, I think as we -- as we pointed out before that, if something rises to the level where an investigation can happen under Oregon law, right, where we're not proceeding before we have reasonable suspicion and probable cause, as the FBI often does, if there are actual threats and there's actual evidence that something is going on and there is a need to collaborate, we're not saying that that collaboration should not happen in those instances.

**Wheeler:** Could I ask a follow-up to that?

**McCullough:** Sure.

**Wheeler:** Because that was also raised by a number of people who testified eloquently earlier. In fact, somebody had said, sharing information when, quote, actual threats are upon us, end quote. Somebody else said, when circumstances warrant. But if we have withdrawn from the terrorism task force, aren't we putting the burden on the FBI to let us

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know when there is, quote, an actual threat, end quote? And aren't we letting them decide what circumstances qualify circumstances that warrant our participation?

**McCullough:** I don't know if I follow you there, Mayor Wheeler. The idea that we somehow have to be inside and seeing all the same information that the fbi sees in order to decide what we're walling ourselves off from or not walls ourselves off from compared --

**Wheeler:** You'd said --

**McCullough:** Compared to the idea if the fbi actually sees a credible threat and they come to us and ask us to engage and our law enforcement follows our own law enforcement policies, i'm just -- i'm not -- i'm not following you.

**Wheeler:** Ok. Well, I may have misunderstood your testimony, because I thought I heard you say we could enter into an arrangement where there's sharing information when an actual threat has been identified. My point is simply --

**McCullough:** Sure. I mean before we had the jttf, if there was a threat to the city of Portland and the fbi knew about it, they could certainly come to the city of Portland and tell the city of Portland and local law enforcement about that threat. That existed before the jttf. That exists now. It exists independent. There are places that don't have a jttf. And i'm sure if the fbi knew there was some credible threat to a city that is not in a jttf, they're not going to just not communicate with them.

**Wheeler:** So you do trust the fbi. [audience murmurs]

**Fritz:** That's not what she said.

**Wheeler:** In this case, you're trusting that the fbi will let us know if there's a credible threat. Is that right or not right?

**McCullough:** So what you -- so let me -- let me -- let me get your -- let me get to hear it. So what you're saying is that, by having members of inside -- in the jttf --

**Wheeler:** At the beginning as chief outlaw suggested in her testimony.

**McCullough:** -- that they're then going to have access to all the information the fbi has so, therefore -- yeah, i'm sorry. I just don't -- I just don't -- i'm just not following your logic.

**Wheeler:** Let me let these folks have a shot that and maybe i'll try again.

**Resch:** So in answer to your question, mayor, that is exactly one of the points that I made yesterday is that allowing the officers to be engaged from the very beginning does allow Portland to have an influence on what we determine is an actual credible threat to our city. If we do not have that, we are relying on the fbi to contact us when they feel that threat is necessary. And when they feel it's necessary to bring us into the conversation. We are also not allowed at the very beginning to apply any of our resources when maybe we determine that it wasn't a threat, but there is another way to go about this problem. We mentioned our behavioral health unit. We mentioned our youth services. We mentioned the councils that we have access to and the community members who support us. So, it is a detriment when we are not there at the beginning. We are not allowed to put any type of Portland lens in looking at these cases. The fbi brings those to us.

**Wheeler:** Do you believe --

**McCullough:** Can I ask just one quick question?

**Wheeler:** Sure.

**McCullough:** Because i've never worked for the fbi, but mike german has, and he is still here. And he is the expert on why these intricacies like the things that you're asking -- I -- I understand but i'm unable to articulate it in the same way that I think mike could.

**Wheeler:** Sure.

**McCullough:** If I could have him come up and answer your question, that would be really helpful.

**Wheeler:** I'm sorry, and I didn't mean to be disrespectful, mike. I thought you caught a flight.

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**German:** Thank you. And I would have, but Alaska Airlines decided they wanted me to stay here a couple more hours. [laughter]

**Wheeler:** That's destiny. You know that. Right?

**German:** Yes, yes.

**Wheeler:** Thank you. Did you hear my question?

**German:** I did. And I think -- and I appreciate you jumping in. But it's -- I think it's a misunderstanding of how a task force works. Right? That the reason you bring all these different people together is because everybody else has a different aspect of the work that they're doing that has different talents that they bring and also things they can't do. So the idea of bringing them together is to take advantage of all of that. So, in your suggestion, it is just as likely that it's the Portland police that is bringing information to the FBI in the task force that is alerting them to a potential problem.

**Wheeler:** But not if we're not in it --

**German:** Oh, no, absolutely, the Portland police can call the joint terrorism task force and say, hey, we think we have a problem here. That wouldn't change -- be changed by the withdrawal. So, it's -- I talked about it yesterday -- the triage. Right? The FBI has moved to a formula where they open up the spigots on intelligence collection, see something, say something. Every tip and lead is coming, and every tip and lead gets followed. And that just burns up so much resources on low-level things that you're not seeing what are the real threats. So, the way the Portland police interact with the community, they will more likely be the ones who know about things that are going on and where the FBI has something that rises to the level of reasonable suspicion, that's where they open a full investigation and that's when they can engage with the local police.

**Wheeler:** That's helpful. And I appreciate that perspective. Let me ask you a question about transparency, because transparency came up a number of people mentioned it. They said that the nature of the task force is such that -- in dealing with intelligence, they're not as forthcoming as a lot of people in the community would like. Does the task force become more or less transparent by our withdrawal?

**Resch:** To us, it becomes less transparent.

**Wheeler:** How?

**Resch:** They are not required to tell us anything unless there is that threat. So, what they're doing is not going to be told to us.

\*\*\*\*\*: [ off mic ]

**Wheeler:** So, the -- you know, there was some testimony I really enjoyed earlier by somebody who I like very much, and I won't call her out, but we almost always disagree. But I always appreciate her testimony and I always appreciate her passion and her leadership in the community. And I've concluded that no matter what issue we are discussing, it's about engagement versus withdrawal. And you can think of some cases where it makes sense to actively engage, and I tipped my hand a little bit. I said I think it's important for us to engage so we can establish priorities. We can establish policies, and we can bring our values to that table. I think that's -- personally, I think that's really important. I know a lot of people here don't agree, and that's fine. There are other policies where people say withdrawal is more important, but this is an unusual issue. This isn't stock divestiture or something trivial. We are talking about situations where the public safety and well-being hangs in the balance. How does withdrawal provide the stronger commitment to safety and well-being? And I heard a lot of great values espoused but while values are incredibly important, values in and of themselves don't protect the public. So, how does that withdrawal versus engagement move the interests of the public with regard to safety or well-being?

**German:** So, I would argue that that table should be at the Portland police department not at the FBI. Let the FBI come to the table under the rules that the Portland police have, and

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they can do that engagement using standards that the citizens of Oregon and Portland have agreed will govern their law enforcement activity.

**Wheeler:** But isn't that what we could do through commissioner Fish's recommendation of let's put the sideboards on. Let us decide what that partnership looks like and how we want to manage that policy rather than seeding it completely to the fbi, which is what we'd be doing if we withdraw?

**German:** Well, I would argue that the way you're going to get the fbi to cooperate and raise their standards is by refusing to join their task force and work under their standards. [applause]

**Wheeler:** Do you have evidence of that, that that strategy would actually work?

**German:** I -- that's why I come here so often and give you so much credit for being a leader on this topic and actually creating this conversation, but it's still a brand-new conversation. And they've started it in san francisco. And they're starting it in oakland. And I think you -- I credit you for having had the courage to test this system. And there is no guarantee of safety. But we cannot turn over our control to a secret institution that isn't responsive to our questions and concerns.

**Wheeler:** We serve with the fbi on more than just the joint terrorism task force. They work very, very closely with ppb on child exploitation, on sex trafficking and, unfortunately, our community are probably aware of this being on the i-5 corridor is, unfortunately, a significant byway for sex trafficking, including international sex trafficking. There's been no proposal that we withdraw from those relationships. Is this a fundamentally different relationship in your opinion?

**German:** It is, in my opinion, certainly, because you have the history of the use of this term "terrorism" to justify targeting people for political reasons, targeting communities that don't necessarily have the majority protecting them. So, this is different, number one. But number two, no, I would ask you after you withdraw from the joint terrorism task force to start looking at the other ones and seeing how they operate as well. [laughter]

**Wheeler:** Commissioner Fish?

**Fish:** I think my colleagues, I have a sense to that our colleagues have lengthy statements to read. I think since we have the benefit of getting you out of here by 5:00 and having statements, I think the sooner we move the statements --

**Wheeler:** All right, very good. Thank you.

**German:** Thank you.

**Resch:** Thank you.

**Wheeler:** Call the roll.

**Fritz:** Thank you, everybody who came today, everybody who sent in comments or called my office. This is an important question on which reasonable people can and do disagree. And it's so important i'm going to read my speech because I don't want to miss any of it or to misstate anything. And I do appreciate that, for the most part, comments have been constructive and focused on issues rather than directed at people and suggesting conflicting values. We all want to be safe. The question before us is, what will make us safe? I support this resolution for four main reasons. Oregon law does not allow surveillance without reasonable suspicion a crime has been committed. Fbi directives allow that surveillance. Participating in the jtff gives Portland police officers access to information they should not know. Surveillance without reasonable cause is illegal in Oregon regardless of who is being investigated. I am unconvinced that the jtff's focus has switched from perceived international terrorism to local threats, and I am more concerned for the rights of local people. When we participated on a limited pace basis, the council was supposed to receive annual reports on activities of our offices. Those reports were ludicrous in the absence of meaningful information. We already tried their "let's do it with sideboards." Let's make them better. Let's participate and make sure that we get them to



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give us information. It did not work. Since we have been full participants, we have been given no information at all until yesterday afternoon. There is no evidence that participation has made Portlanders safer. My fourth point is the current president has made clear his animosity towards muslims, immigrants and people of color. I found it hard to trust the fbi even under president obama. It's impossible now. The fbi states we only use immigration violations when there are no other options to disrupt crimes of violence. Although I can't guarantee that the task force won't utilize immigration charges, I can guarantee we will only utilize those charges when necessary. That is not at all reassuring. The fbi's website defines domestic terrorism as perpetrated by individuals and/or groups inspired by, or associated with primarily u.s.-based movements that espouse extremist ideologies of a political, religious, social, racial or environmental nature. Who decides what is extremist when it comes to political, religious, social, racial or environmental issues? The fbi this past december first identified the so-called proud boys as an extremist group and then they announced that they are not. How do we know even who is considered appropriate to being investigated? The fbi's website further states, the fbi-led joint terrorism task force across the country are essential to the nation's success in combating terrorism. These jtffs bring federal, state and local agencies together on one team allowing members to leverage each one another's skills, authorities and accesses to prevent and disrupt terrorist attacks across the country. Let me read that again. Jtffs bring federal, state, and local agencies together on one team allowing members to leverage each other's skills, authorities, and accesses. Members leverage one another's authorities and accesses. That means that Portland's jtff members have access to information they would not otherwise know and Oregon law -- under Oregon law they should not know. Even though they didn't collect the information themselves. It means Portland police officers participating in the jtff have discussions about information collected by other members in ways that police -- Portland police officers are not allowed to collect information. I can believe just about that police, Portland police participating in the jtff don't engage in surveillance without evidence that a person hasn't committed a crime. In fact, I do believe that because they have said so under the truthfulness oath. However, they are involved in discussions about information gathered by fbi staff who operate under the suspicion that a person may commit a crime and who are then specifically allowed to investigate people based on suspicion or association. There is no way to participate and wall off our officers from that information. In 2011, I voted to participate in the jtff in a limited way. I thought Portland police officers would be a good addition to the group and promote adherence to our values. And I was promised the people of Portland would get more information on its work. I appreciate the testimony from the u.s. attorney and fbi leadership stating that the participation of our officers has been helpful. The second part of the bargain didn't happen. The annual reports were ridiculously superficial, and we heard in the work session yesterday that this is the norm in other jurisdictions too. Good transparent communication is just not what the fbi does. Our own police are put in the position of not communicating everything, even to elected officials, because it ostensibly jeopardizes our security. I'm concerned about the fbi's targeting communities of color, particularly black activists under the pretense of protecting national security. The word security is an easy concept to stand behind because then you can justify just about anything. Surveillance, tracking citizens, profiling them, collecting data on them, keeping that data forever as an indictment of criminal intent whether there was or was not, and arresting people for no other crime than for being poor or simply peacefully expressing their dissatisfaction with government policies. We have been told that the jtff should now be considered the joint threat task force and that it is now concentrating on hate crimes including those threatened and perpetrated by white supremacists. As one of our human rights commissioners commented, white supremacists have constitutional rights too. Surveillance that is illegal in Oregon is illegal no matter who

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is targeted. If we don't all have rights, none of us has rights. It is also hard to believe that investigation of white supremacists is a true priority for the jtff as white supremacists appear to premeditate and commit violent acts across state lines virtually unchecked. We heard yesterday that hundreds of reported -- of hate crimes who were reported nationwide and fewer than 40 were investigated leading to arrest and conviction. While it is assumed that all parties to these investigations are operating in the best interests of the communities and residents of the United States, there are numerous examples nationally of stings, setups, surveillance, profiling, arrests for civil protest, manipulation and intimidation of and by the media and arrests for simply researching and disseminating information about public safety. That makes this often a messy affair and where public trust continues to be eroded. In Portland, what we need most of all is for everyone in the community to be able to trust everyone in the Portland police bureau. Trust is not earned by saying, you can trust me. [laughter] If there was a perfect world in which people had what they need when there wasn't such a massive difference between those who believe they have the right to law their wealth over the 99%, when gun proliferation in use is not so prevalent for the accumulation of wealth and the proliferation of fear then we probably wouldn't be in this situation where we as human beings often cannot communicate with each other about our collective needs and we must turn against our neighbors to fight each other. The meaning of the word "fight" is indicative of our problem. It means to struggle, to keep in check, to control, to stifle, to confront, to combat, to quarrel with, to argue with, all of which keeps us further and further from peaceful, constructive solutions and each side digs in. Many politicians are fond of saying they will fight for things. I have worked hard to avoid using that word in any of my campaigns and throughout my time in office. If we are fighting, we have already lost at least part of our humanity, compassion and willingness to hear the other person out even if we vehemently disagree with every word and action they make. We must work for peace and to reduce fear for every person in our community. The city of Boston's participation in the jtff did not prevent the Boston Marathon bombing despite the fact that the FBI had interviewed the suspect two years before but did not share that information with local law enforcement according to the Boston Globe. The city of Portland's participation in the jtff did not prevent the Max murders. The Portland Human Rights Commission stated prior to the hearing in 2015 federal guidelines governing FBI operations expanded to greater permissions and flexibility to the FBI for surveillance and investigation activities. The new guidelines have loosened previous restrictions allowing greater agency discretion and permitting intrusions that erode civil liberties in the interest of protecting national security. The absence of oversight, accountability and transparency inherently with a jtff collaboration will exasperate long-standing tensions stemming from racial profiling, use of force and negative perceptions about Portland's police. That has proven an accurate prediction. I was reluctant to participate even under our president Obama. The present occupant at the White House has been very clear that he is obsessed with perceived threats from Muslims, Latinx people and immigrants, and yet we're supposed to trust the jtff more today than in 2015? Some of this speech was drafted by my chief of staff, Tom Bizeau in 2015 and it's really sad that the remarks have been -- are remarkably true again today. With the passage of the MOU in 2015, we officially entered the world where information is purposefully hidden from public view and the city of Portland agreed to be complicit with that deception. We have no idea what, how our officers have spent their time doing over the past four years. We're assured that they've kept all laws and that's it. Several weeks ago, I asked for a detailed report with specific information on this past year's outcomes. I had to ask for it again yesterday. Instead, we were given vague anecdotal stories of a couple of cases where our officers connecting suspects to mental health services. The report was emailed to council yesterday afternoon. I appreciate that it does contain a few specific numbers including approximately 300 threats

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were received in Oregon last year and 4 resulted in law enforcement action in Portland. I was reminded of this when Mr. German was talking about the massive numbers of investigations in relation to the few actual threats. The remainder of yesterday's report is either vague or discusses cases and actions outside Oregon. This city has been focusing on performance metrics and annual dashboards measuring effectiveness since the city budget office was formed in 2013. If any of my bureaus had staff participating in a program for four years and at the end of that time the staff couldn't point to many specific accomplishments, I would ask the director of that bureau to stop participating in the program. I'm not the police commissioner, however, thanks to Commissioner Hardesty, I am able to participate in this hugely important policy decision. I have not heard compelling reasons why I should treat the police bureau differently from the other bureaus I've administered. I believe that gaining public trust starts here at home. There are a lot of violent atrocities being perpetrated throughout the country, and it's understandable that some people are frightened. When the Irish Republican Army was terrorizing England with bombs and attacks in pubs and hotels when I was a teenager, we pulled together. We united as communities. We worked for greater trust. The biggest threat we have here in Portland is a lack of trust in our police. People in Portland are far more likely to be the target of a vehicle theft, a burglary or an assault than a victim of terrorism. They're increasingly more likely to be a victim of hate crimes and we need to address that in different ways. We need all of our officers on the streets of Portland helping Portlanders who have suffered crimes. Very grateful to Commissioner Hardesty for her leadership, for Commissioner Eudaly for her extraordinary commitment throughout this important process and especially today. Thank you to the ACLU, the FBI and the U.S. Attorney for their time and diligence in giving me information. And thanks to my entire staff for engaging in this conversation, particularly Cynthia Castro who has led the policy work and Tim Crail, my chief of staff. Finally, thank you to community advocates, especially to Kayse Jama, the executive director of the Unite Oregon. On the evening of the holiday tree lighting bomb threat by Mohamed Mohamud, it was Kayse Jama who Mayor Adams and I turned to in order to help all of our diverse communities feel safe, welcome and valued as together we worked through the trauma of that event in our community. And it was traumatic for everybody. Over the years, Kayse Jama has earned his position as a trusted advisor to me and to the Council. So, Kayse, this vote is for you and for all the vulnerable communities that you represent. Aye. [applause]

\*\*\*\*: Thank you –

\*\*\*\*: Thank you -- [applause]

\*\*\*\*: We love you --

**Fish:** Thank you, Mayor. I want to begin by thanking the Mayor and Commissioner Hardesty for structuring two days of high-level briefings and debate. It has been substantive and informative, but also in my view and unfortunately rushed. I too have a formal statement I want to read, but before I do, I want to say to my many friends in this room, I've read your letters and emails. I have met with many of you. And I have heard loud and clear the concerns and values that you have shared with us today. I've been proud to stand with you in opposing white nationalism, protecting our sanctuary city status and challenging President Trump's Muslim travel ban in court. While I continue to believe that the relationship between the city and the Joint Terrorism Task Force can be strengthened, I also share many of your concerns. And now to my prepared statement. This is the third time that I voted for Portland to be part of the JTTF. Each time we've debated this question, I've concluded that Portland is safer when we have relationships with federal law enforcement. And we are in good company. Progressive cities like Oakland, New York, Seattle, and Los Angeles have made the same judgment. Now, nobody disputes that Portland faces serious threats of terrorism, both domestic and international. My

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confidential briefings from federal law enforcement have reinforced this sobering reality. The question is, can we balance safety and security on the one hand with protecting civil liberties on the other? I believe our experience since we rejoined the jttf in 2015 proves that we can. The two Portland police officers assigned to the task force, known as matt and brian, are required to follow state law, city code, and bureau policy directives. The mayor, chief outlaw, the u.s. attorney, and our city attorney, the fbi and the two officers have all conformed that they do. Let's take a moment to review some of the criticisms of our current relationship, and I take them seriously. First, of course, is president trump. Now, I think we can all acknowledge that his election has certainly changed things for the worse. But when I asked the two officers during our work session yesterday if anything changed between the Portland jttf under the obama administration and that under the trump administration, they both emphatically and unequivocally said no. Next, the fbi's history of civil liberties, abuses dating back to the days of j. Edgar hoover. History is history. And that's why in any relationship --

\*\*\*\*\*: [ off mic ]

**Fish:** Mayor?

**Wheeler:** Folks, please let's let the council finish its comments and its deliberation.

**Fish:** History is history and that's why, in any relationship, we must trust but verify.

Yesterday's work session, annual briefings and updates to our memorandum of understanding are all opportunities to do that. Next, the fbi has not been transparent in its annual reporting. I wholeheartedly agree and that's why I am prepared to propose an amendment to not only require more robust reports but also to put the requirement into our memorandum of understanding with the fbi. Next, our participation violates Oregon's sanctuary law. When asked, mayor wheeler, chief outlaw, the u.s. attorney, the fbi, and the two Portland police officers assigned to the jttf all confirmed that in spite of differences between federal and state law, our officers are exclusively bound by state law and they follow it. Next, our participation undermines trust in the Portland police and causes concerns in marginalized communities. I acknowledge that we have a lot of work to do to strengthen the public's trust in the Portland police, and I take very seriously the concerns raised by community members who feel targeted. I also take seriously the concerns of organizations like the jewish federation and others who support our participation and feel targeted by acts of terrorism.

\*\*\*\*\*: They're not here.

**Fish:** Finally, our participation somehow corrupts our values. This is one of the claims that I guess I don't understand. The fbi, as has been noted, will do this work whether or not we continue participating in the jttf. I'd rather have our values at the table than to have the fbi continue without local supervision. Why would we walk away and forfeit our opportunity for ongoing information and oversight of their work? I reject the binary choice that is being presented to council today that we must be all in or all out. I believe there's a third way. Strengthening our agreement through a series of amendments I have prepared to be officially codified in the memorandum of understanding. Council had a work session on tuesday and Portlanders have just begun to engage this big question. In my view, there's no reason to rush to judgment. Many respected community voices, including musse lol, the jewish federation, the citizens crime commission, anti-hate leaders like randy blazak, local jurisdictions like hillsboro and Gresham, and the Oregon state police under the leadership of governor kate brown and the major chiefs of police association have expressed their support for Portland remaining in the jttf. Their voices deserve the same consideration as those of critics. Mayor and commissioner hardesty, again, I want to thank you for facilitating this process to date. This has been a good debate. And I regret that we're being forced to decide this question without adequate time to engage the whole community. Few issues that come before the council are as fundamental or as important



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as this. We have two options before us, the path set forth in this resolution, or the path of setting a national standard for this work. The choice is ours. I want to close by thanking my chief of staff, Sonia schmanski, and my whole team for the work that they have done in meeting with community members and helping me reach my conclusion in this and on the resolution. Respectfully, I vote No.

**Hardesty:** I want to thank my colleagues for participating over the last couple of days in what's been, for me, very revealing information. I reject the notion that this vote is somehow rushed. Since the day that we rejoined the joint terrorism task force in 2015, 50 organizations have been working nonstop to make sure that Portlanders felt safe and secure in their local community. So, regardless of what the Oregonian said about rushing this vote, this is not a new issue for communities. I also want to thank jewish voices for peace, who has been really on the front line with us for many, many years advocating that we have a right to feel safe in our local community. One of the things I learned by listening to mr. Williams from the department of justice and mr. Canon from the fbi is their disregard for state law as it relates to our sanctuary status. I listened for over an hour of them talking about how they respect and they work with the law that Oregon has. But yet when questioned directly if they supported the sanctuary law, it became very clear that they did not. So, if we have the people in charge of this task force having total disregard for our sanctuary status, how could we ever in good faith believe that two Portland police officers who are not in charge of the task force, who are not making decisions for the task force, who are merely there as part of a big law enforcement presence would have the wherewithal to fight back against that federal intrusion on our rights. I have heard from the fbi and the department -- the department of justice that now they are focused on white supremacists and white nationalist groups in our community. Yet all of us have seen video pictures of police officers protecting white nationalists and attacking community members who showed up that said hate is not acceptable in our community. Here this body just last week passed a resolution that said we stand firmly against hate and white supremacy and we will ensure that no city resources are used to support white supremacy and white nationalist activities. I cannot have faith and confidence that we are not working in violation of the resolution that we all so proudly supported if we continue to stay in the joint terrorism task force. Just recently, when the fbi was asked -- the white -- the fbi took on the defense of the ku klux klan at a rally that they weren't even at, implying that bam, an organization that works for the empowerment of african-american people were in fact the terrorists and they needed to open an investigation on them. This is a slippery slope when you cannot trust people who are sworn to protect and serve and sworn -- and they are charged with protecting your civil liberties. This by no way is this vote rushed. For a whole year I talked about this on the campaign trail. I talked about it in every community. I talked about it at every house party that I went to. And everywhere I went, people were concerned about whether or not their data was being collected and used in a way that is against Oregon state law. We are here today because I am about keeping promises. When I said that I would bring this up at the earliest point possible, that is why we're here today. And so, I reject anybody's notion that somehow this has been a rushed activity. We had standing-room only at unite Oregon last month when we had a community meeting about this very topic. We have not rushed this. This is a very thoughtful process. And this is a thoughtful process that centers all members of our community. When we talk about one Portland, a Portland where everyone is respected, we cannot in good conscious continue our engagement with the joint terrorism task force. I am proud to vote yes for this resolution, and I thank you again for being here. [cheers and applause]

**Eudaly:** So before I begin my formal remarks, I want to say that I do wish that we had an opportunity as a body to reach greater consensus among ourselves and with the police chief as was the case in san francisco. I believe we all want the same thing. We want to

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keep our community safe and protect vulnerable community members. We want our officers to abide by state and local laws and policies. And we want to direct resources towards actual threats to public safety and national security. However, the testimony we heard today has gone a long way towards easing my concerns and regrets. I also want to make it clear that none of my remarks or vote today are meant to impugn the character of any of the individuals involved with Portland's jtff. They're not on trial here today. But even good people can make bad decisions as -- especially within a flawed system that is biased against immigrants, ethnic and religious minorities, communities of color and political dissenters. I do not trust -- however, I don't trust the system that jtff functioning within. I do not trust the administration who oversees it and even if there was justification for previous involvement, we must scrutinize this agreement given the current reality. Do you feel safer today than you did five years ago?

\*\*\*\*\*: No. No.

**Eudaly:** I don't. I don't either. Immigrants and refugees, african-americans, other communities of color, ethnic and religious minorities, political dissenters, lgbtqi community, basically anyone who's not part of the dominant culture, which, when you add us all up, is the majority of us -- [ laughter ] why? Because they've seen hateful speech, actions and crimes rise since november 2016, because members of white supremacist and other right-wing extremist groups are responsible for the vast majority of extremist-related fatalities over the past decade, yet they don't appear to be the focus of the fbi or the jtff and because we have seen law enforcement violate our civil rights, engage in racial profiling, persecution of immigrants and using principled acts of civil disobedience to justify investigations. I shared this story yesterday in the work session, and i'm going to briefly share it here today just to illustrate the point. In the early '90s, I was connected to a group of activists who were found to be illegally surveilled by the Portland police bureau. This activity was brought to light by a lawsuit against the city, which resulted in a settlement, and changes to our policies. So this is just to say that these are not wing-nut conspiracies that we're hearing from left-wing activists. This really happens. And it's happened in recent history, and it continues to happen today.

\*\*\*\*\*: [ off mic ]

**Eudaly:** Today's conversation is about how we balance our responsibility to maintain public safety while protecting Portlanders' civil rights. These questions force us to examine our very definition of safety and to question whose safety we are considering. Our country's legacy of white supremacy has always skewed our perception and definition of who is dangerous and who should be subject to surveillance. We need to acknowledge that the othering of african-americans, immigrants, muslims, other ethnic and religious minorities, the lgbtq community is baked in our culture and that this othering is reinforced by law enforcement. This is not a critique of the people in law enforcement who are often good people with good intentions, but it does point to a systemic issue. This is best evidenced by the jtff's unwillingness to clearly identify white supremacy as the most significant domestic terrorism threat of our time. For example, I was troubled to read quotes from a recent jtff investigation in california, sacramento, california, in which agents wrote, "the kkk consisted of members that some perceived to be supportive of a white supremacist's agenda." [ laughter ] according to the antidefamation league center on extremism, 100% of extremist deaths in 2018 were from alt-right and white supremacist perpetrators. Unless the jtff can unequivocally denounce white supremacy and commit to dedicating significant targeted support to address this epidemic, it's hard for me to believe that this partnership significantly increases public safety. I've also been deeply considering how our democracy is founded on the principles of due process and how this principle continues to be denied to marginalized communities. Using immigration violations to bypass the criminal court system is a violation of the spirit of our due process protections.

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Additionally, I continue to be wary of supporting a partnership with any agency that works with ice. Ice is a rogue agency whose mission appears to be the violation of basic human and constitutional rights of our immigrant communities. I'm not convinced that there are adequate protections to ensure Portland police bureau officers will be walled off from this component of the jttf's activities and without meaningful civilian oversight, i'm not confident that we could ever confirm this. Finally, I'm troubled by the fbi's historic and current surveillance of activist communities and the Portland police bureau's role in supporting this. In closing, i'll repeat the question I asked yesterday. How do we justify the risk of civil and human rights violations by our continued involvement in the jttf if the justification is that this is necessary in order to promote safety then how can we explain the lack of investment in addressing white supremacy in continued cooperation with ice? Sometimes we have to make decisions within a flawed system that satisfy no one. I can think of one recent example in particular. And sometimes we get to challenge and change the system. And this is one of those times. I continue to believe that we are safest when communities are connected to each other and their government, both the perception and actual activities of the jttf undermine this trust and, therefore, cannot make us safe. Thank you, commissioner hardesty. Thank you to everyone who came to testify today. This was a really excellent council session. [ applause ] [ cheers ] thank you for reassuring me and reaffirming our collective commitment to justice. This work will never be done, but today we take another step in the direction of the greater good. I vote Aye. [ cheers and applause ]

**Wheeler:** So, again, to underscore a core point here. All of the Portland city council is here today because we want to keep Portlanders safe. I start with that basic assumption that we're all here for that reason. Obviously, we may disagree about how, but we can make sure and agree that this is about making sure that all members of the community are, in fact, protected. Over the last two days, we've heard from legal experts. We've heard from local and federal jurisdictions. We've heard from advocacy organizations. We've heard from chief outlaw, and now we've heard from many members in our community as well. Let's be honest. This is probably one of the least surprising outcomes in terms of votes that the city council has taken during my tenure. But I also want to make it very clear. I respect my colleagues' opinion on this matter. Nobody has a monopoly on the truth. For my own part, i've been consistent in asserting that I would support the city's withdrawal from the jttf if given a compelling reason. After considering the weight of the testimony offered at the work session and much of it underscored by this hearing and in light of the information the fbi and ppb have provided in various briefings, I personally do not believe that the case to withdraw from the jttf has been adequately made. I hope my comments are taken in the spirit of honest yet respectful disagreement with my colleagues. While I do believe that the majority of my colleagues are very well-meaning on this issue and that their values are sincere, I still believe it's a mistake for us to withdraw the city of Portland from the joint terrorism task force. To be clear, many valid questions have been asked of our federal partners regarding compliance with Oregon sanctuary law. Investigation of white supremacists and the standards of surveillance. Valid questions have been raised around the fbi's history with respect to civil rights. The fbi and ppb have been willing to answer all of these questions. They've offered briefings to the commissioners. They voluntarily participated in yesterday's work session. I also want to say this. While I not only don't believe that the case has been made for withdrawal, but I also don't believe that the case has been made against consideration of amendments to our arrangement with the fbi. What was proposed today, I believe, is a false choice. We either are in, or we are out. And I think collectively, we missed an opportunity to actually lead the way for the rest of the nation in making jttfs once and for all more accountable to the communities in which they serve. I want to be clear about a first -- a few things from a factual perspective. First of all, we are not voting on whether the jttf should exist or not. The jttf will continue to exist in

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our community whether we're part of it or not. What we're voting on is whether or not we will be engaged and whether we will be informed, or whether we will be disengaged and potentially not informed. The work of the jtff continues either way. If we withdraw, it is my opinion that we lose our ability to bring our own Portland values to the table to help establish its priorities and policies. In short, we're ceding these opportunities by walking away rather than remaining aggressively engaged.

**Hardesty:** Excuse me, mayor. I think the captioning may have --

**Wheeler:** Is the captioning gone?

**Moore-Love:** They may have taken a -- be switching out captioners.

**Wheeler:** Can you let me know when it's back, please. Sorry, philip.

**Fish:** [whisper - this is called a dramatic pause.] Well done, Ted.

**Hardesty:** Maybe you'll just get up and --

**Fish:** Very dramatic --

**Wheeler:** This is the intermission. I feel like the french fries are about to dance. Sorry, folks. We want to make sure the closed-captioning system is operating.

[ please stand by ]

**Fritz:** Do we run into trouble when we get past 5:00?

**Hardesty:** It's 5:01 now.

**Moore-Love:** She wasn't sure if they, I think they may be on now. Captioners, are you there?

**Wheeler:** Is it working?

**Moore-Love:** We've got a little bit.

**Wheeler:** Sort of.

**Moore-Love:** They're not getting what I'm saying now so I think we're still not on yet.

**Wheeler:** I'm sorry?

**Moore-Love:** I think they're having trouble because it's coming on and then it wasn't. Okay. I think they're good now.

**Wheeler:** Good?

**Moore-Love:** Yeah.

**Wheeler:** All right. Let's take it from where we were. So, just a few more facts and i'm going to speed this up. Number one, it was made very clear subsequent to yesterday's work session the jtt officers are not under any circumstances involved in immigration enforcement. I want to make that clear. It's also been made clear by the two officers who testified yesterday -- and they understood very clearly they were under the truthfulness directive -- that they have never, during their tenure as members of the joint terrorism task force, violated or been asked to violate Oregon state law, nor do they find it difficult, according to their testimony, to comply with Oregon state law. This conversation to me has been about more than just policy. What i've heard repeatedly from people is that this is really about a fundamental lack of trust in the public safety system. That trust needs to be earned, absolutely. And I want you to know I fundamentally agree with that. That does not mean however, that we should lean into hyperbole or throw the proverbial baby out with the bath water. We benefit as a community by having our law enforcement partners actively communicating with each other and working together so long as there are real accountability measures in place. There are some. There's local oversight. There's congressional oversight. There's executive oversight between the attorney general and the fbi and of course, judicial oversight. But if we believe that the joint terrorism task force is not accountable enough then it's our job to be stewards of this partnership and make it better over time. It is not to respond by doing away with it entirely because of what could be taking place as opposed to what is actually taking place. I was elected on a platform that included strengthening our police bureau and making it more relevant and more reflective in the needs in our community and more accountable to the public that it serves.



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The same holds true for the joint terrorism task force. I believe that reform comes from engagement and hard work, not from walking away and hoping that others do the work for us. Yesterday commissioner Fish asked if anyone on either panel disagreed that our community faces real threats, including potential school shooting, mass shootings like what happened at the clackamas town center, potential acts of terrorism, or other threats. Nobody disagreed. So if working alongside our intelligence and law enforcement partners is no longer the plan, what is the plan? If we're not going to be there to evaluate intelligence, a potential threats to students in our schools, what's the alternative? Out of all the expert testimony, one of the things that really stood out to me, and others referenced this, was the video from bob hornstein of the jewish federation. He said, and I am paraphrasing. He said that what we have seen in the united states is a rise of white supremacist groups. They're more visible and they're more emboldened in the current environment. He's constantly thinking about security, he said, constantly thinking about upgrading the security at the jewish federation synagogues and other agencies. When the mass shootings happened at the synagogue in pittsburgh in october, he immediately called his jtff liaison here in Portland who took the time to call central precinct to make sure there were extra patrols available at the synagogues. This is just one example of the kind of security that that collaboration with the jtff can provide locally. Last week, the Portland city council passed a resolution condemning white supremacists and alt-right hate groups in the city of Portland. It's my opinion that now we are pulling out of a tool that can potentially help us address this increasingly dangerous issue. In fact, our jtff officers confirmed yesterday morning that their investigative work reflects a rise in violent white supremacist activities. If this is truly a primary concern of the city of Portland, why would we interrupt a communications line to the fbi and splinter our public safety resources? Why now? We're not just talking about white supremacist and white nationalist groups. We are also talking about lone actors. So while much attention has been given to white supremacists and white nationalist groups and some were referenced, I believe, today, I ask the city council to also consider the danger of individual actors and the trauma that they have inflicted on communities all across this country. If we're not working with our partners to gather intelligence and investigate these issues, then what is our plan? Who is working on it? The partnerships like the jtff can give resolutions like the one we passed last week more teeth. But we have to provide the impetus. We have to be assertive and lead that effort. It's important to protect the safety and the civil rights of everyone in this community. The jtff is another tool for being able to do so if we manage it properly. I understand that there are legitimate concerns about the history of the fbi. The value of information and our ability to shape the jtff policies, priorities, and values in my opinion outweighs immediate concerns. And we should be taking all of these issues seriously for what we are confronting today and what we expect to confront in the future. We are here today with real challenges and we need the tools to keep the people here safe. Ending this partnership, I believe, gives us fewer tools in a much more complex and much more dangerous world. A number of people gave examples of where the jtff failed. It's true. There is no such thing as a fail-safe system. But yesterday we also received a list of cases where the jtff was successful working with local law enforcement. On thwarting shootings, bombings, and school violence, amongst other examples. I absolutely believe that the jtff is highly imperfect. It could do much better. I was prepared to support the amendments that were offered by commissioner Fish. As the police commissioner, I cannot support a policy that appears to favor politics or ideology over the safety and well-being of Portlanders. While values are extremely important, values alone cannot protect the safety of the community. As police commissioner, my priority remains the safety and the well-being of the community. Period. We have heard testimony that if we pull out, it will persuade the fbi to reform their system. Are we willing to risk the safety of this community on that potential outcome? The chief and

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I will say this. I'll speak for the chief since we're in agreement on this. I know that we have not won this vote. We will withdraw from the joint terrorism task force. And I want to make a commitment to all of you in this room, including those of you who disagree with what I just said vehemently. We are going to rise to the occasion. We will make do with the limited tools we have to ensure the safety of this community. And we will rise to the occasion in terms of ensuring accountability and transparency to the degree that we're able to do that from the sidelines of the joint terrorism task force. And I hope my colleagues are serious. That this council will invest in the partnership, the tools, the training, and the resources needed to address very real threats to this community. I want to thank everyone, especially my colleagues. This is an example, I think, where we had a significant disagreement of opinion. We heard all the sides. We asked a lot of questions. Personally, I will say I have learned a lot. I appreciated the diversity of viewpoints that we heard. And on the whole, I am very grateful for the experience we've had. I want to thank all of you. I want to thank the staffs. I want to thank nicole grant from my team who spent countless hours working on this. So with that, I vote No. The resolution is adopted 3-2. [cheers and applause] Karla, I will refer item 135 back to my office. Colleagues, anything else? We are adjourned. Thank you, everyone.

**At 5:12, Council adjourned.**