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37566

Resolution

Authorize the City Attorney to jointly institute petition for declaratory ruling with Portland Firefighters Association to determine whether leasing certain space for Portland Fire & Rescue would violate Oregon labor laws

Adopted

WHEREAS, Portland Fire & Rescue is expanding the Portland Street Response and Community Health Assess and Treat programs, which includes hiring additional staff, and

WHEREAS, Portland Fire & Rescue needs additional physical space to house these expanded programs and new employees; and

WHEREAS, No City-owned space is currently available to Portland Fire & Rescue for this purpose which both meets Portland Fire & Rescue's needs and is financially viable to lease; and

WHEREAS, The Portland Fire Fighters Charitable Fund, Inc. presently leases space from Portland Fire Fighters' Association in a building owned by Portland Fire Fighters' Association which meets Portland Fire & Rescue's needs and the needs of the public; and

WHEREAS, The Portland Fire Fighters Charitable Fund, Inc. has offered to sublease the space to Portland Fire & Rescue for a rate far less than Portland Fire & Rescue would pay for comparable space available in City-owned buildings, and

WHEREAS, The City has raised concerns that the lease arrangement might violate provisions of the Public Employee Collective Bargaining Act (PECBA), and

WHEREAS, The Portland Fire Fighters Association's position is that it is not a violation of the PECBA for the City to sublease space that ultimately provides income to the Portland Fire Fighters Association, and

WHEREAS, Portland Fire Fighters Association has offered to jointly file a petition for a declaratory ruling before the Employment Relations Board with the City to obtain a ruling from the Board that resolves those legal

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Portland Fire & Rescue](#)

Prepared by

Fallon Niedrist

Date Prepared

February 22, 2022

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

March 9, 2022

questions.

NOW, THEREFORE, BE IT RESOLVED, the City Attorney is authorized to jointly institute a petition for a declaratory ruling with Portland Fire Fighters Association before the Employment Relations Board to issue a determination as to whether a sublease arrangement with Portland Fire Fighters Charitable Fund, Inc. would violate the Public Employee Collective Bargaining Act, or other legal proceedings in other venues that may be appropriate to reach a determination as to any legal issues related to this issue, and to pursue to conclusion those proceedings through all level of appeal, and to join all appropriate parties, and, in furtherance or resolution of such proceedings, is authorized to make any stipulation, agreement, or admission as in their judgment may be in the best interest of the City.

Impact Statement

 [Impact Statement](#) (195.94 Kb)

Budget Office Financial Impact Analysis

Minimal anticipated fiscal impact.

Agenda Items

171 Consent Agenda in [March 9, 2022 Council Agenda](#)

Adopted

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea