



CITY OF

# PORTLAND, OREGON

OFFICE OF PUBLIC UTILITIES

Mike Lindberg, Commissioner  
1220 S.W. Fifth Ave.  
Portland, Oregon 97204  
(503) 823-4145

## TELECOPIER COVER SHEET

DATE:

JUNE 23, 1993

TO:

MIKE LINDBERG - ~~Room~~

FAX 805-687-3903

FROM:

KEESDW

Commissioner Lindberg's Office  
FAX: (503) 823-3014

SUBJECT:

CIVIL RIGHTS ORDINANCE BRIEFING  
PRIOR TO TALK - BARNES

NUMBER OF PAGES SENT (Including Cover Sheet):

5

COMMENTS:

BARNES 221-8564

1-805-687-5000

RESPONSE REQUIRED:

Yes \_\_\_\_\_ or No \_\_\_\_\_

## CIVIL RIGHTS ORDINANCE

I talked with Barnes and he just wants to get general impressions from you about the success of the current enforcement arrangements. The stimulus for his inquiry is the upcoming expiration of the contracts on June 30.

Here's some basic info for your interview:

1. Ordinance passed in October, 1991, and was modeled on the state civil rights statutes, ORS 659. This model was followed specifically in order to maximize our ability to utilize BOLI enforcement, and to keep standards consistent statewide for businesses (they would as much as possible be following the same rules in complying with the City's ordinance as they do in complying with state ORS 659.)
2. Because BOLI is not substantially equivalent (a Federal term dealing with housing enforcement) we recognized that we needed to beef up our housing enforcement efforts if we wanted to adequately enforce the ordinance. For that reason we also extended a contract to the Fair Housing Council of Oregon. They use this money for Housing Testing services, the only proven method of enforcing housing anti-discrimination law.
3. Here's the amounts we allocated:

1991-92 Fiscal	BOLI	\$ 10,000
	Fair Housing Council	2,000
1992-93	BOLI	\$ 25,000
	Fair Housing Council	\$ 10,000
1993-94	BOLI	\$ 25,000
	Fair Housing Council	\$ 10,000

The Fair Housing money works more like a contract for specific services, irregardless of the numbers of complaints.

The BOLI contract involves a drawdown account, which is managed by the City in the Mayor's office and is billed quarterly based on the # of complaints registered at BOLI.

4. We carried over into 1993-94 the unused \$ 17,000 remaining in the BOLI account from 1992-93, making the total this year in that account about \$40,000 by the time 4th quarter billings from BOLI are completed. We did so in anticipation of the need for a greater fund balance if a good case came to BOLI, and also to provide some revenue for outreach and public education.

Though the current contract with BOLI does not provide for funds for outreach/education, the plan was to amend the contract this year to allow for these activities in addition to the current allowable activities of enforcement.

**The carryover money provides us with the flexibility to act on enforcement changes needed after each agency issues an annual report to Council, hopefully next month at the end of the fiscal year.**

## **5. Anticipated Contract Changes:**

- A. BOLI - Either change the contract to allow for a defined level of public education/outreach, or pull some of the money out and give MHRC the responsibility for performing this function, or pull some of the money out and give MHRC the responsibility for managing a **private contract** to develop some basic form of public education/outreach. This might involve nothing more than an attractive poster with tear-off reply forms to both educate and generate interest.

I favor personally the latter option, as I'm not convinced that BOLI is qualified to design such an outreach plan and neither is MHRC. But if MHRC was only responsible for the contract management for outreach they could do it. It seems logical.

- B. Fair Housing - Probably give them a bit more \$ for testing and outreach.

## **6. Plan:**

- A. Somehow this issue made it to the EXECs meeting yesterday and we gave away the store without, once more, even a question to me, the assigned staff person, about conditions we might want to attach to the contracts.

I wish this kind of thing would not happen, as we get into a position of adopting an office position on things without any discussion. But, again, I can't seem to halt the trains once someone says its an emergency.

It appears that Eric in Gretchen's office has been assigned responsibility for followup. This would be consistent with the idea of MHRC involvement in the public outreach portion, but our office may have given up the opportunity to define that better, such as a private contractor.

- B. I talked with Sam this morning to attempt to salvage some influence in the final plans. He agrees with the idea of a private contract, managed by MHRC. I'll write a note to Eric with the suggestion.

- C. I also made the suggestion to Sam that prior to Council adopting the renewed contracts that we have, in July, the BOLI folks and Fair Housing Council give their annual report-in to Council with their suggestions as to contract changes. It seems, again, logical.
- D. I believe that the EXECs agreed to administratively extend both of the contracts for another month just to allow for some time for more discussion about what should be done in contract renewals.

I suggest that at least a phone call be made to me prior to our agreement to anything in the final agreement.

- E. I assume that the final contracts will be brought forward by Gretchen's office. Administratively, the CR Ordinance identifies the CA as the manager of the contracts, and this would then go thru the Mayor's office.

This all may be good, as it is one less responsibility for our office. I'd just like to be consulted.

## **7. Successes:**

- A. Ordinance first on the books in Oregon, followed last year by Corvallis.
- B. Enforcement model unique in the country, and was used by Corvallis in designing its enforcement contract with BOLI.
- C. Enforcement model makes maximum use of existing resources at the state level, rather than creating a separate but compatible local enforcement arm.

Best use of limited tax dollars, etc., avoiding duplication at the local level of a function that is already designed at a state level.

- D. Draw-down account is unique, and quarterly meetings with BOLI have been productive in gathering data and defining the parameters of the ordinance. (There are some differences between enforcement of non-discrimination in a case involving an unseen factor such as sexual orientation versus a more visible factor such as gender or race. )
- E. Cities like Seattle have rather enormous budgets for their enforcement, to the tune of about \$ 700,000. Their work duplicates much of what is done at the state level. We have avoided that.
- F. We have chosen to take the more analytical route in designing our enforcement model. In the 93-94 budget

we hope to use some of the \$, as I described above, for outreach/education, to test what **actually works** in generating reporting of complaints.

- G. Around the country it is typical that sexual orientation complaints are fewer than other protected categories, as the sexual orientation of an individual is usually not recognizable on the surface and often not known by co-workers, etc. Except in the military, most companies do not have a history of policy which excludes folks from jobs based on sexual orientation. It is more typical that an angry co-worker reports the sexual orientation of another employee, and then it becomes an issue. In most cities, passage of the prohibitions against discrimination based on sexual orientation has the effect of halting much of the problem.

#### 8. Future Concerns:

- A. The state legislature may pass SB 34 this year, which would relieve the City of enforcement \$ for its ordinance and this would become a regular function of BOLI statewide.

The City may decide that it still needs to fund outreach/education, but these discussions cannot proceed until we see what the legislature will do.

- B. There is a bill in the legislature, HB 3465, which is an employment bill only, and is not as strong as our City ordinance. It would supercede our ordinance as is currently written, limiting both the enforcement to businesses with 25 or more employees and limiting the right which our ordinance provides for taking private enforcement action outside of BOLI.

This is Gail Shibley's bill, and we have informed her of our concerns. The City Attorney has sent a letter documenting the differences.

Hope this is helpful. Wordy, but it's hard to brief you by FAX. See ya next week. Give Carolyn a hug.



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF PUBLIC UTILITIES

Mike Lindberg, Commissioner  
1220 S.W. Fifth Avenue  
Portland, Oregon 97204  
(503) 823-4145  
FAX: (503) 823-3017

May 31, 1995

John Baker, Elaine Walsh,  
Frank Dixon, Fred Neal  
Lesbian and Gay Democrats Club of Oregon  
The Keeston Lowery Chapter  
P. O. Box 4921  
Portland, Oregon 97208

Dear Friends,

Thank you so much for inviting me to participate in this year's Gay Pride Celebration on Saturday, June 17. Unfortunately, I will be out of the city attending a meeting in Washington, D.C. during this time. However, I have passed this invitation along to my Executive Assistant, Art Alexander, with the hope that he might be able to participate in some of the events.

I hope your celebration is a successful one, and please keep me in mind for next year.

Best wishes,

MIKE LINDBERG  
Commissioner  
Office of Public Utilities

MDL.m

P.S. I am so sorry I won't  
be here. I have so many  
vivid memories of the marches  
in the past decade.

6/17  
pers note  
cc sent

***The Keeston Lowery Chapter***

***LESBIAN AND GAY DEMOCRATS CLUB OF OREGON***

***P. O. Box 4921***

***Portland, Oregon 97208***

***May 23, 1995***

***Commissioner Mike Lindberg  
1220 SW Fifth, Rm 414  
Portland, OR 97204***

***Dear Commissioner Lindberg:***

***We welcome your participation in the 20th annual Gay Pride Celebration Saturday, June 17. The Keeston Lowery Chapter was formed in 1991 to increase awareness in the Democratic Party of Oregon of lesbian and gay issues and to activate lesbian and gay Democrats to participate more fully in Party activities, including campaigns for Democratic candidates.***

***The Chapter will be marching in the Gay Pride parade, which assembles from 10 to 11 a.m. in the North Park Blocks. The parade steps off at 11 a.m. sharp, and winds through downtown Portland to Waterfront Park. The Keeston Lowery Chapter will have a booth there to register new voters, sign up potential campaigners and to encourage new contributions of time and money to the Democratic Party. You are certainly welcome to join us, as well as other state and local elected Democrats such as yourself, in either or both of these activities.***

***The theme of 1995's Gay Pride Celebration is "From Silence to Celebration" and we know that you will, if your schedule permits, want to join in support of gay and lesbian Oregonians celebrating full and open lives by being with us June 17.***

***Sincerely yours,***

***John Baker  
Chair***

***Elaine Walsh  
Vice-Chair***

***Frank Dixon  
Treasurer***

***Fred Neal  
Secretary***



CITY OF  
**PORTLAND, OREGON**  
BUREAU OF POLICE

*Appt Request*  
**VERA KATZ, MAYOR**  
Charles A. Moose, Chief of Police  
1111 S.W. 2nd Avenue  
Portland, Oregon 97204

MEMORANDUM

May 19, 1995

RECEIVED

3 1995

COM

INCL

OFF

READ AT ALL ROLL CALLS AND POST

TO: All Police Bureau Personnel

RE: Gay Pride Parade/Saturday, June 17, 1995, noon

On Saturday, June 17, 1995, the annual Gay & Lesbian Pride Parade will be held. The parade will start at 12:00 noon in the South Park Blocks and will end up at Waterfront Park.

I will be walking in the parade and I believe my participation and that of any Bureau member who decides to participate, is a worthwhile statement in support of equal rights for all citizens. Sworn members are authorized to wear their uniform. No overtime is authorized for this event.

*Charles A. Moose*  
Charles A. Moose, Ph.D.  
Chief of Police

CAM/cht

c: Mayor Vera Katz  
Commissioner Blumenauer  
Commissioner Hales  
Commissioner Kafoury  
Commissioner Lindberg

AN EQUAL OPPORTUNITY EMPLOYER

City Government Information

TDD (for hearing and speech impaired) 823-6868







CITY OF  
**PORTLAND, OREGON**  
OFFICE OF PUBLIC AFFAIRS

Mike Lindberg, Commissioner  
1220 S.W. Fifth Ave.  
Portland, OR 97204  
(503) 823-4145

January 10, 1992

MEMORANDUM

TO: Steve Bauer, Director  
Office of Fiscal Administration

FROM: Commissioner Lindberg *MOL*

RE: Budget Items

As you know, City Council passed its landmark Civil Rights Ordinance in October 1991. The ordinance not only concurred with existing State of Oregon civil rights legislation, but also added the protected categories of "sexual orientation" and "source of income."

Because neither of these protected categories are covered by State law, they do not carry a statewide mandate for enforcement. In passing the ordinance, Council envisioned an enforcement scheme that would involve a contractual relationship with the State of Oregon's Bureau of Labor and Industries. Council's unanimous action reflected its commitment to active enforcement of civil rights law in the face of increased hate-related crimes in the City of Portland.

My office and the City Attorney's office have been working with the Bureau of Labor and Industries (BOLI) on the particulars of an enforcement scheme. We will hopefully have an intergovernmental agreement ready for signatures sometime in February 1992.

In preparation for this agreement for enforcement, I would like to request that \$12,000 be considered for Council authorization during the current budget cycle of FY 91-92. This would involve approximately \$10,000 for BOLI enforcement, and a potential \$2,000 contract for testing enforcement with the Fair Housing Council of Oregon.

Steve Bauer, Director  
January 10, 1992  
Page Two

In addition, I would like to request that \$35,000 be set aside for enforcement in the FY 92-93 budget year. Approximately \$25,000 will be for BOLI and \$10,000 for the Fair Housing Council of Oregon.

If you have any questions regarding this issue, please feel free to contact Keeston Lowery on my staff at 823-4046.

MDL:klb

Attachment

cc: City Council  
Jeff Rogers, City Attorney  
Madelynn Wessell, Deputy City Attorney