



# April 8, 2025 Community and Public Safety Committee Agenda

**City Hall, Council Chambers, 2nd Floor – 1221 SW Fourth Avenue, Portland, OR 97204**

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**Tuesday, April 8, 2025 2:30 pm**

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**Session Status:** Adjourned

**Committee in Attendance:**

Councilor Angelita Morillo

Councilor Steve Novick, Co-Chair

Councilor Eric Zimmerman

Councilor Loretta Smith

Councilor Sameer Kanal, Co-Chair

Councilor Kanal presided.

Officers in attendance: Rebecca Dobert, Deputy Council Clerk

Committee adjourned at 4:04 p.m.

## Regular Agenda

1

[Labor panel on the allocation of Public Safety Service Area personnel time and the impacts of potential budget changes](#) (Presentation)

**Document number:** 2025-147

**Introduced by:** Councilor Sameer Kanal; Councilor Steve Novick

**Time requested:** 40 minutes

**Council action:** Placed on File

2

[Amend Code to consolidate noise enforcement and improve fairness and consistency in noise regulation \(repeal Code Sections 14A.30.010 and 14A.30.020; amend Code Section 14B.120.020\)](#) (Ordinance)

**Document number:** 2025-148

**Introduced by:** Councilor Jamie Dunphy

**Time requested:** 40 minutes

**Council action:** Referred to City Council

Motion to refer Ordinance, Document Number 2025-148 to the full Council with recommendation the ordinance be passed: Moved by Zimmerman and seconded by Smith. (Aye (5): Morillo, Novick, Zimmerman Smith, Kanal)

3

[Repeal authorization of City Attorney to appeal the judgment in Kelly Jones as Personal Representative for the Estate of Michael Townsend v. City of Portland \(Repeal Resolution 37674; Circuit Court of the State of Oregon for the County of Multnomah Case 22CV05575\)](#) (Resolution)

**Document number:** 2025-149

**Introduced by:** Councilor Angelita Morillo; Councilor Candace Avalos; Councilor Sameer Kanal; Councilor Mitch Green

**Time requested:** 40 minutes

**Council action:** Referred to Councilor

Item referred back to Councilors Morillo, Avalos, Kanal, and Green.

# Portland City Council, Community and Public Safety Committee

April 8, 2025 - 2:30 p.m.

## Speaker List

Name	Title	Document Number
Sameer Kanal	Councilor, Committee Co-Chair	
Rebecca Dobert	Council Clerk	
Angelita Morillo	Councilor	
Eric Zimmerman	Councilor	
Steve Novick	Councilor, Committee Co-Chair	
Loretta Smith	Councilor	
Christopher Herr	Council Policy Analyst	
Kari Koch	CPPW President	2025-147
Rob Martineau	President, AFSCME	2025-147
Aaron Schmutz	Police Sgt. and PPA President	2025-147
Elliot Levin	Research Director and Legislative Advocate - Protec17	2025-147
Isaac McLennan	President, Portland Fire Fighters' Association	2025-147
Mike Myers	DCA Public Safety	2025-147
Jamie Dunphy	Councilor	2025-148
Eben Hoffer	Industry Professional and Policy Expert	2025-148
Mary Sipe	(Testimony)	2025-148

## **Portland City Council Committee Meeting Closed Caption File**

**April 8, 2025 – 2:30 p.m.**

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

Good afternoon. I call the meeting of this this meeting of the community and public safety committee to order. It's Tuesday, April 8th at 2:30 p.m. Rebecca, will you please call the roll?

**Speaker:** Good afternoon. Morillo here. Novick here. Zimmerman here. Smith here.

**Speaker:** Canal here. Thank you. Christopher, will you please read the statement of conduct?

**Speaker:** Welcome to the meeting of the community and public safety committee to testify before this committee in person or virtually. You must sign up in advance on the committee agenda at. Agenda, community and public safety committee or by calling 311. Information on engaging with the committee can be found at this link. Registration for virtual testimony closes one hour prior to the meeting. In person. Testifiers must sign up before the agenda item is heard. For today's meeting, testimony will be two minutes per testifier. Your microphone will be muted when your time is over. The chair preserves order disruptive conduct such as shouting, refusing to conclude your testimony when your time is up, or interrupting others testimony or committee deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for

trespass. Additionally, the committee may take a short recess and reconvene virtually. Your testimony should address the matter being considered. When testifying, state your name for the record. If you are a lobbyist, identify the organization you represent. Virtual testifier should unmute themselves when the clerk calls your name. Thank you.

**Speaker:** Thank you. I'd just like to add, I recognize that the statement of conduct has been perceived by some community members as being stiff harsh. I want to add that I think I speak for hopefully all of us, that this committee welcomes your participation, your passion, and also that our goal is to ensure that nobody's right to be heard negatively affects someone else's right to be heard, including through taking up time that's been allotted to another member of the public. This meeting of the community and public safety committee will hear a presentation from a labor panel on public safety, service area personnel, and the impacts of potential budget changes. It will consider an ordinance to amend code to consolidate noise enforcement, and then it has on the agenda as well an ordinance to repeal the authorization of the city attorney to appeal the judgment. And kelly jones, personal representative for the estate of michael townsend versus city of Portland, which we'll talk about when we get there. Rebecca, will you please read the first item.

**Speaker:** Item one, labor panel on the allocation of public safety service area personnel time and the impacts of potential budget changes.

**Speaker:** Thank you.

**Speaker:** Yeah. Co-chair novick and i, in developing the committee work plan, wanted to ensure that we did not only hear from management in developing our understanding and vision for community and public safety in Portland, we also wanted to ensure we heard from members of the public through testimony, and finally, that we heard from labor and in developing this meeting's agenda, added a

conversation with our five largest labor unions representing public safety employees. We've asked each of them to note in their initial remarks the workers within the public safety service area that they represent. This panel is primarily about the impact of potential budget changes. Our format for this is roughly four minutes in length for each of the panelists initial remarks. Initial remarks so about 20 minutes in total, followed by 20 minutes of q&a each councilor will therefore have 4 or 5 minutes of time for questions in the q&a, including response time, so please keep that in mind. So as we have two members online, our other panelists, please feel free to start coming up today. We'll hear from Carrie Ko with the City of Portland Professional Workers or CP. We'll have Ron Martineau from AFSCME. We have Aaron Schmaltz from the Portland Police Association, Elliot Levin from Pro Tech 17, and finally, Isaac McClymont from the Portland Firefighters Association. That will be the order as well. Welcome to you all. And we'll start with Carrie Ko, who is online.

**Speaker:** Great. Thank you. I everybody can hear me okay. Hello council. Thank you for at Portland permitting and development and serve as the president of the City of Portland Professional Workers Union, or CP. Our members are coordinators, analysts, admin specialists and more. And unlike what we've heard from some councilors during other committees about our work being auxiliary, CP members perform essential services across nearly every bureau of the city. And what our members do is public safety work. You can kind of think of us as the glue or the screws that help hold everything together. People don't often immediately recognize our work as public safety work. So let me present two ways of understanding how deeply embedded the members are in safety. The first is through the work that we do that looks a lot like traditional public safety work. Our members at the Portland Bureau of Emergency Management are programs. They

are out in the street working events and are the first line of defense in a natural or man made disaster. Emergency responders also include our coordinators at the police bureau, who are on call as victim advocates to support and advocate for people most impacted by crimes. Coordinators and analysts that are safety officers all around the city, and those who manage things like the emergency maintenance at bts and other bureaus. So when storms happen, when something breaks in the night, when there's a problem at the treatment plant, our members are on the ground making sure that the people, the supplies, the equipment, paperwork are ready to go for the fix. Those are some of the more traditional public safety jobs. The second style of public safety, though, that I want to draw your attention to, is often not folks wearing a reflective vest. We spoke with mayor wilson yesterday as the labor caucus, and I heard him describe public safety as a place where we all get home safe. And I like I feel like this is an apt thing to bring into this space in many ways, because that statement points to the concept that social conditions create safety in our communities. The day to day reality of safety is created by a city that meets people's needs, and how we construct our communities leads to different risks of violence. So there have been many excellent studies about this, and I'm going to forward one to all of you after my after my comments that I'm referencing here today. So our members are helping to create the social conditions of public safety. What this looks like is the members, the coordinators and analysts that do the regulation and the permits that ensure businesses and events and activities are safely meeting the public's needs. We are the analysts and coordinators at the office of violence prevention and ceasefire that create community infrastructure directly related, correlated to safer cities. And I want to highlight, in particular, the communication staff in every bureau, who are the ones that let Portlanders know how to access emergency help and who let Portlanders know when something is

not safe. Right? They play a lot of different roles in the city. Communication staff are the lifeline between the city and the community and between bureaus and their staff, and that really make us a functional. And the reason all of us know to call nine one one or 3 one one is not an accident or happenstance. That was essential. Communication workers made that happen. I'd like to end by drawing your attention to an important practical impact of this sort of false dichotomy that we experience between visible public safety and those behind the scenes, and this false difference means that our members who do the unseen work can be treated unfairly. There are essential on call kprp members doing incredible amounts of uncompensated on call work because they are viewed differently than other public safety staff. This is our pbem members. This is our safety officers. This is even our members in the Portland police bureau who spent hundreds of uncompensated hours on standby on call every year in order to respond directly to issues of public safety. So how the city views public safety plays a role in who the bureau decides to compensate and who they don't. And this is an inequity that we'd like to see addressed. So our members exist on both sides of that spectrum. And I thank you for letting me come and testify about it today. Thank you.

**Speaker:** Thank you. Carrie. We'll go to rob next.

**Speaker:** Thank you. I'm rob marciano, president of afscme local 189 and also first vice president of the northwest Oregon labor council. While it's very common to think of police and fire as center to public safety, the support systems and the direct interactions with our communities is also just as important in those other unions and those other folks being able to do their work. I think of afscme is very much a public safety union in our community and around the state and even across the country. And many much of that happens through the work of our non-sworn, often called professional staff that that maintain police records. If a person has an



issue, certainly with an auto theft or any other number of things, getting the reports, getting access to the information they need as they are addressing the impacts of those experiences in which they needed public safety. And that adjacency is really key to freeing up those resources for us to all have what we need to have that safe community. The same thing that that Carrie mentioned from, from the mayor. And it means getting getting home safe. We also have in the police bureau, I'll just say records. We have the desk clerks, we represent the people that do the forensic ID it probably comes as no surprise, but when a person is arrested, they do not always give their accurate ID name and information. And that is really important in the work that we do. So that we are correctly identifying and appropriately classifying those folks that have had that interaction with law enforcement. Additionally, all of the admin support staff is mainly represented by AFSCME. Other areas like IPR or excuse me, the internal affairs division, and also things like business systems analysts. That is all work we do in making the functions that happen in that record, keeping in that electronic space, just because everything is so mobile now, making that happen in PBEM, we also represent safe blocks, which is that really forward customer outreach that needs to happen with our business communities and neighborhood associations and others to make sure that that safe blocks is being connected in a way that they, the community, doesn't feel like calling 911 and asking for police response is the only option. So we do have a way to be out ahead of the needs of our community. And other than in the public safety service area, I want to talk a little bit more about other areas in which we work. You think of in PBOT, you might think of, you know, potholes or fixing roads or making sure the street lights are operational. But our parking code enforcement officers play a critical role in just accessibility in across the city, in metered areas, but also in their vehicle inspection teams, which are often that front line in

conversations with those that are on the edges of being unsheltered, which I know is a critical importance to our mayor. But those that may be in derelict or unsafe rvs, and they are actively working to make sure that those folks are having the type of positive interactions and trying to get services in the help they need so that they don't move further away from being recognized and accepted and really included in our society. And that that work on the edges is, is really critically important to what we do. Additionally, we have another employer in the port of Portland, and if you've ever headed into to drop somebody off or pick somebody up, they're the ones that say you need to keep moving, take another lap. The plane hasn't landed yet. And while if you're the one being told to move along, it doesn't feel that great, but you're sure glad when you're trying to pull up to your person standing on the curb that they're doing that work. This is another component of what public safety looks like, not just in our city, but in our community. Actually certainly has a lot of folks at Multnomah County as well, directly adjacent and helping with with law enforcement, utilities in the city, clean water, getting there and used water, leaving critically important. And that also really contributes to what we do. One of the smaller divisions in the water bureau, though, is our water rangers, that water security that really look after the pump stations, the infrastructure up in bull run and east and west all over, all over the city to make sure that our infrastructure continues to run in that space. And finally, I'd like to mention ipr, and that will be definitely something that we will be talking about as we move forward with a new system of police accountability and the work that they do, that when there are these other critical events in which there needs to be further investigation and consideration where they are in that, and we also represent those those ipr investigators in the critical work they do for our community. So with that, i'll pause and thank you for your time.

**Speaker:** Thank you. Rob. Next up is the ppa. Aaron is online.

**Speaker:** Can you guys hear me okay.

**Speaker:** Yes, thanks.

**Speaker:** Okay. Sorry, I'm on someone else's computer and someone else's office in salem. So just want to make sure aaron schmaltz, I'm the president of the Portland police association. The ppa represents, I think, a lot more people than people recognize. And we do represent our police officers, our sergeants, detectives, criminalists, public safety support specialists, but we also represent our dispatchers and our dispatch supervisors. And so, you know, and I think even just listening, you know, I used to work for records. I think there's such a connective tissue between all the work that's done in public safety in our community. And all this work is very essential. You know, looking at the time we're in right now as we navigate difficult budgets and kind of where we're at. You know, mayor wilson has spoke, spoken a lot about wanting to restore public safety and navigate some very difficult issues in our city. And I think it's important to look and hear from the public about how they want that work done. You know, our perspective has been for quite some time that we do need a very integrated public safety response model. As much as it is super important that we staff up boec, we've done a really good job working through their overtime, significant deficit and making sure that people are available to answer the phone when people call and ask for help. We also want to make sure that we also have responders available to go to those calls. From my perspective, building a whole a holistic and woven public safety system is critical. It's also critical that we create an environment where warm handoffs are are available and very, very necessary. You know, from my perspective, looking at things like peers for addiction services or deflection system, psr, all these other things, these these systems continuing to grow in partnership are critical because

historically, law enforcement has not had quick access to those services. And the quicker we can hand off that work, I think the outcomes become better. It's important that that the police bureau and boec are nimble to evolve and meet ever changing needs again. Having you see in dispatch, having mental health specialists on the floor, having other options for patrol to hand things off again, navigating the big asks of law enforcement but also building relationships. And on that, cultivating partnership and strengthening the relationships we have with community. It is so important that Portlanders know who's coming when they call, and that the face that shows up is one that's familiar. Our police officers are and should be a big part of the infrastructure of our city from a crime reduction standpoint. You know, the police bureau has always said we want to reduce crime and the fear of crime, but I think it's important that we revitalize a community safety or a community policing model, and that we're able to be both reactive and proactive to things facing our city. You know, a big problem in our city is that we are just critically understaffed. The manhattan institute released a report recently that says that Portland is uniquely ill equipped to deal with the problem of understaffing, because our police department is uniquely understaffed, with just under 1.26 police officers per 1000, the Portland police bureau ranks 48th among the nation's 50 largest cities for staffing to population, and as a result, the ppb struggles to provide even the most basic of services, at times taking up to a half hour to respond to high priority calls. Similarly, our allocation and budgeting, you know, we do hear a lot about how much money we're spending on policing, but our allocation for budgeting as you, as you rank us with other cities is at the bottom or towards the bottom with just 3%, 3.6% of our budget. A lot of conversations recently about overtime, 100% overtime is a crutch to navigate the difficult times we're in, but it's not wasteful. If you want to address this problem, the heart of that problem, the goal is to hire more officers.

We saw this work in dispatch through double time, and then a heavy staffing effort to get themselves back up, and then now their overtime expenditures have just completely gone down as a result of being down to about, I think they're down to about six fte that they're looking to hire. If we hire more officers, we will see our overtime situation improve. But bluntly, overtime is needed now to plug holes, to do missions and to do the extra work we're doing. But my hope is we can move back to where overtime is rare and our officers are getting the correct amount of rest and respite, and we're seeing officers be able to thrive on their basic wage. The long term solution there is to invest. I want to make sure again, to the points that I've heard before me today, that that all of these public safety groups are critical, that we're investing in a robust and thorough public safety system that can respond to the community's needs. And even given the pressures that we have this year, we want to make sure that we're investing in public safety because it is our city's highest priority. Thank you.

**Speaker:** Thank you. Next up is Elliott Protech.

**Speaker:** Hi. My name is Elliott Levin. I'm with Protech 17. Thank you for the opportunity to speak today. Project 17 represents about a thousand employees across the city in most city bureaus. I'm here to speak today on behalf of our Portland Street Response members. I just wanted to read a quick statement that they wrote about the program and what they do, and then I'll talk a little bit about what our desires and needs in the coming year are. So Portland Street Response is an alternative response model that's designed to be a specialized, interdisciplinary team providing mental health and behavioral health assessments, wellness checks, and support for individuals experiencing acute behavioral health and mental health crises. We assist with resource access and navigation, particularly for those without phones, and provide limited life sustaining supplies. PSR is unique team offers basic

life support, level of assessment and treatment. Assist clients in navigating the shelter system and connects them with appropriate level of care, including hospitals, urgent care or appointments with their primary care provider. Psr addresses service gaps to ensure continuity of care. We facilitate access to outpatient and emergency resources, reconnect clients with their established care teams, and provide advocacy within healthcare and community settings. Additionally, psr offers aftercare through community health workers and peer support specialists who work with clients to assess their needs and support them in achieving their self-identified goals. They serve as an intermediate bridge between acute crisis response and ongoing long term engagement. We're committed to a trauma informed, client led approach and strive to remain a non-enforcement arm of the emergency response system, maintaining trust and confidence within the communities we serve. So in terms of looking forward and needs of psr, I think I'd like to talk about this as three major components. Number one, stability. Stability in the program is extremely important for these folks right now. There's been a high level of turnover at all levels of the program over the past few years. They need an understanding that this council supports them and is going to be there for them through both funding and just commitment to the ongoing program and its goals. Number two, honestly, a depoliticization of this program. This program, as you well know, has, you know, attracted a lot of attention over the past few years, most of it good, but that's led to a lot of attention in this council. That's led to a lot of attention in the media and the community. And frankly, our folks feel like that attention sometimes puts them in in a difficult position. Thirdly, you know, as we talk about the program and the expansion of the program, I just want to voice a concern that we've heard from members over and over, which is there's a critical need for training resources within the program because of the instability and the

high level of turnover. There have not been very many folks, for example, available to train new hires. And those who are available to train new hires are basically doing it continuously. And so we support the expansion of this program.

Discussions around 24 hour service for psr are welcome, but we hope that that's done with an understanding that there are costs to the individuals that are currently working within the program as it expands rapidly. So addressing staff retention and stability within psr, as I've discussed, the other component to this also is authorizing and providing psr with essential life sustaining supplies, particularly during emergency weather conditions. That's been an issue, as you all know, over the last few years, and we hope that that is something that we can continue to do and expand into the future. So again, thank you very much. I really appreciate the opportunity to talk.

**Speaker:** Thank you, elliot. And finally, we'll go to for isaac.

**Speaker:** Thank you. Thank you, chair canal co-chair novick and council. Let me first by introduce myself. My name is isaac mcclymont. I'm president of the Portland firefighters association, also a worker here in the city of Portland. And I also live in district three, in the roseway neighborhood. I'd like to acknowledge the fact that, you know, the Portland firefighters association represents, you know, firefighters by and large, and we do a very critical service for the community. But I first, before I get into that, I really want to acknowledge the other speakers here and not only the unions and the workers they represent, but the non-represented people that put that all work for the benefit of firefighters so that we can do our jobs, we can do them safely and effectively. And that takes not just firefighters driving on, you know, fire trucks and fire engines around the city. There's a whole back infrastructure that allows us to do the jobs for not to the from safe streets to drive our apparatus on the water we use to put out the fires, you know, are obviously,

you know, we work together with folks from protech 17 on Portland street response. And then also, you know, we can't do our jobs if we're not protected, you know, and in critical situations, we need police to be there in order for us to do our jobs so that we can put our nose in the business and make sure that people are safe and heal them, and not worry that the scene behind us is unsecure. And not to mention, after the call is over, we need the services of other workers to make sure that we get the help we need to, you know, continue to do our jobs. So just briefly, we represent around 760 members, about 45 actually are represented at the port of Portland as firefighters at the airport fire department. The remaining are here in the city of Portland. Predominantly, we represent members in Portland fire and rescue. And as firefighters, lieutenants, fire captains, battalion chiefs, but also trainers, investigators, inspectors, senior inspectors, harbor pilots. And that's the bulk of the folks that work in the in the city of Portland. About 580 of us work shift work. So we work 24 hours a day, and there are three shifts that rotate a shift, b shift and c shift, and that on average, we work about 50.4 hours a week in suppression or operations, as it's sometimes called. And so that's all straight time. So there's no overtime in our regular 50.4 hours a week that we work on average. And much like has been mentioned by the Portland police union, it's really the there's been a lot of attention on the overtime. And I want to make the distinction that this isn't overtime just offered up at the at the will of when people want to work it. This is replacement to replace the 171 firefighters on duty right now. Today across 31 fire stations. Without the staffing in those stations, we cannot do our job effectively. We cannot be there when the Portland needs us to be there. And so, you know, a lot of that, what is called overtime is actually callback. That's callback to make sure that we are staffing in 171. And the way out of that, the way out of that really is by hiring additional firefighters to reduce the amount of overtime needed



to staff those stations. In addition to that frontline work, we also, like I mentioned earlier, we also represent inspectors, senior inspectors, investigators. Those folks work 40 hour work weeks traditionally for ten hour days. And, you know, more traditional work schedule. And but in emergencies, those members are also they've come up first as a firefighter. And so all of those individuals can return to service as a firefighter in the event of a large scale emergency for callback for additional resources. Lastly, we also represent the members of the community health assessment team. While they're under Portland fire and rescue. They do a critical work. They're not trained firefighters. So they are emts. And they they do what's called, you know. A single role. So that single role of course, providing ems and the services they do, for example, a lot of high acuity or low acuity calls, but also members that call 911 often. So they sort of reach out to those individuals to see what's going on and actually drill down the issue to get them to get off of 911 service, keep them out of hospitals, so on and so forth. Additionally, we represent the emts that work in Portland street response, and I won't duplicate what Elliott already articulated with the work that they do. It's critical. And for our community, especially now, we need to reach people where they are. And these emts that work alongside of the members from protect 17 are critical because they allow to provide medical treatment where needed in the field without having to call for a fire engine or an ambulance, necessarily to treat small, you know, you know, small medical issues in the field. So I welcome that. I know there's a lot of good questions here, and I'm always open to answer any calls for any questions you guys have, whether it be to now or in the future. So thank you for your time.

**Speaker:** Thank you to all five of our panelists colleagues. Please feel free to raise your hand if you have questions, and please feel free to clarify as you go who your

questions are to. If they're specific to one or more panelists. We'll start with councilor morillo.

**Speaker:** Thank you, chair canal. Thank you all so much for being here. It's great to hear from you. And I guess I have first a comment and then a question. As far as Portland street response goes, I've often thought about the politicization of that program and what we can do to avoid it. And sometimes I wonder if there is no way to avoid it. I kind of think it's reminiscent of like, obamacare, where people hear the affordable care act and they like that, but they don't like obamacare. And I think that there was so much politicization, politicization of the program because it was originated from commissioner hardesty's office. And I think that's just sometimes a hard like it's a really great program that I think a lot of people love. And there's just controversy around elected officials. And I think also a lot of deeply rooted racism in the city of Portland. And so if you have any ideas about how we go about depoliticizing a program, I would love to know, because sometimes I fear that that is just deeply rooted in our city, and it's something we're going to have to address in the long run, and people are going to have to ask themselves if the goodness that this program provides is going to be enough to overcome some of those things. And if that's a service that they really want to fight for, it seems like it certainly is, considering the petitions usually get like 14, 14,000 signatures at minimum. So I think that we're definitely getting a push from the community to make sure that Portland street response is supported. And I certainly feel a strong responsibility to do that. I think it's a necessary program that uplifts everything else so that they can work in harmony. And I really appreciated your comments as well, talking about the other workers that support the work that you do, I think that was very generous and thoughtful of you. So thank you for saying that. I also had a question. While we have all our labor folks here right now, I guess this would mainly

be maybe directed to aaron schmitz online. So obviously there's been a lot of controversy this week about the police union joining the northwest labor council and as an elected official. I'm not commenting on that because that's union business. And that's for something for all of you to resolve internally. I'm curious because I heard that at a meeting with jobs with justice, that lori wimmer, who's in the northwest labor council, has stated that we need to move past some of the police issues and that south africa was able to do a truth and reconciliation meeting with community in order to move past those issues and start thinking ahead to the future. I know that when I worked in commissioner hardesty's office, we had actually tried to bring a truth and reconciliation forward with the police union. This was at the height of the protests. City Council actually set aside \$200,000 to do a truth and reconciliation process, and I believe that that was rejected. So I'm just curious from you, aaron, if that is something that has changed, if that's something that the union is interested in moving forward.

**Speaker:** Sure. Thanks for the question. And I think to your point, if you don't mind, on psr, I think the big thing that's been challenging and I don't mean to go out of order, but I think it's important. Psr is a critical partner. I think there has been kind of mixed messages from all sides on this whole program. And I think the good thing now is you're hearing a council that fully supports it, and you're also hearing people who are in the work and around the work who are also wanting to see it fully represent its potential. So I think that that's good. You know, I mean, to address and again, I don't really want to get into internal conversations that some of which I'm not even in. But I think the most important thing is in the five people who have spoken today, I think I mentioned it in my testimony, you see, the connective tissue that exists between all the work we're doing. There is no person, no employee that exists, no human being that exists in any of our groups where if

you remove them, there's not an impact on the others. And so it's very, very critical that as we're having conversations about moving forward together as a city and city employees, that we're ensuring that we're doing that together and understanding the impacts on each other. I did write an email that I think was published in most of the newspapers about the truth and reconciliation program that was proposed. I did have some serious concerns about the way it was presented. You know, I do. Again, police officers are human beings, their mothers, their fathers. They they come to work and they go home every day. At the time, all of that was going on. I think it's important to remember that there was kill all cops spray painted on walls around police stations. It was a very, very challenging time. What I'd like to do in our city is ensure that our police officers are present. They're available, that we're having the hard conversations. There's no conversation I've ever said no to other than when people are screaming at me that I've decided that that is the line that I draw in my old age. But we do need to engage in these conversations, and we do need to ensure that when we speak with community who has been impacted or has relationship with law enforcement, good or bad, that we're working through understanding each other, you know, and I saw this in this last campaign meeting with a lot of different elected officials or people who wished to be elected officials who had had real history with law enforcement. And there's a lot of grace that was given. And as we build those relationships so solid, maybe I just want to do I want to do the work and I want to do it well, but I also want to recognize that as much as there's impacts on the history of law enforcement, both in our country and our city, the officers who are signing up today also are signing up for a very hard job and are doing so willingly.

**Speaker:** Thank you for answering that. So I heard a strong maybe. That's good to know. I think I would love a clearer answer in the future, especially if the south

africa's truth and reconciliation process is going to be something that's cited as a way of engaging moving forward. You know, we need to make sure that we're actually doing that and addressing the past harms. Of course, I completely agree with you that there shouldn't be any violence, verbally or otherwise directed at city employees. And I also want to add the context that the frustration and anger that came from the community did not just exist in a vacuum, where people just started protesting and there was a lot of community anger for no reason. And so I also think we have to account for power dynamics. Me as an elected official, I have a lot of power. Police officers have a lot of power. They have the power of state sanctioned violence. And with great power comes great responsibility. So those are things we have to address moving forward. But I appreciate your attempt at answering that. Thank you. I have no further questions.

**Speaker:** Thank you. Councilor morillo councilor novick.

**Speaker:** Thank you, mr. Chair. My question is for mr. McClymont, which is that it's my understanding from various sources that one of the public safety cuts that's being considered for the mayor's budget is cutting the rescue units. And I just wanted to give you an opportunity to talk about what you think the consequences would be of making those cuts.

**Speaker:** I appreciate that question. Co-chair novick. I for starters, you know, that's not the only so in the in the in the city administrator's recommendations. Also notably absent was the funding for the community health assessment treat. And I advocated for that at the listening sessions. And I will continue to do so at every turn. Those folks that work on those units are critical because not only do they do critical work themselves, but they also allow for our highly trained firefighters to be available for the higher critical calls like fires, car accidents, that sort of thing. Now onto your direct question regarding the rescues. Currently, Portland fire and rescue

has three rescues at fire station 19, in montavilla station. Station 11, in in lents, and then in station 31 out in rockwood. The current station, we cooperate with the city of gresham. Those units are have fully trained firefighters, emts, paramedics and at that time they also have a lieutenant on there. They were created back in 2013 when the city decided under that previous previous councils a long time ago to essentially close two fire engines, that that each fire engine has eight people on it, those then eight positions, two fire engines for each, that's eight folks were split onto four rescues. It was an experiment called a rapid response vehicle. And the concept, of course, was to have a smaller unit respond to lower acuity calls instead of a fire engine fire truck. A great experiment, and I think in the end of it, you know, the problem, of course, there's many problems with that sort of rollout, but in the end, those are firefighters that respond on pinons. So when somebody is trapped inside of a vehicle after a car accident fires, they have turnouts, they have self-contained breathing apparatus. They supplement those calls for those higher critical calls when they're in there right near their station. But they also provide one more added resource. When a fire comes in, you need four engines, two trucks and two chiefs, all responding to a working structure fire in order for us to safely do our job and effectively rescue it and keep it to the room or building of origin. That's the response that's required. So when the two those two person rescues are not on the call, they can stay in service to respond to additional calls that come in the area that provide. They are the same highly trained individuals we have on the units I just mentioned. But they they but they can they have that response reliability piece to respond to the same calls. They can still effective a rescue even without the advent of having a hose line to put out the fire. They have turnouts, they have scba. And if the conditions can permit, they can enter a structure consumed by smoke and fire and heat and still effective for rescue. In the event you know another you know,

that's one I think critical thing that I think people need to realize. And if you close a two person rescue, say, in montavilla, for example, that has a ripple effect not only for that community in montavilla, but also every surrounding neighborhood is impacted because now when there's a call for service, the fire engine in the same station has to go on that call, leaving no response unit for that area. And now all the surrounding fire stations, they're now having to come into that area for additional calls. That response reliability piece is key. And the last thing i'll say is our job as firefighters, the way we think is the worst case possible. We are risk managers. That's what we are. We see things not as what they are, but what they could be. And we have to be there for everything we perceive could happen. And that's just the way in which we operate. It's it may not be how the, you know, the other rest of the world operates, but that's how firefighters think. We think what if what could happen? And because if it could happen and it can happen, and we need to be able to be there in those times of need for citizens, the citizens in the city.

**Speaker:** Thank you very much.

**Speaker:** Sorry for my long winded, I'm a long winded answer guy.

**Speaker:** Thank you. Councilor any other colleagues have anything before? Okay, i'll. Oh, sorry, councilor smith.

**Speaker:** Thank you. Is mike myers on the phone?

**Speaker:** Is not.

**Speaker:** He's not for the. Is there anybody here from public safety councilor.

**Speaker:** I'm here. This is this is director myers.

**Speaker:** Dca myers. See?

**Speaker:** Sorry, sorry.

**Speaker:** Dca myers.

**Speaker:** So I had a question for you. What do you believe is an appropriate amount of overtime for us to build into next year's budget for the public safety service area?

**Speaker:** So I think that's a good question. Let's put some context around it. I think there are probably 3 or 4 different types of overtime or uses of overtime out there. And I'll let the bureau directors correct me if I've missed one. I'll take the least likely first. Most bureaus have moved their training to on duty training. There are options and opportunities in probably all the bureaus where some training is necessary and needed. It can't be fulfilled on duty, and training is moved to be done by overtime. That's that's probably the least common, but does occur. So we would need to first to councilor calculate the amount of training necessary to be done by overtime. And that's one allotment. The second is backfill overtime. So I know we have the union president and Portland police bureau here, and we probably have a representative in the council chamber for the police bureau. But for example, if they have a shifts to fill for a shift, they put the call out, they have the normal straight time employees, police officers fill the units hours and then what they don't what's not. People that are off, they ask for overtime fills. That's backfill overtime. And that's another that's a very common use for both police and fire. And 911 these are individuals that have people have used their time that's been allotted to them, whether it's sick leave or vacation leave or other parental leave or whatever leaves available. And then we backfill with backfill overtime to keep those positions occupied and keep them staffed. And that can fluctuate day to day, month to month, year to year. There certainly is seasonal and there are there are other impacts, of course, on on staffing that would would play into that. That's so that's another option for overtime. The I think the other one is emergency overtime. So if there is some kind of callback for whatever reason. And again, the Portland police



bureau I think are probably in the council chamber, the a there might be an investigation that needs to be done, something that requires firefighters or police officers to come back to work on an emergency basis, that that overtime is also available. And then, like chief day, will create emissions and details like a crime reduction plan. That is the only way to possibly get that crime reduction plan done is to staff it by overtime. And that is a fourth method of staffing with overtime. So if the question is those are the types of overtime we would have to quantify the amount of overtime requested. But if the question is like the amount of hours that is required by bureau, what would I recommend? I would have to get those numbers for you and make a recommendation back. I think that's I think that's what you're asking.

**Speaker:** Yeah. And what I'm also asking is to aside from fire and police, do you think that overtime should be equally spread among the public safety? Ecosystem?

**Speaker:** No. Each. Each? No. Each bureau will require a different amount of overtime for different reasons. So I do believe there's an equity of importance. I don't know that there's an equity in amount.

**Speaker:** Okay. I'll look i'll follow back up with you on those on those numbers. Thank you. And thank you for being on.

**Speaker:** Thank you councilor i'll have two quick questions, one for isaac and the next for carrie. Can you speak, isaac, to the impact of the of station two and the training center there on the ability to bring new staff in, and both in terms of capacity and any other considerations there?

**Speaker:** Yeah, absolutely. You know, that station I mean, I went through training there in 2002. So that station has been there for there for time before that. So it's an aging facility, which I know you know that. But currently we are hiring 16 firefighters every six months and that rotates basically you come through an

academy, so you are working 40 hour weeks at the moment while you work through an academy. It's a much more rigorous set of training. And then you move from there to fire station two right next door, where you are still considered on probation. You're still considered a firefighter trainee and that you still have more to learn, but you are accompanying along full time firefighters as your trainers as you you know, instead of a lot of other departments in the country, they'll just spit you out into the world. And then you work as a probe on a station. Well, we in Portland, we operate a training station, and this allows for training to continue as a group. And people that you've already worked with and you've come through in your training class. And so that's that dynamic is, you know, I mean, you you definitely develop a kinship with those folks you come in through. You have a, you know, you it's a it's a really it's a unique experience, I think in Portland. But it really produces highly trained, highly motivated and quality firefighters on the other end so that when you don your yellow helmet, which is what you receive when you graduate from training, you are a fully fledged, fully trained, knowledgeable firefighter, not only in our ability to do our job and execute every, you know, respond to any and all emergencies. You're also at the highest point of learning every new, every new. You know, operation that might, you know, come around new tools. You're expected to, you know, memorize manuals and regurgitate them in tool talks to the degree that's, you know, it's really impressive to see, you know, from being in now and looking in what the training program is now. So you know, I do know we need to refresh those facilities, renew them. They're not quality. And you know, potentially we need to also grow that number 16. The right number to every six months. Is that the right number. In order to grow that we would need to we would need to increase training staff back to what it was, at least when I was going through training 22 years ago, in that, you know, that's the only there's a span

of control issue. So we have, you know, we need a certain number of trainers if we want to increase the number of people in the pipeline. And you know that that pipeline can take a while to make a fully fledged firefighter from, you know, the moment they take an entrance exam to when they don their yellow helmet, is that what you're kind of getting there? Yes.

**Speaker:** Thank you.

**Speaker:** I'll ask my second question in a minute, but first I want to pass it over to councilor zimmerman.

**Speaker:** Thanks. I think probably for fire and police representatives that are here, you know, at the end of the calendar year, last year, we had budget guidance that held that there would be no, no defunding and no reductions in the budgets for fire and for police. I thought that was important just from a. A messaging about kind of the priorities that the previous mayor had set. And then earlier this year, we went through an exercise where the those two bureaus got guidance to please produce a reduced budget option just from the rank and file perspectives. I am curious, does that does that. I've heard it can hurt our our staffing. Kind of the morale, if you will. I want to know a little bit more from isaac and aaron if this hurts more on our recruiting of new members into our force. When we look like we may be moving into a reduction of force situation, or does it spur on those members in your agency who are looking at potential lateral transfers to other communities where they can serve because they're already credentialed officers, firefighters? Is it more of a recruiting issue or a retention issue? When we find ourselves in a budget reduction scenario like was introduced earlier this calendar year?

**Speaker:** Aaron, i'll jump in first and you can think about your answer. You know, thank you for that question. Councilor zimmerman. You know, for obviously morale is a very delicate thing. And you understand this, I know, and many others do. It's,

you know, so it's a delicate dance in some respects. You know, firefighters care deeply about the work we do. We care deeply about this community. And, you know, the badge we wear upon our shirts when we when we go to work. And, of course, nobody wants to know that they're here, that we're at threat of losing budget. I mean, look at what happened in los angeles. It's not that long ago when those conversations like that were happening, and then those wildfires ripped through that community, robbing people of everything that they own and some people their lives. So, you know, it's certainly it's certainly it's very impactful. It's a very impactful thing. I obviously hear about it immediately in my position as the president of the association. But it's also something that we've gone through many, many years in a row. And so advocating for from from the community to stand up to support their fire station from closing is something that I'm committed to continuing to do in the event that we're looking at, you know, decreasing on duty staffing. Honestly, I would love to see a number where we all agree, hey, scientifically or mathematically or however, this is the number of firefighters we need to protect our community. And it goes it grows with population because the fact is population has gone up. The number of calls for service have gone up, the number of fires have gone up. But the number of firefighters doing this job has stayed the same. And that's the trend over the last 20 to 25 years. So but more direct to your question on the budget. It's it is a problem. It is also a problem, unfortunately, that we see year after year after year. So I think it does play into people's minds when they come, when they go and look for a job. You know, retention and recruitment is a is a is a dynamic thing. And so to say it doesn't have an impact, I'm sure it does. To what degree I guess I don't know, but I know it has an impact. And I would love to see it where that's not something where we can, much like we're all trying to restore Portland back to its to its, you know, the shining

city on the hill. I think we all want that. And firefighters deeply do too. And we also want that means Portland can't be a punchline to a joke. It's got to be that shining city on, you know, that city on the hill that we all love and want to see again in some respects going forward. So i'll pass it to aaron.

**Speaker:** Thank you for the question. I think, you know, first of all, you know, police officers have a lot of options. Now, Portland used to be an agency where our pensions weren't portable. So now you do see that officers can come and leave if they don't like what they see. And that is very challenging because it costs a lot to train people and get them here in the first place. I think it's important to note that the Portland police bureau, we do not have mandatory overtime. We are not filling about 1000 patrol ships a month. So police officers, when they go out to work and there are 4 or 5 or 6 or 7 officers under minimums, there may be 40 calls for service holding. And that is an unbelievable amount of pressure. And then that does lead to significant public concern and dissatisfaction around the service they're receiving and the time it takes to get there. So a lot of officers are feeling very just burnt out. And that does lead to a recruiting and retention issues. You know the funding piece, you know again the amount of investment in public safety that Portland makes pales in comparison to nearly every city in the country. And you've seen in cities like Seattle, they close to \$250 million budget hole while increasing their expenditure on law enforcement and also have, as a council, made very vocal comments about the kind of policing the stature of policing and what they want to see from their law enforcement and their city. And so I do think that culturally it's really important, much to isaac's point, he just made at the end there, which is, you know, who do we want to be as a city as it relates to law enforcement? You know, do we want a relationship? Do we want to build a deep and abiding connection between our law enforcement and our community? And do we want to ensure that they have the

time to do the work we want them to do? And what does that work look like? You know, what does a fully staffed police bureau in Portland look like as it compares to other cities? I would argue, you know, we had 1000 police officers in 1990, so we're not quite there. I don't think we need 2500 police officers like you see in cities like Memphis. I think there are like 2400 authorized, but they don't they're not quite there in staffing. But I do think that we need to have enough to do the work, and also all the connections to all the other community groups who are such critical partners, many of whom are represented by the people you have sitting in front of you today. So yes, it is a recruiting and yes, it is a retention issue to have an overworked workforce whose work and purpose is unclear.

**Speaker:** Thanks. Councilor Zimmerman. Yeah, and before I ask the actually, I'll note it afterwards. My question is for Carrie. I just wanted to give you the opportunity. If there's anything you wanted to know. Your workers have been working without a contract since the formation of CFPB, and I just wanted to ask for the public safety portion of your workforce. And that may be true for the rest of it as well. If that has had a particular impact that you'd like to let us know.

**Speaker:** Yeah. Thank you. Councilor I would love to speak to that. So I think that in particular for our, you know, the people who I identified, sort of towards the end of my statements about the two sectors that I'll elevate are these folks who do on call work. And I think that this is particularly important because that work is people who are required to work to respond to public safety incidents, whether that's from bureau of emergency management or our folks working out at the wastewater treatment plant who are or who are working at the PPB, who are responding and doing hundreds of hours of on call work every year. They are seeing this work as not important, like they are being required to do this work, but it is being sort of like invisibilized and uncompensated especially, you know, especially in contrast to

some of the other overtime conversations that we hear council having, which are important to have as well. But I think just in contrast to that, it makes it really clear that or it feels and seems like that work is not is not important and is not valued. And when in reality, those folks are spending hundreds of hours responding and like helping, helping people and fixing things that need to be fixed that are for the public safety and public health. So that's one piece I would elevate that the difficulty of like getting that piece into a contract. Right now, it is uncompensated while we're in contract negotiations. It's something that we're fighting for in our contract. And in the meantime, workers are just carrying on doing the work that they need to do that they have to do. That's a part of their job to serve the people of Portland and are really looking to sort of be seen by council and by the city and by the mayor for that work that they're doing. So that's one piece. I would hold up. The second piece I would hold up around the contract is this I think aaron mentioned it as kind of like the connective tissue. You know, we like to think of ourselves as the glue or the staples. And these folks who do communications, community engagement, equity work, who in particular are being sort of attacked at a national level right now. But I think our sort of being talked about as less important than they really are, and I would I mean, I would stand 110% behind my statement that communications workers are essential workers and they are the, you know, they are the lifeline between our city and our community. And the there's a current, you know, sort of reset in us. And I think the fact that we don't have a contract while this potential reorganization is happening, creates a lot of really unnecessary fear in our workforce, and people deserve to have sort of steady stand, to steady ground to stand on while all of these changes are happening. So I think that, you know, that's this is all true of members more broadly, but I think those are the ones I would lift up in this moment to say are the work is critical to public safety, even if it's not sort

of in a, in a, in a uniform that we recognize and the lack of us, the lack of a settled contract is impacting those workers.

**Speaker:** Thank you very much. And thank you to carrie, to rob, to aaron, to elliot and to isaac for being here and to all your members as well. I'll close this one out and in a moment move to the next item. I did want to observe that there are other unions. I don't want to leave any of them out. We just have five seats. So that's how we started here, including laborers, including dc2, including pcoa. Then I assume many more that I'm not going to go through all of them here. But thank you so much for being here and we will move on to the next item. Rebecca, will you please read the next item?

**Speaker:** Thank you.

**Speaker:** Item two.

**Speaker:** Amend code to consolidate noise enforcement and improve fairness and consistency in noise regulation.

**Speaker:** Thank you. This item was introduced by councilor jamie dunphy who is here with us today. I believe we also have as part of this presentation, evan hoffer. I'll defer to you, councilor, and thank you for being here today.

**Speaker:** Thank you very much. Thank you. Co-chairs canal and novick and members of the committee. For the record, my name is jamie dunphy. I'm proud to be a Portland City Councilor representing district one. This is my first time presenting in front of the City Council, though. Colleagues, I'm here today to present the first of many policies meant to meaningfully support the music economy, provide reasonable assurances to the businesses and professionals in this industry, and to remove a confusing and conflicting section of code. This ordinance proposes to remove a section of city code that is not only conflicting and redundant, but is also a textbook example of systemic racism. The specific proposal



comes directly from the music community, who have spent the last five years attempting to get Portland city hall to take action. It's rare when the community comes to us with such a clear and specific solution to the problem they're facing, and I want to thank them for their patience. For years, the city of Portland has treated noise as a nuisance. The code that regulates live music is the same code that regulates pile driving. This was an intentional policy decision made by previous commissioners, including the decision to move the noise office away from the permitting bureaus and instead into the complaint responding bureau, the office of civic life. Thanks to a lobbying effort by the music community, mayor ted Wheeler moved the noise office back to the permitting bureaus in 2023. A combination of tough budget cycles and decisions to not backfill vacancies meant that a once robust permitting and regulatory entity of the noise office was reduced to 1 or 2 full time staff members who primarily worked standard business hours. The bureau was forced into being more responsive than proactive, and there was simply no one to handle noise complaints after hours. That meant that all noise complaints instead were went to an overburdened police officer to handle. And meanwhile, our city has grown more dense and more populated. This, combined with the understaffing of the noise office, empowered the worst voices in our community to complain about music, types of music, and often types of people that they didn't like. Any neighbor in our community can call the cops at any time that they decide that music is too loud, and they can be assured that a police officer with a gun and without a decibel reader will show up and shut it down, even if they are within their city issued noise permit. There's no accountability from the police, no way to challenge an arbitrary decision by an officer, which leaves performers, venues, promoters and fans without any recourse. And it's no coincidence that the music with more bass and drums, which is often enjoyed by black and brown audiences,

gets the overwhelming majority of complaints. Colleagues. This is the definition of systemic racism. This is part of the reason why no black owned music venue has lasted longer than 18 months in this city in the last decade. It's part of why Portland has earned a reputation of being hostile to hip hop artists. This is in part why venues like soleil's, the last black owned jazz club on alberta, was forced to close despite never being found to of any actual wrongdoing. Today's proposal is a thoughtful step in using tools that we already have on the books, that professional experience and talent of our existing staff and the community that we have been actively unifying toward a system that at least doesn't actively harm the music industry. Instead of two sets of codes, this ordinance proposes to eliminate title 14, a 30 .010 and 020, which currently give police subjective authority to cite any noise deemed, quote, plainly audible, regardless of context permits or measurable volume levels. Meanwhile, Portland's existing title 18 already provides clear and objective guidelines for noise enforcement. Repealing of this section of title 1430 brings greater accountability, removes the potential for biased enforcement, provides businesses with consistent enforcement standards, and streamlines how Portland supports live music. Live performance really, police are empowered to enforce title 18. They are also empowered to use similar laws, such as disturbing the peace to ensure community standards are met. While businesses are held to accountable standards. My office has met with the chief, with the police chief, the police policy team, the entertainment division, the police union, the Multnomah County district attorney's office and the permitting bureau staff about this proposal. By fixing this section of code, we're taking a great step forward in support of our creative economy. And in Portland's future, there's still a lot of work to do, including ways that we can protect the built environment and the existing resources in our community against the continued pressure of development and

new neighbors, ensuring that music gets its fair share of public art dollars and economic development dollars. Reforming how liquor licensing works with live music venues. But today's action is going to provide some basic assurances for this vibrant music community and will directly help grow our industry. My ask to this body today is to consider voting on this ordinance today and referring it to the full City Council. I'll turn it over to Evan Hoffer, board president of Music Oregon and a fellow member of the music policy council.

**Speaker:** Hello chairs Canal and Novick councilors Morillo, Smith and Zimmerman. Good afternoon. Nice to meet you. My name is Evan Hoffer. I am a technical professional working in the performing arts. My official titles include production manager for Esperanza Spalding, technical director of Livewire Radio, and I am a teaching artist with Friends of Noise. I'm also a longtime volunteer for the music policy council, where I had the pleasure to serve with now councilor Dunphy. In 2020, the music policy council initiated a research project to determine, to our satisfaction, the best of it what legal codes and policies were active in the long acknowledged pattern of closures of cultural and entertainment venues owned by and serving Black and Brown people in the city of Portland? This was not a simple question. It didn't have simple answers a lot of the time. But we did find one pretty clear example in Portland's noise code. We found that the city has two separate noise code regimes code regimes. The professional noise control standard of title 18, and a brief blunt nuisance regulation in 14, a 30 00020, which I'll refer to as 14 830. For fun, we found that these codes were separate, enforced by separate entities with different penalties, and that they had different standards for violation. There was no criteria for whether a business or community member would be adjudicated under one rule or the other, but we found that the city was systematically pushing music, street performers and professional music venues

alike towards enforcement under 1430. There was also evidence of jurisdictional shopping between the two codes by complainants seeking their preferred outcomes. We would later discover that these two systems also did not share citation or enforcement data with each other, which created challenges for data collection, for doing a disparate impact analysis, etc. All of the key elements in why this doesn't work very well took place. In the case of Solas, the black owned jazz club in Alberta Street, an individual living adjacent to the club, filed a noise complaint under title 18, which, following investigation by professional staff, was not sustained. The sound levels being created were found to be legal and within code. This individual then turned to 1430, which does not acknowledge technical measurements, but instead relies solely on an ear test essentially, and on complaints by repeated complaint, the individual was able to log multiple violations against Solas. Further, due to some specifics in how 1430 is written and interacts with city policy documents, enb 8.01 and oh two. This individual was able to register their complaints themselves as violations of 1430, sometimes not actually involving the judgment of a patrol officer. This ultimately triggered the city to review the venue's liquor license. City staff put Solas into a compliance plan that required nightly closure of the venue at 10:00 pm, effectively terminating their business as a music venue. Following an expensive administrative appeal, the venue secured an arrangement in which they would be able to continue operating after 10:00 pm, on the condition that they retrofit their space with acoustical treatment at their own expense. We can cut ahead a little bit. Ultimately, this venue was closed by a secondary complaint by the same person about a building code violation. The front of their facade was separating. Same guy. So first, for you legal types, there are serious equal protection violations here. Everybody in the city should be operating under the same rules. There shouldn't be different rules for different people

depending on where you are and what you look like, and whether you're making music or doing some other kind of business. There's also due process issues in the way that this all run out, with complaints being registered as violations for the rest of the room. This is clearly not how things should work. The deal should be that the technical measurement has a higher degree of importance placed on it than the ear test, not lower. And indeed, that is how title 18 works. Under title 18, an ear test is permissible when necessary, unless a measurement is taken, at which point the measurement supersedes. Further, the deal should be that code enforcement is rooted in objective reality, not in the complaints of a single individual, whether they are motivated by particular sensitivity or by racial animus. At the threshold of a gentrifying neighborhood. Title 14 830 010020 is wholly unnecessary and should be removed from city code, as the councilor said, police may enforce title 18. Title 18 allows for the use of an ear test when it is necessary when measurement equipment is not available. Title 18 violations can carry meaningful financial penalties. Title 18 does not allow for individuals to be arrested or criminally charged for noise code violations, but in the unlikely event that that is necessary, our state's disorderly conduct statute provides adequate tools to do so. Following repeal Portland's following repeal, Portlanders will see little immediate change in day to day management of environmental noise concerns, but they will see improvement in regulatory clarity and better access to redress and appeal where it is appropriate. Please join us in advocating for the repeal of this code. And I would also like the committee to consider reviewing city city policy documents. Enb 8.01 and oh two for future amendment or repeal. Thank you to the committee for your time and attention.

**Speaker:** Thank you to both our presenters. We're going to start with first questions. So please do stay up here followed by public testimony and finally

committee discussion and potentially taking action as a committee. So we'll start with clarifying our technical questions. Colleagues, please feel free to raise your hand. And I see we have councilor morillo.

**Speaker:** I actually don't have questions. Will there be discussion after testimony.

**Speaker:** After testimony? I'll put my hand down.

**Speaker:** Great. We'll go to councilor zimmerman.

**Speaker:** You guys did a great job presenting as my questions got as my questions populated within 20 sentences, you answered a few of them, so I appreciate that. I'm going to ask a couple, I think a little bit, just like get them on the record so that there's some clarity here. So. In my previous time in city hall, there was an event happening that is in my current district in two locations where we were trying to get the noise code used for a person who, at the end of the day, was a nuisance and the commissioner in charge refused to do that. There was a disagreement about what what was permitted and what was not. I want to I want to make sure I'm understanding the different types of reasons people use the noise code. And in that case, that sounds like that makes that would have been an 18 a professional. A code compliance person, not a police officer, is the one who's going to interact with that person. To enforce that. Those types of noise codes, if somebody goes and just decides every single day to scream in the middle of a town square with a bullhorn for seven hours a day, that's going to be that title 18, or I guess I keep looking at you like your staff member. I'm sorry. I'm looking at probably you councilor.

**Speaker:** I'm happy to try.

**Speaker:** Yeah. You're awesome. Yeah. Please take a stab.

**Speaker:** At it. Sure. Well, the issue, really, councilor zimmermann, is that it's not clear to a certain extent. It depends on when you call and who you call. Do you call during business hours? Did you call the noise office? Did you call 311? Did you get

connected to the police? Off hours line? The non-emergency line depends on who comes, and it depends on the process by which you're going about these things. So part of what we're advocating here is that there really should be one door and one set of codes and ways that things get escalated for the community to better understand how to engage in these issues themselves. We would say that it should be a title 18 issue. That's if somebody arrives and something is clearly very, very audible inside somebody's home, then immediate action can be taken. And then if it is appropriate for a sound meter measurement to be taken, if it's a business or if it's a consistent issue that needs to be regulated in a more consistent way, then you go to that step, you find out if it's in compliance or not, and if it's not, you levy severe penalties, civil penalties to cause that person to behave themselves. Okay.

**Speaker:** And I think it's also just worth noting that under title 18, it is a, a set of standards that require use of equipment that historically police do not carry. But police have city issued iphones and they have decibel readers on them. But additionally, under title 18, as Evan had mentioned, there is a room for an audible standard under title 18. The biggest difference between that audible, that plainly audible standard and the title 14 830 is the accountability on the back end. It requires that the noise office know about it, it requires the due process. And so right now under 14, 830, truly this this was a tool meant to allow police officers to show up to a noisy house party and say, everybody go home. It wasn't built to have that accountability. So that person who is screaming in the middle of pioneer square, the person who was playing that guitar amp downtown in the middle of business days. Title 18 has the tools when it's appropriate to send a bureaucrat rather than a police officer. Title 18 is consistent, but also for those odd times when there isn't a bureaucrat available. An officer has every ability to enforce.

**Speaker:** I appreciate that. The at the it's the midnight test, which is when the rest of us normal staffers are not on duty. Police can still be a point of contact for enforcement if we if they bump up to a situation that needs attention.

**Speaker:** Correct.

**Speaker:** And I think that's really important in the answers you've given. And since you opened it up about house parties, my next question, councilor, you know, 21 year old eric was running amok in the university district, up at university of Portland, and a few times, in my experience, either the university's public safety or the police showed up and asked us to shut it down. That's a big concern, right, for any neighbor who happens to live next to a university. And I and I do get it. I didn't love it in the moment, but I also understood it. This the way you guys have described these answers. This does not change the ability for an officer to deal with something that has gotten too rowdy, or is having an impact on the houses down the street in that type of situation.

**Speaker:** That is our understanding and the feedback we received from the police bureau at all different levels.

**Speaker:** Okay, that's great, I appreciate it. And then you had mentioned and but you didn't say if you mentioned all the people you met with, you didn't say if they all supported the code change. And i'll be supportive today. But I think as it comes to council, perhaps we can know where each of those entities that you listed would be at.

**Speaker:** Yeah, i'll just say that specifically, almost exclusively supportive of this. Police don't really want to be using this. There's a first amendment concern about this title. 14 830 right now that police don't want to be involved in. Police don't want to be showing up to music venues and shutting them down if they are at 55db instead of 50db. That's not a good use of a police officer's time. And they know that.



That said, officers in the policy unit at the at the Portland police bureau did express and you know, a any concern about losing any part of their existing title 14 regulations, they agreed that they are empowered to enforce title 18. And none of the parties that I spoke to were opposed to this. Whether they're excited about it is a different question.

**Speaker:** But and my last question is, just as you thought through some of these technical changes. You know, I agree with some of the sentiments that were shared that that code enforcement can get can get pretty sideways based on on the demographics of who's being enforced against. And I have certainly felt that in some other areas. So. Are you proposing councilor with this change that we would also have to. Increase, increase like the budget of this team to be able to, you know, provide this service 24 hours? Or are you kind of saying, let's change it and allow the current team, so to speak, to enforce appropriately? But but it's not coming with a budget. Ask as I see.

**Speaker:** It at this time. No, this specific policy wouldn't operationally change almost anything that in the city. As near as we can tell, I will in the future be having conversations about hiring additional night time staff to try and reduce the burden on armed police officers. I think we all agree that having only sworn officers available to respond to things after 5 p.m. Is just not sustainable, and especially when a bureaucrat with a clipboard is a better option than an officer with a gun. But that is not the conversation today.

**Speaker:** Chair. That saves my technical questions before we get to discussion.

**Speaker:** Thank you counselor, we'll go to councilor, novick and then counselor smith.

**Speaker:** Counselor dunphy, I look forward to supporting this proposal, since I heard you describe it at a candidate forum many months ago. However, I do need

to express a concern, issue a mea culpa, and make a request. As I told you some weeks ago, a certain popular musical once admonished us that when you bring in da noise, one should also bring in da funk. So I thought that this proposal should be accompanied by an amendment to the funk code. However, having said that, it was my obligation to prepare an amendment to the funk code, which I have failed to do, I've been distracted by other things. I am planning to bring an amendment to the funk code, which would, at a minimum, adopt an official funk song of Portland. Since I have very mainstream tastes, I'm currently considering the theme from shaft by isaac hayes. Get down on it by kool and the gang or tear the roof off the sucker, give up the funk by parliament. But I would benefit from the input of some of the more sophisticated musical tastes, such as yourself. So my question for you is, are you willing to work with me on an amendment to the funk code and to sponsor it in the arts and economy committee?

**Speaker:** Absolutely, yes.

**Speaker:** Thank you.

**Speaker:** Thank you, councilor novick councilor smith.

**Speaker:** Thank you. And councilor novick, I don't know what the funk code is. What is that?

**Speaker:** It's in the city code. 17.02 30 4a3.

**Speaker:** I'm not even going to go there. I'm going to just leave that alone. Thank you. Thank you, councilor dunphy, for bringing this up forward. And when I heard about solange, I always wondered what happened to them on alberta. And I think it was 22nd. I've been there several times. It was a great place to listen to music. And so you're telling me that at the point of impact that you identify the violation that the officer can determine which they have, a choice of which code to use and the code that they use. With solange, they it always cost them something. I know we

were talking about it before you said something about a point off of their their olcc license.

**Speaker:** Yeah, I didn't think that.

**Speaker:** Sure. So public safety violations. If you get enough of them, then you can run into trouble with your liquor license. And that can be done at the city level. And that can be done at the state level. In the case of souls, noise code violations under 14 a 30, there were three of them sustained by this process within, I think, a 60 day period, which then turned into a change to their liquor license at the city level.

**Speaker:** Wow. That's that's very interesting that that can take a business. Not only did they have music, they, they offered food to, which was really good. And so I missed them. They're they're they're, you know, sorely missed in the community. But I'm just thinking about as a business community as a whole, that something like this could have a big impact on whether they survive or they don't survive. And obviously, this particular. Music venue did not survive. So for me, I appreciate you bringing it forward and I appreciate you, you know, really getting into the detail of what happened because it's so important for communities to know this. And I hope if this passes, that you put this in your newsletter, because this is something important to the community.

**Speaker:** Absolutely. We're a small business town and especially food serving businesses, restaurants, bars. They are operating on razor thin margins. Every day is a challenge. I was a restaurant owner. I owned a coffee shop in sellwood for a long time, and I know that it's day by day and if you have a big event planned and suddenly it gets shut down, that is thousands and thousands of dollars of missed revenue. And that really can be the difference between your business succeeding or not.

**Speaker:** And they had a huge they had a huge event space there that I actually rented one time. So, you know, it takes away from a community who has so little to look forward to in terms of music and variety of music, whether it be funk or other things. But it's important to be able to make sure that our smaller, more vulnerable businesses, that they have an opportunity not just to survive in this city, but to thrive.

**Speaker:** Absolutely.

**Speaker:** Thank you.

**Speaker:** Thank you.

**Speaker:** Thank you, councilor. I think that concludes the questions. So we'll move on to public testimony. Rebecca, do we have any public testimony on this item?

**Speaker:** We have one person signed up, mary sipe.

**Speaker:** Thank you for being here.

**Speaker:** Thank you. Good afternoon everyone. My name is mary sipe, and I'm the chair of the city's noise review board, and I haven't. I hope you can give me a couple more seconds than two minutes. Since I'm the only one we're.

**Speaker:** Going to three, just so you know.

**Speaker:** Oh, great. All right. I found out about this at 2:00 this morning when I couldn't sleep. And councilor dunphy's face appeared on my tv screen, and the reporter was talking about this coming before City Council or committee today. So I'm not testifying today as representative of the noise review board or to represent the noise program. However, I am drawing on my ten years of experience in working closely with the noise office and my five years on the noise review board. I support this amendment to title 14 to consolidate all the noise code enforcement under the city's ordinance. Title 18. I agree that title 18 is the appropriate legal framework for noise code enforcement in Portland. Last night, however, the

reporter who was interviewing councilor dunphy about this amendment commented that the city's noise officers will enforce the code. Officers, do you know that we have one noise control officer in the entire city of Portland? Do you know that the noise office employs three full time people? During fiscal year 2023 and 2024, the noise office received 2220 noise complaints. Noise complaints about recorded music made up 40 to 50% of those complaints, and complaints about live music made up about 6 to 10%. Live music is consistently in the top three categories of noise complaints, so as you can see, the noise office is already has a lot on their plate with regards to this. Also, in fiscal year 2024, the noise office processed over 600 noise code code variances, many of those for live music events, while consolidating the enforcement under title 18 is the correct thing to do, we must address the lack of funding and staffing for our noise program. I encourage you to pass this amendment on to the full City Council, but I also encourage you to provide the necessary funding and staffing for the noise program to do their important work in supporting our vibrant music industry and while providing a consistent and fair code enforcement for all types of noise throughout our city. Thank you. And thank you, councilor dunphy, for bringing this forward.

**Speaker:** Thank you very much. I also want to note that we did receive eight pieces of written testimony. And thank you to everyone who did that as well. So going into the discussion, in order to have discussion on this, we would need to have a motion to refer it or that's a way to do it. And that referral could include with a recommendation that it be passed by the full City Council referred with. It could also be referred without recommendation. There's several ways to do it. Do we have any motions at this?

**Speaker:** I'd move to forward. I would move to forward this ordinance to the full council with the recommendation that it be adopted.

**Speaker:** Second.

**Speaker:** Thank you. We have a motion from councilor zimmerman, a second from councilor smith. Do we have any discussion this time? I don't know whose hands were up already, so i'll just go in the list. Okay. Councilmember councilor morillo. Thanks.

**Speaker:** Councilor dunphy, I hope you saw all of us immediately wanting to jump to push the motion forward. And I just want to congratulate you and give you all of your flowers for this. This is something that needed to be fixed a long, long time ago. And I know that you've been working on this for so many years, researching, working with community advocates, and I'm just so excited to support moving this forward. And I will proudly vote for this on council. I remember working as the tribal liaison for our office and learning about how this impacted local tribes and groups that were trying to do traditional music and how, you know, they were using drums and that was impacting their communities. Learning more about also getting to hear a bit about your law as a small business owner in sellwood. I didn't know that about you. So I'm just I'm just so proud of you and happy to see this and honored to get to move this forward today. And I just had to say that. So thank you.

**Speaker:** Thank you, councilor, councilor zimmerman.

**Speaker:** Yeah, i'll be supporting this. And I say that with significant concern for how code enforcement is conducted by the city of Portland right now, in this last calendar year, we've heard of a restaurant who was shut down because of the amazing smells that they put out into the community. We've heard of families who knew they had a dangerous tree in their yard and were not allowed to take action, and we've seen now by this testimony today, venues who were in the entertainment business being enforced and against an unlikely and unfair manner, or that at least complaints appeared, particularly one sided. So I say that in that I

think code enforcement is something we have to take seriously, and something that our city administrators and deputy city administrators should consider is on or within the microscope. And I think that how we do this has to be deliberate. I'm going to support this not because I think that music venues need to be more regulated. In fact, I, I am not always a sympathetic ear to a person who moves in next to a music venue and then complains about the noise or the people who move in next to the airport and complain about the airplanes. So I say that because I think this is the right direction, and I think that that councilor dunphy and I have talked about the need of some other nighttime type of city workers, that we have some ideas in the future to come up with. I think this will help with that. I think this is a step in the right direction. I think that police officers going to a thing that even when a person who calls is not really looking for a police officer, this will help with that. So I appreciate that. I'll be supportive of it. I'm looking to preserve venues of entertainment, preserve restaurants, preserve people who are doing the good thing. And I fully support still shutting down 21 year old eric, who had two loud parties in college. So and I think that this does that. So thanks for putting some time around it.

**Speaker:** Thank you councilor. I'll note this is a non emergency ordinance. So in terms of the timeline this should align pretty well. Should it be both referred today and then adopted at the full council. The date at which it would take effect would align pretty well with when the new budget would take effect. Allowing any of those and all of those conversations to be a part of our broader budget conversation, too, which I think is a really appropriate use of timing for this. And I think that's that's really healthy for us to not only evaluate the budget that we impacts, that we may want to have as a council, but also having those conversations in the context of the

broader council as well. Yeah. Is there any other discussion at this moment? Okay. I think we have a motion on the floor. So will the clerk please call the roll?

**Speaker:** Morillo a very happy I congratulations, councilor dunphy.

**Speaker:** Novick i.

**Speaker:** Zimmerman i.

**Speaker:** Smith i.

**Speaker:** Canal i.

**Speaker:** With five ayes. The motion to refer is passed.

**Speaker:** Thank you. The motion carries the ordinance to amend code to consolidate noise enforcement and improve fairness and consistency in noise regulation. Repeal code sections 14, 30, ten and 14 a 3020. Amend code section 14 b one, 2020. We'll move to full council with the recommendation that it be passed. Okay. Thank you. Rebecca, will you please read the third item?

**Speaker:** Item three repeal authorization of city attorney to appeal the judgment in kelly jones as personal representative for the estate of michael townsend v city of Portland, this item has been requested referred to the. Introducers.

**Speaker:** Yes. So the sponsors have asked for this item to be referred back to their offices. If there is no objection, it will be so ordered. Counselor maria, would you like to take a moment to explain the decision to refer the item back to your office?

**Speaker:** Yeah. Thank you for that opportunity, chair canal. So originally, our office brought forward a resolution to. To direct the city attorneys to rescind their appeal of the michael townsend case and to ensure that the family actually got the settlement that they deserved, because the city has been paying a lot of money month to month to have our lawyers extend this case. And it's really caused a lot of grievance and harm to the family, to the townsend family working. You know, the advocates have been working on this issue for years. The family members have



been working on this issue for years. And so I want to take time to thank all the sponsors of the resolution as well, who wanted to bring this forward. The reason that it's not moving forward today is because the mayor has directed the city attorney to rescind the appeal. So it's not no, it's no longer necessary. And we were in communication with the townsend family, and they gave us their approval. They were comfortable with not moving forward with the resolution. Once there was confirmation in writing from the mayor's office that he was going to direct the city attorneys to rescind the appeal. So we really want to respect the family's wishes in this process and make sure that they are centered in this conversation. And so that is why we are repealing this. We hope that this can give the family some closure and healing in the long term. I also want to point out that nothing can actually match the pain of losing your child, and there is no amount of monetary compensation that can make up for that loss. And I hope that with what we can do, that this gives them some closure. So that is why it's being removed today. And thank you for having time to explain that.

**Speaker:** Thank you. And just speaking as another co-sponsor, i'll just add that I'm grateful to councilor morillo and her office for their leadership on this, and happy to have worked with you on it. Also grateful to councilors avalos and green for co-sponsoring. I do remain committed to achieving clarity on the interpretation of the state law at question here, and doing so through other means, and I'm happy that we were able to provide information to the mayor so that that action can be taken to help provide closure to the family and to the broader community. So without objection, there's a request to refer it back to the to the sponsors offices. Okay. It is so ordered. That concludes our agenda for today. So our next meeting of the community and public safety committee is Tuesday, April 22nd at 2:30 p.m. And

with that at 4:04 p.m, i'll adjourn this meeting of the community and public safety committee. Thank you.