



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF JUNE, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Commissioner Kafoury paid tribute to Robert F. Kennedy on the occasion of the 25th anniversary of his assassination.

Mayor Katz read a proclamation in honor of Great Blue Heron Week.

Jim Sjulín, Parks Bureau, reviewed some of the activities planned to make Great Blue Heron Week.

Richard Meyer, Audubon Society, Tony Lasco, Wetlands Conservancy, and Pam Arden, Portsmouth Neighborhood Association, described some of the events their organizations have planned to celebrate urban natural resources.

Agenda No. 801 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

795 Accept bid of Lloyd H. Kessler, Inc., for Argay Park site improvements for \$57,800 (Purchasing Report - Bid 155)

Disposition: Accepted; prepare contract.

796 Accept bid of Team Electric Company for twin ornamental street light project, SW Taylor, Oak and Pine Streets for \$49,437 (Purchasing Report - Bid 158)

Disposition: Accepted; prepare contract.

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797 Accept bid of Brattain International Trucks, Inc., for furnishing one 25,000 GVW cab and chassis with service body for \$74,827 (Purchasing Report - Bid 161)

Disposition: Accepted; prepare contract.

798 Accept bid of White GMC Trucks of Portland for furnishing one 48,500 GVW cab and chassis with 9-10 yard dump body for \$70,925 (Purchasing Report - Bid 168)

Disposition: Accepted; prepare contract.

799 Accept bid of Eudaly Brothers for Fiske Basin CSO Sump Project Unit 1 for \$382,995 (Purchasing Report - Bid 175)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

800 Award contract to First Interstate Bank of Oregon to provide interim financing to fund the Oregon Arena Public Improvements (Report)

Disposition: Approved.

Commissioner Earl Blumenauer

***802** Amend Title 16 of the City Code to correct previous revision omissions, provide further clarification and change vehicle sale authority and payment (Ordinance; amend Code Title 16)

Disposition: Ordinance No. 166575. (Y-5)

803 Intergovernmental agreement with the Metropolitan Service District for the preparation of a Regional High Capacity Transit Study (Ordinance)

Disposition: Ordinance No. 166576. (Y-5)

***804** Contract with Cross-Continent Engineers to supply qualified inspection personnel upon request, and provide for payment (Ordinance)

Disposition: Ordinance No. 166577. (Y-5)

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Commissioner Gretchen Kafoury

- *805** Contract with International Refugee Center of Oregon and Vietnamese Association Confederation in the State of Oregon for \$10,000 to conduct educational and recreational programs for at-risk Asian youth and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166578. (Y-5)
- *806** Contract with US West for one automated call distribution system for \$105,350 without advertising for bids (Ordinance)
- Disposition:** Ordinance No. 166579. (Y-5)
- *807** Amend Ordinance No. 165983 to increase the amount of the purchase order with US West to purchase additional proprietary electronic phone sets for \$66,700 (Ordinance; amend Ordinance No. 165983)
- Disposition:** Ordinance No. 166580. (Y-5)
- *808** Contract with Metropolitan Family Services for \$25,302 for Project Linkage Summer Yardwork Project and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166581. (Y-5)

Commissioner Mike Lindberg

- 809** Partially release retainage withheld on the Sullivan Pump Station Revisions and Modifications project (Report; Contract No. 26796)
- Disposition:** Adopted.
- 810** Transmit minutes from May 17 and May 24, 1993 Council hearings on CSO Project (Report)
- Disposition:** Placed on File.
- 811** Accept contract with Mocon Corp. for installation of a 6-inch water main in SE Malden, Lambert and Lexington Streets as complete and authorize final payment (Report; Contract No. 28512)
- Disposition:** Accepted.

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812 Authorize the appropriation for funds for fiscal year 1993/94 for engineering services provided by O'Brien-Kreitzberg & Associates, Inc., per Ordinance No. 165754 (Second Reading Agenda 774; amend Contract No. 28187)

Disposition: Ordinance No. 166582. (Y-5)

City Auditor Barbara Clark

***813** Reduce sidewalk maintenance assessment to 1900 NW 27th Avenue (Ordinance; amend Ordinance No. 165347)

Disposition: Ordinance No. 166583. (Y-5)

814 Assess property for large lot deferral contracts through April, 1993 (Second Reading Agenda 785; Hearing; L0003, L0011 through L0017)

Disposition: Ordinance No. 166584. (Y-5)

REGULAR AGENDA

801 Amend Section 5.68.020 of the City Code to eliminate language which provides for the extension of an existing contract (Second Reading Agenda 756; amend Code Section 5.68.020)

Discussion: Mayor Katz said the Auditor's Office is requesting that an emergency clause be added so that it will go into effect immediately. Commissioner Kafoury moved that the clause be added; Commissioner Lindberg seconded and the motion carried. (Y-5)

Disposition: Ordinance No. 166585 as amended. (Y-5)

794 **TIME CERTAIN: 9:30 AM** - Review draft CSO Facilities Plan Executive Report (Report introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg said the public involvement process was intensified during the last month, adding that July 1 is the deadline for the City to submit a draft report to the Department of Environmental Quality (DEQ). He said said more public input will be allowed at the June 16th meeting before Council makes its decision about exactly what to submit to the DEQ.

Mary Nolan, Bureau of Environmental Services (BES) Director, asked Council for direction regarding their submission to the DEQ. Three years ago the City initiated a serious review of its sewer system and the impact of a combined sewer system. Ms. Nolan described the public review, education and

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involvement process the City has undertaken to determine the approach it should take to protect the Willamette River and Columbia Slough. Several themes emerged very clearly from that process, including the importance of clean rivers to residents and the desire for a comprehensive solution that also controls CSOs close to the source.

To respond to the latter need, Cornerstone Projects have been developed which provide opportunities to make environmental improvements at the lowest cost. People have indicated a desire to move ahead with those common elements that everyone agrees on, rather than waiting for every little detail to be worked out. Ms. Nolan said there does not yet appear to be a consensus on the appropriate level of control, particularly on the Willamette. There is a clearer consensus on the Columbia Slough, however. Finally, affordability is a major concern, especially to fixed income citizens.

Ms. Nolan said Cornerstone projects, such as disconnecting roof drains, providing stormwater sumps where appropriate and diverting certain streams out of the sewer system, could solve 30 to 40 per cent of the problem at the lowest cost possible.

Ms. Nolan said BES has to show how the City can meet the level of control named in the Stipulated Final Order (SFO). She described various options available, depending upon whether the City chooses to go with the federal standard of control, which is set at the 85 per cent level, or at a higher level. She said this report does not recommend a level of control for the Willamette and BES seeks direction from Council about its preference.

Ms. Nolan said they believe there are genuine opportunities for economic development and employment opportunities through such measures as daylighting streams. They also hope that the improvements Portland makes will set an example for communities upstream.

While BES has been responsive to regulatory requirements imposed by the SFO, it believes it has a responsibility to develop other options based on knowledge gained during a three-year study. While no overall recommendation for the level of control for the Willamette has been included, other recommendations have been made. These include fast-tracking Cornerstone Projects and recommending a high level of control in the Columbia Slough. They also recommend asking the State not to require temporary screens and for a 20 year, not a 15 year, evaluation schedule. They request that the option of system wide sewer separation be given no further consideration because it is the most expensive and has the least environmental effect. Other recommendations include asking that sewer rates and sewer funds be the basis for the CSO improvements, since all customers reap the benefits. However, they will attempt

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to augment those funds through federal grants and perhaps motor vehicle user fees. Finally, they recommend a continuation and expansion of the public involvement process following submission of the SFO.

Ms. Nolan explained the permitting process with the State which defines the terms under which discharge can be made into State waters, such as the Willamette and Columbia, noting that the last time the City sought a permit, both the City and State agreed that the CSO problem could not be solved within the normal five-year permit period and that resulted in issuance of the SFO.

Commissioner Lindberg said basically the City approved the terms of the SFO.

Ms. Nolan said Council approved it unanimously as did the DEQ.

Commissioner Lindberg asked if there were any lawsuits.

Ms. Nolan said the City was given notice by a local environment group of its intent to sue it over the CSO. The suit alleged that, by their nature, combined sewer overflows violate the Clean Water Act and the terms of the current permit. The District Court Judge found in favor of the City; plaintiffs appealed that decision and oral arguments on that appeal were held last month. No decision has been issued.

Commissioner Hales asked if the outcome of the suit could affect the level of control as well as other recommendations made as part of the SFO, such as short term screening of the Slough and a 20- instead of 15-year compliance schedule. He said he wonders whether a Council decision might be derailed by subsequent court action.

Ms. Nolan said the suit is not couched in terms of the SFO and, while she will seek the City Attorney's opinion, it is her understanding that Courts tend not to substitute their judgment for technical decisions made by recognized state agencies which have followed their regulatory responsibilities.

Commissioner Lindberg asked whether the rate increases shown (Tab 5, page 12) were solely due to improvements and not inflation.

Ms. Nolan said the rates are in 1993 dollars. The bottom line is that even without the CSO program, system improvements are needed. Staff has projected the rate impact based on various levels of CSO control.

Commissioner Lindberg asked if there had been any attempt to project inflation rates based on past history.

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Ms. Nolan said the cost of sewer service is expected to double, even without inflation. This is within the bounds of what people can support.

Tom O'Keefe, United Community Action, said their issue is cost, particularly the stormwater discount fee. He said residential homes should be prorated to take the burden off low-income persons.

Barbara Strauss, Metropolitan Learning Center teacher, 2033 NW Glisan, advocated daylighting the creeks and expressed hope that can be done soon. She added that citizens should not be discounted as volunteers.

Ursa Seth, Metropolitan Learning Center student, also supported daylighting streams. She added that while low costs would be nice, money needs to take second place to cleaning up the environment.

Jenny Jenkins, Metropolitan Learning Center student, said the improvements will only cost more if they are delayed.

Mayor Katz said the City can give residents a number of low tech options about what they can do.

Commissioner Lindberg said there are two things to consider when this returns to Council on June 16. First, what to submit to the DEQ, either a series of choices or one alternative. Second, Council needs to indicate its support for implementation of the six recommendations which could be started immediately. He said money is budgeted for that, if Council approves.

Ms. Nolan said the Bureau seeks direction from Council members about these six recommendations and she will also provide the information requested by Commissioner Hales on the legal ramifications.

Commissioner Lindberg reviewed the six recommendations, including fast-tracking of the Cornerstone Projects, approval of the SFO level of control for the Slough, asking the State not to mandate temporary screening, sticking with the 20-year schedule, giving system-wide separation no further consideration and making sewer funds the foundation for financing the system.

Commissioner Blumenauer said he had not heard any arguments against these and did not think they reflected any changes from what had been presented before.

Ms. Nolan said there should be no surprises in this report and the extent to which Council can give direction on those pieces now will make it possible for the Bureau to present a complete report in two weeks.

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Mayor Katz said Council members have indicated that they are not deviating from the recommendations. However, she would like to see some other pieces added. She called for adding low-technology options that involve citizens directly in the solution and for a more detailed discussion with the community about these options and about what they would require in terms of permits and so forth.

Ms. Nolan said they can do some of that but this is a facilities plan, not a detailed implementation plan.

Mayor Katz said she is pushing the time line a little bit faster. The other issue is how to frame the level of control and what it means in terms of values to the community. Citizens have to understand what 85 or 90 per cent means in terms of their daily activity at the river and what they can and cannot do, such as swimming. She stressed the need to make it personal rather than just presenting it in dollar figures. Finally, she would like further discussion on the gas tax to see if it could be used to finance a portion of the cleanup.

Ms. Nolan said to the extent that providing appropriate drainage for a roadway system is a function of the operation and maintenance of that roadway, gas taxes can be used for that purpose.

Commissioner Blumenauer said you could transfer as much money from the road fund as Council wants to cut other programs. He said the City has the authority to transfer money, say \$10 million a year, without any constitutional problems at all if Council wanted to finance it by cutting road projects.

Mayor Katz questioned whether there are options to capture additional money at the County level to help finance some of the projects. She said today is the first time financing options other than rates have been raised and she would like an opportunity to discuss them with Council.

Commissioner Hales said the recommendation to seek other resources to augment the rate base to finance the project encompasses that as a possible strategy. He said he is interested in exploring what one or two cents in additional gas taxes would mean to finance a portion of the cost. He said he is not at all unhappy with the six recommendations.

Commissioner Blumenauer and Kafoury agreed.

Mayor Katz asked if anyone was unhappy with six recommendations.

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Commissioner Lindberg said he would rather wait until June 16th to vote on them to make sure public support is there.

Mayor Katz said Council supports the recommendations but does want additional information on some of the issues, including how it is translated into values.

Commissioner Blumenauer said he thinks the Bureau and the Task Forces have done their job and believes the sooner Council is clear about its intent, the better off the City will be. He said he understood that on the 16th, Council may need to decide how specific or broad the recommendation to the DEQ will be. He said the recommendation for a uniform utility is appropriate and he is willing to make that decision now. He said he does not want to be in a situation in two weeks where everything is on the table again, such as the 20 versus the 15-year implementation schedule and other issues where agreement is known. Then Council could focus on one or two items, specifically whether Council will have a specific recommendation about the level of control in the Willamette.

Mayor Katz said since another public hearing has been announced, it would be inappropriate to take a vote now. She said staff is well aware of Council intentions and on the 16th will be able to dispose of those items very quickly.

Ms. Nolan said they will bring back a draft plan that includes the six recommendations and the information requested by the Mayor.

Commissioner Lindberg summarized Council requests for additional information on: 1) use of the gas tax with an analysis of what kind of funds would be generated and who would be paying the tax; 2) citizen attitudes toward the project; 3) a translation of the numbers into what they mean to citizens in terms of recreational and other uses.

Ms. Nolan said there is no precise scientific connection between the quality of water and human health. She said they can detail the impact of various options in terms of whether they meet or violate water quality standards. But no one can say exactly what the end result of swimming in water with this or that level of control will be.

Mayor Katz asked for this information early so there is time for review and the decision-making process is not held up.

Disposition: Placed on File.

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Commissioner Earl Blumenauer

- 815** Authorize filing of cable rate regulation certification with Federal Communications Commission (Resolution)

Discussion: Barbara Rutherford Crest, Interim Chair of the Consolidated Cable Communications Commission (CCCC), said in May Council unanimously adopted a resolution which allows jurisdictions to begin the process of rate regulation for basic cable service.

Ken Osuna, Consolidated Cable Communications Commission, explained that passage of this resolution will enable certification with the FCC to allow it to set basic service rates and equipment charges on behalf of the six jurisdictions on the Commission. He said the immediate effect on rates is not yet known, adding that the FCC has established benchmark rates for basic service but it is the Commission's hope that cable customers will see some rate relief this fall.

David Olson, Office of Cable and Franchise Management, said this is a lengthy process but one made better by the consolidation.

Disposition: Resolution No. 35148. (Y-5)

- 816** Consider vacating a certain portion of N St. Louis Avenue between N Bradford Street and the Willamette River at the request of Brix Maritime Company (Hearing; C-9817)

Discussion: Dave Pollen, Brix Maritime Company, said they need this vacation in order to sell the property to Nicholas Marine and allow them to expand their facility.

Mark Viese, Nichols Marineways, said this vacation is important to their future growth.

Disposition: Approved. City Engineer prepare ordinance.

- *817** Contract with Team Electric Company to install twin ornamental street lighting on SW Taylor Street, SW Oak Street and SW Pine Street (Ordinance)

Disposition: Ordinance No. 166586. (Y-5)

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Commissioner Gretchen Kafoury

***818** Authorize application to the U S Department of Housing and Urban Development for a grant under Title I of the Housing and Community Development Act of 1974, as amended, in the amount of \$10,615,000 for fiscal year 1993-94 and authorize a contract (Ordinance)

Discussion: Commissioner Kafoury said she had heard that some people thought the City was sitting on massive amounts of unspent funds but that is incorrect. She said the kind of housing projects they are doing are increasingly complex and take time. She said they are spending the money wisely to maximize leverage whenever they can, citing the Dominion project where the City was able to obtain \$12.5 million from the U.S. Bank and the Consortium project, and the more recent lease purchase of the St. Francis Hotel.

Mayor Katz said she would like some process to enable Council members to catch up with and share what other bureaus are doing. She said Council Execs will try to come up with a process.

Disposition: Ordinance No. 166587. (Y-5)

Commissioner Mike Lindberg

***819** Accept a grant from the U S Environmental Protection Agency in the amount of \$10,000 for High School Summer Employment and Education Program (Ordinance)

Disposition: Ordinance No. 166588. (Y-5)

City Auditor Barbara Clark

820 Assess benefitted property for the costs of the improvement of NW 13th Avenue from NW Davis Street to NW Johnson Street (Hearing; Ordinance; C-9755)

Discussion: Dan Vizzini, Auditor's Office, said the Auditor's Office received two remonstrances from the 23 properties. He said his Office recommends that the remonstrances be overruled and this passed to second reading.

Commissioner Blumenauer so moved; Commissioner Kafoury seconded and the motion carried. (Y-5)

Disposition: Passed to Second Reading June 9, 1993 at 9:30 a.m.

At 11:10 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF JUNE, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

REGULAR AGENDA

Commissioner Charlie Hales

822 Update by the Government Relations Office on the State legislative session. (Previous Agenda 776).

Discussion: Mayor Katz said since Marge Kafoury, director of the Government Relations Office, was in Salem, this item should be placed on file.

Disposition: Placed on File.

823 Tentatively grant, with conditions, appeal of Meadowview Associates, applicant, against the Hearings Officer's decision regarding adjustments to a previously approved PUD/Subdivision, located at the extension of SW Dickinson Street, between SW 12th and 17th Avenues, south of SW Dickinson Street (Findings; Previous Agenda 790; 92-00809 PU AD)

Disposition: Findings Adopted. (Y-5)

821 **TIME CERTAIN: 2:00 PM** - Hearing on the role of citizen oversight of the Police Bureau (Hearing)

Discussion: Mayor Katz reviewed the history of the Police Internal Investigations Auditing Committee (PIIAC) which grew out of a conviction that there should be citizen oversight of internal investigations by the Police Bureau of police misconduct. She noted that several recent cases have raised questions and caused frustration about the process. Last November Commissioner Kafoury asked the PIIAC Citizens groups to do a self-assessment and this was followed by a report from the Auditor supporting changes in PIIAC procedures. Also, a number of citizen groups have asked for changes. She said as chair of PIIAC she will bring recommendations to the Council in the very near future and

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asked for its help in coming up with a process that meets some of these concerns and also ensures that citizen complaints are addressed in a timely manner. She said she and Commissioner Lindberg will also take testimony between 5:30 and 6:30 p.m., after Council loses its quorum.

Barbara Clark, Auditor, said her study of the present system of handling citizen complaints about Police misconduct found that the Police Internal Investigations Division (IID) intake and followup was not what it should be. The PIIAC review process was found to have some serious problems, including hearing too many trivial complaints which were appealed rather than dealing with substantive cases. She said the study also found that more authority is granted by the ordinance than is currently being used.

Bill Hamilton, Chair of the PIIAC Citizens Committee, reviewed the self-assessment study. He said they are now in a state of confusion but will continue to try to work out a process that is fair to both citizens and Police and is workable for the committee. Part of the problem right now is that they have eight new members who have not had much training in how PIIAC works. That training is scheduled for June when they also hope to come to an agreement on procedures for case review. Current committee goals are to review each complaint and give the complainant a chance to come before the committee. They also hope to clarify their role in giving the Police Bureau direction regarding their concerns. He said the current process also needs to be clarified regarding the authority of the citizens committee as an extension of Council and whether Council wishes to offer an appeal process to a higher body.

Police Lieutenant Dan Elfing, Manager IID, reviewed the areas identified in the audit report where IID was found to be deficient. One area was timeliness, and IID has now gotten the investigations speeded up and has assigned a new investigator. They are also making sure all command reviews are completed and have purchased a new computer program to help track the investigations. In-service training is being provided and non-sworn employees are doing the initial intake on complaints. They also follow up on complaints made through the ombudsman process. He ended by noting that out of 140 investigations, 23 complaints have been sustained.

Emily Simon, PIIAC Citizens Advisory Group, said the fact that PIIAC received only 14 appeals in 1991 is appalling when you consider that the number of complaints made to Risk Management has not dropped. She said she believes serious complaints are not coming through to PIIAC and that three fundamental problems with the structure need to be addressed. These are: mission, focus and information flow. She said it is unclear whether the mission is for a narrow appellate review board or a genuine oversight committee dealing with more broadbased issues, including Police policies and procedures. She believes its

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focus should be on these larger issues. Second, she said PIIAC's focus -- whether to serve the individual complainant or look at the whole event -- needs to be determined. Third, citizen advisors are now limited in the information IID provides and should be granted subpoena powers in order to hear from all parties independently.

Commissioner Kafoury asked how this function fits with community policing and the Chief's forum and whether the climate has changed which may have a relationship to the declining number of cases.

Ms. Simon said community policing has not had that much effect based on the fact that the number of tort complaints has stayed the same and claimed that PIIAC is only hearing the more frivolous cases.

Mr. Hamilton said he agreed with Ms. Simon's comments for the most part, including amending the Code to allow citizens to address policies and procedures. He agreed too that PIIAC is getting a lot of frivolous and nonsensical complaints which take up a lot of time. Another problem recently has been attendance which they hope will change with the recent addition of new members. He added that if more work is expected of the advisors, perhaps a full investigator and a full staff person in the Auditor's Office are needed.

Commissioner Lindberg said in addition to the need for citizen oversight one of the reasons for PIIAC was the hope that it would lessen the number of tort claims. He reviewed some of the history since its formation.

Kyle Wisely, Ecumenical Ministries of Oregon, said they believe PIIAC will be able to operate effectively within its given parameters with the implementation of the recommendations in the Auditor's report. However, citizens still feel they have too little input and oversight regarding the handling of complaints by citizens.

Katz said it would be appreciated if they could have that work back to Council earlier.

Mark Kramer, National Lawyers Guild, said citizens mistrust IID and feel PIIAC is ineffectual or worse. He called for replacing the current structure with a totally new one, referred to the Kirshbaum case as an example of PIIAC's ineffectiveness. He said civilian oversight can enhance police accountability.

Commissioner Hales said he believes internal review systems, when supported by the Police and Council, have more of an effect on changing conduct than do citizen review committees.

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Dan Handelman, POPSG (People Overseeing Police Study Group), said they are encouraged about the changes made to date but they have not gone far enough. He referred to his group's Proposal for an Effective Civilian Police Review Board which has four components: 1) independent intake apart from the Police Bureau; 2) independent investigators; 3) subpoena power (now invested in the Council itself) and; 4) establishment of a voluntary mediation process. They believe such changes will save money in tort claims.

George Fields, Attorney, encouraged adoption of a Civilian Complaint Review Board independent of the Police Bureau and with subpoena powers. He supported the POPSG proposal and criticized the solutions proposed by the Auditor's Office. He said it is a mistake to hand complaints about the Police to the Police, arguing that the current committee is dysfunctional because it lacks the authority to fulfill its mission. He said he believes a process such as Washington DC has would be more effective.

Commissioner Lindberg asked Mr. Fields about the Washington DC plan.

Mr. Fields said it worked well although there was a substantial backlog in the number of complaints. He said the Police reaction varied considerably although most felt the Review Board was an intrusion or ineffective. The citizens had a different view.

Louise Osman, 5525 SE 109th, said people need to feel they have an advocate who is unbiased. She supported the POPSG proposal.

Edward Jones, Director of Multnomah Defenders, Inc., 522 SW 5th, #1500, 97204, said the current system is worse than no system at all because it undermines the goals of the community, the Council and the Police. Ideally citizen oversight can be a public education process about police work and dispel beliefs that Police are routinely rougher on people than called for. He said it is the "frivolous" cases where a lot of problems result because people feel there has been a whitewash. Citizen participation in the oversight process is far more important than participation in the budget process and a public forum to evaluate police behavior will make everyone's job easier.

Jan Mihara, Rainbow Coalition, said she works with victims of domestic violence and supports the POPSG proposal. She said if women are ever going to make complaints about the police they have to be made through a citizens group. She also asked for a public awareness campaign, claiming that few people know about the current review board.

Janet Arenz, ACLU, said they generally support the POPSG proposal and agree with its 10 guiding principles. The ACLU supports a revision of the current

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process to imbue PIIAC with truly independent investigatory powers and believe it is imperative that the board reflect the diversity of the City to a more explicit extent.

T. J. Browning, 3545 SE Ankeny, referred to the Police killing of Nathan Thomas and to an incident in Laurelhurst Park which has focused attention on the need for change in the Bureau. She said she does not want to see what happened to Nathan Thomas happen again.

Gene Lawhorn, Labor Coalition for Environmental Responsibility, 4556 NE Killingsworth, 97218, said he has seen many instances of Police misconduct and brutality towards the working class and called for an independent review board to investigate claims.

John Walch, Tribal Survival Recycling, said a civilian review board is needed to prevent what happened in Nazi Germany from happening here.

John Bradley, Multnomah County District Attorney, said any process has to be fair to individual police officers as well as citizens. He noted that when witnesses are compelled to testify you are granting them immunity and the District Attorney's office would prefer that no one other than itself grant such immunity. Also, if a potential criminal matter is being looked at, attorneys never allow one of their clients to testify so everyone would take the Fifth. He recommended more discussion about the mediation process as he believes this would be the most helpful vehicle.

Mayor Katz said they are exploring mediation regarding the less serious issues.

Mr. Bradley said it is best to avoid mini trials.

Lew Church, NW Coke Boycott Coalition, 4631 SW Luradel, urged Council to investigate the Bureau's role in the ADL spy case. He also asked Council to endorse the Coke boycott. He urged Council to increase civilian oversight of the police, consider hiring a woman or African-American as Police chief and replace the current IID head.

Patrick Donaldson, Citizens Crime Commission, contended that Police have made major strides in the past ten years in regaining the trust of the community. He disagreed with assertions that citizens have no say on Police issues, citing the advent of community policing as well as formation of the Chief's Forum as ways in which the Police are reaching out to the community. He cited a recent survey which shows high confidence levels in the Police. Although the Commission has taken no official position on changes in current system, it does wish to reaffirm the changes that have occurred in the last 10 years.

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Mayor Katz asked him to share the survey information with the Council.

Commissioner Lindberg said he agrees that many positive things have happened in the last 10 years but asked about accountability for individual Police officers rather than blind trust.

Mr. Donaldson said the City hires the best people it can and starts with the belief that they are trustworthy rather than the opposite.

Roger Morse, President, Portland Police Association, opposed proposals to significantly expand the powers of PIIAC or create a new body for civilian review. He noted that the Portland Police are headed by a civilian, the Mayor or one of the Commissioners. He said PIIAC initially operated as it was intended to operate and that the Police Bureau made many changes as a result. In the mid-1980s, however, the Board changed and rather than having neutral members, criminal defense attorneys with a desire to gain more power dominated the advisors. Since PIIAC returned to the City Auditor's supervision, it is living up to its purpose of providing a window into the Police bureau. He said Auditor Clark's audit of the process says it all: "there is little reason to expand powers of PIIAC or create a new citizens review board."

Commissioner Lindberg asked if there were ways PIIAC could be improved that the Police could support.

Mr. Morse said the Police believe there is a lot of room for discussion about the mediation process.

Mayor Katz said she is glad there is an open door about mediation.

Will Aitchison, attorney representing the Police Portland Association, said there is more civilian oversight in Portland than exists in any other City, whether it ranges from the Chief's Forum, the Citizens Crime Commission or the review powers of the District Attorney. He argued that the degree of powers given to a civilian oversight committee does not affect either degree of Police misconduct or the level of citizen satisfaction. From a disciplinary standpoint, civilians are likely to be more lenient on Police officers than fellow policemen. He said before making fundamental changes, there must be compelling evidence that the current system can not work. Such evidence does not exist in this case. Finally, he said, the \$220,000 cost cited by POPSG is very optimistic. He stressed that civilian oversight of the disciplinary process is distinct from the question of oversight of police practices and procedures.

Commissioner Lindberg asked if he felt there could be a broader role for citizens regarding oversight.

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Mr. Aitchison said he has seen fundamental change in the Bureau the past five years and more involvement of citizens in police practices. He noted that Council runs the Police Bureau and any citizen has the right to petition Council for changes in the Code or whatever may be necessary.

Tom Cropper, East Side Democrats, PO Box 18025, 97218, said his organization voted unanimously to endorse the POPSG proposal. He said public accountability can be increased through a civilian review board which would take citizen allegations seriously. More training may be needed. He argued that PIIAC spends too much time on minor cases and supported adding a mediation process.

Geoffrey Silver, Attorney, 520 SW Yamhill, #330, 97204, supported mediation but reminded Council that it works only if there is a viable alternative if it fails. He noted too that in criminal cases, the civilian review process would be delayed until the criminal case is concluded. He noted that the Police Union fought the creation of PIIAC hand and glove and said there must be some reason why Portland is known nationally as "Little Beirut". He cited the following reasons why civilian review boards fail: lack of power; police involvement which compromises the process; lack of independence; exclusion of community activists; and racism.

Tracy (no last name), 14401 SE 101st, supported the POPSG proposal and said the bottom line is to identify and properly discipline police officers who misbehave.

Paul Richmond, no address stated, said Police misconduct permeates from the highest levels downward. He said he can not support this proposal because it calls for only members of recognizable groups to be appointed. He said this would result in one group of elite individuals talking to another group of elite individuals.

Jim Simpson, 427 SW 3rd, 103B, a retired Policeman/attorney and former PIIAC committee member, said since PIIAC is Council it has all the powers it needs to investigate IID. Its second function is to resolve appeals by citizens unhappy with police conduct. He said it is unfair not to require citizens to make their complaints under oath and if that inhibits people their appeals should be ignored.

Mayor Katz asked if people shaded the truth a little.

Mr. Simpson said at least that. Some were under the influence and are not sure what the truth is. He suggested that those who want to change the existing ordinance set up a system with their neighborhood associations to help citizens

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fill out complete reports so that IID starts with all the allegations. That way allegations do not change as they go through the process. He added that as a citizen he holds Council responsible for the Police.

Commissioner Lindberg asked if everyone should also have to respond to complaints under oath.

Mr. Simpson said that a condition of employment for police is that they tell the truth.

Arlene Curths, 3437 SE Ankeny, 97214, referring to an incident in Laurelhurst, said she overheard seven officers allegedly beating one man in her driveway for five minutes. She expressed her frustration with the handling of this case, adding that she was told by the Police that IID would investigate this but was never contacted.

Mayor Katz said there was a communication mixup and Ms. Curths was not told she had the ability to request an internal investigation, adding that the gentleman who was arrested did not file a complaint because he is seeking legal recourse. A combination of such factors caused this very frustrating incident.


Ms. Curths said she was never told she could file a complaint until the last PIAC meeting. She said if Council takes action to change things she will not need to file a complaint. If they do not, she will.

Mayor Katz noted that she did not witness the fight, only heard it. She said her complaint is with the system.

Scott Pratt, attorney, 4241 NE Laurelhurst, supported the POPSG proposal, contending that it is essential to have citizen oversight in a continuing process, not just at the ballot box. He said Council has a million things to focus on, which is why a separate review board is needed but that such a board should be conciliatory, not adversarial.

At 5:30 p.m., Commissioner Kafoury and Hales left and the meeting was officially adjourned.

Disposition: Placed on File.

BARBARA CLARK
Auditor of the City of Portland
By  Cay Kershner
Clerk of the Council

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Commissioner Lindberg and Mayor Katz continued to hear testimony.

Myles Twete, 551 SE 15th Ave., 97214, supported the POPSG proposal despite its lack of review over federal, state and county organizations and its call for selecting members from specific groups.

Ann Campbell, Civil Liberties Committee of the Women's International League for Peace and Freedom (WILPF), agreed that PIIAC was not fulfilling its functions and that the current system is almost worse than having nothing. She said she was impressed with the POPSG plan and called for improvements in the Police relationship with minority groups and in ceasing actions of unnecessary brutality at demonstrations.

Paul Loney, 816 SE 29th, 97214, said perhaps the community needs to be involved in Police training at the very beginning.

Sandy Herman-Moose, 1670 NE Irving, No. 60, said the NAACP has endorsed civilian review while the Police union is endorsing PIIAC in its present form, which is at least a step forward. She urged abolition of PIIAC and replacement with a civilian review board. She cited several examples of why she so strongly opposes PIIAC, including the Kirschbaum case and, more recently, the incident where police officers did an Indian dance around an individual being arrested. She said the current process is an insult to the citizenry.

Paul Roland, Earth First, 3116 SE Clinton, said the problems result because there is too much centralized power and called for police to live in the neighborhoods where they work. He proposed an expansion of the scope to investigate incidents of Police misbehavior and called for more cultural interaction.

Mayor Katz said the incident in Old Town was investigated by the Police themselves.

Jon Martz, 820 SW 2nd, 97202, attorney, said he mainly represents indigents who mistrust authority and feel they have no voice. He supported the POPSG proposal.

Everett Jaros, 1415 SE Main, 97214, said Police have amazing powers of authority in a democracy and it is entirely appropriate to have civilian review. PIIAC falls far short of the type of review needed, noting that the fact that the citizen advisors are referred to as PIIAC, rather than Council, demonstrates the lack of knowledge about the process. Council probably does not have the time to do such review and should probably delegate this process to a citizens group.

Stephanie Pierce, 219 SW Ankeny, 97201, said she is suing the City because she was arrested for not paying her Tri-Met fare. She said what happened was completely unnecessary and she thinks this case will cost the City a lot of money.

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Stephanie Pierce, 219 SW Ankeny, 97201, said she is suing the City because she was arrested for not paying her Tri-Met fare. She said what happened was completely unnecessary and she thinks this case will cost the City a lot of money. Had there been an independent investigation or a mediation process, she believes a lot of the problems could have been avoided.

Jordana Sardo, Radical Women, supported replacing PIIAC with an independent, elected civilian Police Review Board. She said PIIAC is powerless to address Police violations of civil rights, lacks community control and allows the Police to investigate themselves. She demanded that a board be established with the powers to discipline officers, hand down verdicts and award damages to victims.

Jeannie M. Gard, Police officer with another agency, said there should be different system that has a more grass roots base. It could help facilitate changes in the Police Bureau which cannot be done within the current Police culture and belief systems.

Rabbi Joseph Wolf, no address given, said a civilian review board should have an independent investigative arm and the money to support it as well as subpoena power. A system of mediation should be available also. It should not be responsible for imposing discipline but should be responsible for making its findings public.

Mayor Katz asked if discipline should be left to the Police Bureau.

Rabbi Wolfe said the Board should be able to make recommendations but the Police Bureau should be trusted to be in charge and should make its determinations about discipline public.

Jeffrey Liddicoat, 516 SE Morrison, #203, 972214, said the POPSG document is a vast improvement over the current process. He said there needs to be complete independence regarding subpoena powers and investigations. Neighborhoods should set priorities for the Police department.

Tom O'Connor, no address stated, said even with this proposal the same problem will still exist because of the leadership of elected officials. He added that police should live in the neighborhoods they work in.

Commissioner Lindberg said it is an interesting idea to require Police to live in the neighborhood they work in.

Mayor Katz said one City gives incentives to get Police to live in the community.

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Mayor Katz said she does not know where Council stands on all these issues. She said she is going to ask all Council members to attend a PIIAC meeting and also spend some time in the Police Bureau. She said she is not prepared to make radical changes now but may a year from now when she has more experience. She also expects to make some procedural recommendations and perhaps some Code changes. Finally, she hopes to reach some agreement with the Union about mediation.

At 6:30 p.m., Mayor Katz and Commissioner Lindberg finished hearing testimony.

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THURSDAY, 2:00 PM, June 3, 1993

**DUE TO LACK OF AN AGENDA
THE PORTLAND CITY COUNCIL
DID NOT MEET**