



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **30TH DAY OF JUNE, 2010** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fritz, Leonard and Saltzman, 4.

Commissioner Leonard arrived at 9:39 a.m.

The meeting recessed at 9:50 a.m. and reconvened at 9:53 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, Sr. Deputy City Attorney; and Ron Willis, Sergeant at Arms.

Item No. 975 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

CONSENT AGENDA – NO DISCUSSION		Disposition:
Mayor Sam Adams		
964 Appoint Bill Collins for a term ending June 30, 2012 and Barb Hedlund for a term ending June 30, 2014 to the Bureau of Emergency Communications User Board (Report) (Y-4)		CONFIRMED
965 Appoint Gordon Feighner and John Gibbon to the Portland Utility Review Board for terms ending June 30, 2012 (Report) (Y-4)		CONFIRMED
966 Reappoint Lai-Lani Ovalles, Jill Sherman and Chris Smith to the Portland Planning Commission for terms to expire December 31, 2010 (Report) (Y-4)		CONFIRMED
967 Reappoint Alan Alexander III and Tad Savinar to the Board of the Regional Arts & Culture Council for terms ending June 30, 2012 (Report) (Y-4)		CONFIRMED

June 30, 2010

<p>*968 Authorize the City to fund regional CivicApps contest prize awards and related expenditures (Ordinance) (Y-4)</p>	<p align="center">183955</p>
<p align="center">Bureau of Planning & Sustainability</p>	
<p>*969 Authorize a grant agreement with Clean Energy Works Oregon, Inc. to establish the business model for expanding the Clean Energy Works Portland pilot program to multiple jurisdictions in Oregon (Ordinance) (Y-4)</p>	<p align="center">183956</p>
<p>*970 Amend Intergovernmental Agreement with the Port of Portland for additional compensation required for City staff to complete the adoption phase of the Airport Futures project (Ordinance; amend Contract No. 52355) (Y-4)</p>	<p align="center">183957</p>
<p>971 Authorize the Director of the City of Portland Bureau of Planning and Sustainability to execute agreements pertaining to promotional and cost-sharing relationships for planning and sustainability programs, services and projects in amounts not to exceed \$3,000 per agreement (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>
<p align="center">Bureau of Police</p>	
<p>*972 Authorize application to the U.S. Department of Justice, Office of Community Oriented Policing Services FY 2010 Child Sexual Predator Program for a grant in the amount of \$489,648 to locate, arrest and prosecute child sexual predators (Ordinance) (Y-4)</p>	<p align="center">183958</p>
<p align="center">Bureau of Transportation</p>	
<p>*973 Grant revocable permit to SagaCity Media Inc to close NW Couch St between NW 12th Ave and NW 13th Ave from 8:00 a.m. until 8:00 p.m. on July 17, 2010 (Ordinance) (Y-4)</p>	<p align="center">183959</p>
<p>974 Grant revocable permit to Jake's Restaurant to close SW Stark St between SW 12th Ave and SW 13th Ave from 6:00 a.m. until 11:59 p.m. on August 22, 2010 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>
<p>*975 Accept a grant in the amount of \$1,930,802 from Oregon Department of Transportation for construction of the Foster-Woodstock Streetscape Project (Ordinance) Motion to amend to add emergency clause: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-4) (Y-4)</p>	<p align="center">183968 AS AMENDED</p>
<p>976 Amend Mass Transit Code to include transit mall auxiliary vehicular lanes; amend Public Right-of-Way Parking Code to add authority to develop and enforce rules of conduct for City owned parking garages (Ordinance; amend Code Chapter 16.50; add Code Section 16.20.900)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>

June 30, 2010

<p>977 Grant revocable permit to Bruce Carey Restaurants to close NW 13th Ave between NW Davis St and NW Everett St from 10:00 a.m. on September 12, 2010 until 2:00 a.m. on September 13, 2010 (Second Reading Agenda 930)</p> <p>(Y-4)</p>	<p align="center">183960</p>
<p align="center">Office of Emergency Management</p>	
<p>*978 Amend the Intergovernmental Agreement with Washington County to perform purchase obligations and extend time period for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant FY 2009 (Ordinance; amend Contract No. 52305)</p> <p>(Y-4)</p>	<p align="center">183961</p>
<p align="center">Office of Management and Finance – Financial Services</p>	
<p>*979 Authorize an Intergovernmental Agreement with Portland Development Commission for \$6,800 for a professional services contract to review the Bureau of Development Services' Five-year Financial Plan (Ordinance)</p> <p>(Y-4)</p>	<p align="center">183962</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>980 Change the salary range for the Nonrepresented classification of Clerk to the City Council (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>
<p>981 Change the salary range for the Nonrepresented classification of City Treasurer (Second Reading Agenda 933)</p> <p>(Y-4)</p>	<p align="center">183963</p>
<p align="center">Commissioner Nick Fish Position No. 2 Portland Parks & Recreation</p>	
<p>*982 Approve Intergovernmental Agreement with East Multnomah Soil and Water Conservation District to support certain Community Garden activities (Ordinance)</p> <p>(Y-4)</p>	<p align="center">183964</p>
<p>983 Authorize Intergovernmental Agreement with Portland State University for management of the South Park Blocks (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>
<p align="center">Commissioner Dan Saltzman Position No. 3 Bureau of Environmental Services</p>	
<p>984 Authorize Intergovernmental Agreement with Portland State University to plan and implement stewardship activities (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>

June 30, 2010

<p>985 Authorize an Intergovernmental Cooperative Agreement with the Regional Coalition for Clean Rivers and Streams to coordinate, develop and implement a regional stormwater pollution prevention and fish protection public awareness and education campaign (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>	
<p>986 Amend Permit Fees Code to provide true cost recovery for public works engineering and superintendence (Second Reading Agenda 947; amend Code Section 17.32.015) (Y-4)</p>	<p align="center">183965</p>	
<p>987 Authorize contract with Skylab Architecture LLC for architectural and engineering services for the design of the Columbia Boulevard Wastewater Treatment Plant Support Facility Project No. E09023 (Second Reading Agenda 948) (Y-4)</p>	<p align="center">183966</p>	
<p align="center">Commissioner Randy Leonard Position No. 4 Bureau of Water</p> <p>*988 Certify and transfer delinquent sewer system user fees to the Multnomah County Assessor for collection pursuant to ORS Section 454.225 (Ordinance) (Y-4)</p>		<p align="center">183967</p>
<p>989 Authorize Intergovernmental Agreement with the State of Oregon Department of Environmental Quality for investigation and cleanup of groundwater contamination in or near Columbia South Shore Well Field (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>	
<p>990 Authorize contract with Murray, Smith & Associates, Inc. for the design of the Forest Park Low Tank project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JULY 14, 2010 AT 9:30 AM</p>	
<p align="center">REGULAR AGENDA Mayor Sam Adams</p> <p>*991 Authorize a grant to United Way in the amount not to exceed \$5,000 to support the Community Connect strategy to increase parental and community involvement and support for all youth (Ordinance) 15 minutes requested for items 991-993 (Y-4)</p>		<p align="center">183969</p>
<p>*992 Authorize a grant to Community and Parents for Public Schools in the amount not to exceed \$4,000 to support the Community Connect strategy to increase parental and community involvement and support for all youth (Ordinance) (Y-4)</p>	<p align="center">183970</p>	

June 30, 2010

<p>*993 Amend an Intergovernmental Agreement with Multnomah County related to the SUN Service Coordinating Council (Ordinance; amend Contract No. 30001262) (Y-4)</p>	<p align="center">183971</p>
<p align="center">Bureau of Transportation</p>	
<p>*994 Authorize contract with Henderson, Young & Company for professional, technical and expert services required to develop a Transportation System Development Charge overlay district (Ordinance) (Y-4)</p>	<p align="center">183972</p>
<p align="center">Office of Management and Finance – Financial Services</p>	
<p>995 Authorize revenue bonds for transportation projects (Second Reading Agenda 956) (Y-3; Leonard absent)</p>	<p align="center">183954</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>996 Authorize execution of a successor labor agreement with Laborers' Local 483 relating to terms and conditions of employment of represented employees in the Recreation bargaining unit (Ordinance) Motion to remove emergency clause: Moved by Mayor Adams and seconded by Commissioner Leonard. (Y-4)</p>	<p align="center">PASSED TO SECOND READING AS AMENDED JULY 14, 2010 AT 9:30 AM</p>
<p align="center">Commissioner Dan Saltzman Position No. 3</p>	
<p>997 Declare July 2010 as Human Trafficking Awareness Month (Resolution) (Y-4)</p>	<p align="center">36798</p>
<p align="center">Bureau of Environmental Services</p>	
<p>*998 Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction of the Highlands Phase II Local Improvement District Project No. E08888 through the exercise of the City's Eminent Domain Authority (Ordinance; C-10033) (Y-4)</p>	<p align="center">183973</p>
<p align="center"><u>FOUR-FIFTHS AGENDA</u></p>	
<p align="center">Mayor Sam Adams</p>	
<p align="center">Office of Management and Finance - Internal Business Services</p>	
<p>998-1 Accept bid of R&R General Contractors, Inc. for the SE Tibbetts-Harrison Green Streets project for \$508,409 (Procurement Report - Bid No. 111850) Moved to accept the report: Moved by Commissioner Fritz and Seconded by Commissioner Saltzman. (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>

At 10:50 a.m., Council recessed.

June 30, 2010

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF JUNE, 2010 AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fritz, Leonard and Saltzman, 4.

Commissioner Saltzman arrived at 6:04 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Shane Abma, Sr. Deputy City Attorney; and Ron Willis, Sergeant at Arms.

Motion to hold a meeting 6:00 pm July 29th for West Hayden Island: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4)

	Disposition:
<p>999 TIME CERTAIN: 6:00 PM – Accept Annual Report 2009 by the Independent Police Review division (Report introduced by Auditor Griffin-Valade) 30 minutes requested</p> <p>Motion to accept the report: Moved by Commissioner Fritz and seconded by Commissioner Saltzman.</p> <p>(Y-4)</p>	ACCEPTED

At 7:20 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

June 30, 2010
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JUNE 30, 2010 9:30 AM

Adams: Wednesday, June 30, and the city council will come to order. [gavel pounded] can you call the roll.

[roll taken]

Adams: I would like to introduce city commissioner Dan Saltzman.

Saltzman: Last Monday Portland lost a bright, positive young man. 17-year-old Billy Moore was on his way home from visiting his dying mother at OHSU when he was shot and killed getting off a tri-met bus. Billy had just graduated from Rosemary Anderson High School and was an employee at the Salvation Army. He was a great kid whose life revolved around family, school, and church. Tomorrow, July 1, all flags of the City of Portland will be lowered to half staff in honor of Billy. This will be the fourth time that we have lowered the flag since last April when the City Council passed the resolution to honor our children who died tragically due to abuse, neglect, or homicidal violence. On June 1, 2009, we honored, we lowered the flag to honor four-year-old Eldon Jay Smith, who drowned after his mother threw him off the Sellwood Bridge. And on July 1, 2009, we lowered the flag to honor 17-year-old Fender Dough Chavez, who was killed while trying to recover his stolen bike. On December 1, 2009, we lowered the flag to honor four-year-old Ashton Lorenzo Barr, who was killed, he and his mother, were both victims of domestic violence related homicide. I am honored today to welcome Billy's family members, his colleagues and teachers at Rosemary Anderson High School, and I would like to invite up Billy's cousin, Michelle Bradley, and the president of POIC, Rosemary Anderson High School, Joe McPharen, if you would please come up here. Feel free to say whatever you may want to say.

Michelle Bradley: I'm here just to say that we're happy that the community is doing this for Billy. We're still kind of shocked about everything that's going on, and, and I just -- I'm still just in a world where I cannot believe that he's not here. But, I'm just happy that everybody is here to support him, to support us, and I'm just happy that this is something that is being recognized because I hope that this doesn't happen to anybody else, to anybody else's family because it's really -- it's something that's really hard to deal with, and it was really uncalled for. I just hope that the community could just work together and find a way to deal with the children out there, the teenagers who, who have nothing better to do but than to hurt somebody and understand that, that teenagers, it's not appropriate. They don't have the responsibility of, of having a gun in their hands. And when they do, stuff like this ends up happening. They might not mean to it at the time. They might not be thinking at the time, but they get angry, like a teenager does, and they have a gun in their possession, and something like this happens. Unfortunately, both sides will be hurting. Our family is hurting from the loss of Billy and the loss of my cousin, his mother, Valerie, and then the boy who did it, his family is hurting, also, because of what now he's -- what's going on with him because of this. So it doesn't just hurt our family, it hurts their family, too, and I have prayed for both his family and my family.

Saltzman: Thanks, Michelle.

Adams: I want to thank you for, in the midst of this double loss for you and your family spending some time with me the other night, after the meeting that we had in New Columbia, over 200 people turned up to express their sadness at your loss and at the fact that this tragedy happened in New

June 30, 2010

columbia. Your words of encouragement to us around addressing the fact that, that far too many guns are present in this city and cities across the united states, your encouragement to the new columbia community in the portsmouth community to, to work better together to, to make sure that our every neighborhood and youth and children in every neighborhood have something to Do and are, are parented by the entire community is, those are encouraging words that at the time, your time of such difficult loss is remarkable, and I just want to thank you and your family for the outreach and willingness to, to encourage the kinds of positive responses that you have. It's really inspirational, so thank you.

Bradley: Thank you.

Joe McFerrin: What I chose to do today was, was I just wrote a letter. All right, i'm straight. Dear billy, you remember that time that you were being loud in the hallway and I called you into my office, and I used some bad words. I wasn't really that mad, I just wanted to get your focus. You would have been so proud of your classmates yesterday. They showed up throughout the day to celebrate your contribution to our school community. Many of your classmates spoke with volunteer councilors, listened to music, crafted pictures, and created necklaces, spelling out your name. Your pictures for the prom and other school activities were dispersed throughout the halls in the classrooms. Your picture holding the lunch bag was my favorite. That's cool. The Oregonian and the news media did a great job telling your story. Your mom was treated with the dignity that you would expect and deserve, your cousin also came by the school to share part of you, as well, and that's cool. Your willingness to serve others, your kind heart has touched many lives over the past days, thank you for being an inspiration, being so strong, and an example for others during your time of pain, and I wish that I could say that we did great things to help you. But the reality is, is you have done so much at rosemary anderson high school, more than we could ever have done for you. I know if you were here right now, you would thank all the people in our community for supporting you, your school and your family. Many have been by the house to support your family, but you probably already knew that. Don't worry, we'll keep renee on track. We'll make sure that she graduates, goes on to college, and takes good care of your niece. Give your mom a kiss for us all, love joe mcpharen.

Saltzman: Thanks. Billy's sister just walked in.

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

Adams: Hi.

*******:** Good morning.

Saltzman: Wondered if you wanted to say a few words, introduce yourself and say a few words about your brother and your mother? We're sorry for your loss.

Angela Moore: I am angela moore. I'm billy's sister.

Adams: We're glad you are here.

Moore: Ok, thank you.

Saltzman: Thanks for being here.

Fritz: I want to say thank you for billy being a great example. For that wonderful story and for Rosemary anderson high school. It really is from the midst of this tragedy, a very positive story about this young man who was such an influence in his community and in our community, and you must be very proud of him. Thank you very much for sharing.

Saltzman: Thank you. Angela. Did you wish to speak. Joyce.

Saltzman: If you could introduce yourself.

Joyce Harris: I'm joyce harris. I do a lot of things in the community, but I think that one of the most important things that I have done over my, my 40 years being an activist, this young man right here, the reason why I came up here, I taught him when he was five years old. I taut little joe how to read. And, and I think I told him a few other things, too. [laughter] And we talked before we came in, and he shared some stories with me about billy. About, about how, how he bought a pair

June 30, 2010

of shoes for another student to go to the prom. Things that, that other people didn't know about, and being around all these years, I know that, that greatness, or great people are created when people do things that other people don't know about. I'm here to stand with this family and one of my concerns is that, is that knowing that they still have a bill to pay so that they can properly inter their family members, that is unacceptable. Everybody in this community, we all gave \$1. They shouldn't have to worry about this. This is one of the things that, that I think, as a community, we need to recapture. I'll talking about the whole community. That sense of caring for each other and being there. There was a day in our community, the african-american community, we're that wasn't an issue. If you lost a loved one, you didn't have to worry about whether you could pay the funeral home. Whether you could feed your family. People stepped up and people didn't have lots of money. But what they had, they gave. So, I don't know if there is any immediate help, I don't know if you are from tv stations, but please, let's put out a plea to everybody in this community. The family members at the terry family funeral home, stop by, and give 50 cents, \$1, or \$2. We can do this. They shouldn't have this burden because they already have an incredible burden that they are carrying. So on behalf of the community, I hope that you know that there are many people who are mourning this loss, the loss of this mother, and he was a shining star. He was an up and coming young man, and so that hurts us all deeply, but the violence is unacceptable. That's the other message. We have to get that message out to our young folks. Violence is unacceptable. Anything that we are doing to perpetuate or just sit back idly and accept the violence that's happening around our country, we have got to stop it. We have got to speak up. We have got to step out. We have got to provide alternatives. I think that, I thank city council for doing this because we often recognized young people when they are doing the wrong thing. Thank you for recognizing someone doing the right thing. I want to say to the young people, stay on the right path and do you are you are doing now. You have great leadership in joe and the other folks that work there, and this is what we need as a community, so thanks.

Saltzman: I wanted to just mention, as joyce did mention, that there is a double funeral, and people can make contributions to help cover the funeral costs for billy and his mother valerie at any bank of america or at the website moorememorialfund.com. I will be making a contribution today. Thank you both, and we will be honoring your brother tomorrow when our flag is lowered at half staff.

Bradley: Thank you guys.

*****: Thank you very much.

*****: Thank you.

*****: On behalf of our family, thank you.

Adams: And thank you to the students and faculty of the schools for being here today. I really appreciate it. We'll take a five-minute recess. You are welcome to stay. We understand if you have other things to do today, so five-minute recess. [a recess is taken]

At 9:50 a.m., Council recessed.

At 9:53 a.m., Council reconvened.

Adams: Back from recess, it's june 30, wednesday. We'll proceed with the consent agenda. Does anyone have any items to pull off the subsequent agenda?

Fritz: 975.

Adams: Pulled from the consent agenda, any others? All right, we'll move to the regular agenda. Can you read the title and call the vote for 995.

Item 955.

Saltzman: Aye. **Fritz:** Aye.

June 30, 2010

Adams: Aye. [gavel pounded] 995 is approved. I'll wait on that one, do you want to wait on your 997, dan? Or can we do it now? The human trafficking ordinance?

Saltzman: Oh, yeah, we could do that now.

Adams: Can you read the title for 997.

Item 997.

Adams: Commissioner dan Saltzman.

Saltzman: Mayor. I am proud to bring this resolution forward today in partnership with Multnomah county, who is bringing forward the same item to their board of directors, or board of commissioners tomorrow, to declare July as human trafficking month. My office has been working closely with the county on this issue as well as with several other community partners. We're declaring this month human trafficking month in response to The crisis that social workers, law enforcement agencies, and homeless use shelters all say is growing. The crime has gone hidden far too long. With trafficking getting more media attention, particularly, after the dan rather piece on the huffington post article, this issue is starting to get the attention of the community. As part of human trafficking month, these are the following events that will be happening in Portland. July 1, we're passing the resolution here, i'm sorry, July 1, tomorrow, county commissioners are happening, passing a similar companion resolution to what we're passing today, and on July 10, we will have stopped the demand for trafficking. There will be a rally. And on July 12, there is a human trafficking lecture series at 6:00 p.m. At Kell's Irish Pub. On July 21, there will be a briefing on trafficking at city hall at 2:00 p.m., and then on July 27, there will be a screening of the dan rather piece called "Portland Oregon, child prostitution in Portland." Our community awareness won't stop after this work this month. But this is a good start to educate ourselves and the community about, about the committee issues and tragedies around human trafficking. I thought if we had anybody here to testify?

Moore-Love: No one signed up.

Saltzman: Ok.

Adams: Would you call the vote on 997.

Saltzman: Aye.

Fritz: Thank you, commissioner Saltzman, for your leadership on this hugely important issue. As the commissioner in charge of the office of human relations, i'm very concerned about this issue, as the human rights commission. As disgrace. We must not tolerate people prostituting, women and children in our city. We must stop tolerating people who use prostitutes in our city. Human trafficking can take many forms, including forced labor and commercial sexual exploitation. In any case, music trafficking violates the free human dignity and who we are as Portlanders. Portland police reportify cases of human trafficking every week, and in a 2008 FBI mission, Portland was ranked second in the country for the number of youth victims found, and the myth that it is a victim science crime is wrong, and we must stop perpetuating that myth. Half the prostitutes, or half the people prostituted are children under 18. There is no way that they can give consent. So, I am grateful to them for highlighting this on national television. We each need to take responsibility for our part, and again, I thank commissioner Saltzman for his leadership on 82nd and the community there who has instituted neighborhood patrols and who are working diligently with the police, and the work of the police, the police officers who are, who are tracking sex offenders and others in our community, and mayor Adams and the rest of the staff who are going after grants to help us address this problem. These are staggering numbers. This is an outrage, and we need to, to continue, we need to focus on it, which is why, one of the reasons why we're having this whole month that, that I encourage everyone here to do something, whether it's donating to, to, to an organization that helps women and children find safe homes, whether it's joining the neighborhood patrol, something that everyone in our community can do to address this horrible problem. I welcome you to come back here on July 20 for the human trafficking briefing to the city council. Aye.

June 30, 2010

Leonard: Aye.

Adams: I want to thank commissioner Saltzman for bringing there resolution forward. He has a long track record of, of work on this issue, and it's totally appropriate for this city given the high level of human trafficking that is occurring here for far too long to focus on it over the next month. Since taking over as police commissioner, there have been a few issues that have risen to the top in terms of, of the need for additional work, and this is definitely one of them, and look forward to coordinating over the next month as we look to, to a package of reforms that, that are intended to, to provide a greater level of prevention and Enforcement to stop human trafficking. So thank you for your work on this. Aye. [gavel pounded] 997 is approved. Can you please call the vote on the consent agenda.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. Consent agenda is approved. [gavel pounded] Let's hear item 975.

Item 975.

Adams: Commissioner amanda Fritz.

Fritz: Thank you, mayor Adams, and I am perpetually stunned by your modesty and not putting this item on as a regular agenda item and have a 30-minute presentation. But I asked Rich Newlands-- are you Portland development commission?

Rich Newlands, Bureau of Transportation: Transportation.

Fritz: Just to come and give us a brief discussion, information about this nearly \$2 million grant that we are getting.

Newlands: Thank you rich newlands for the Portland bureau of transportation. The bureau of transportation and Portland development commission are pleased to announce that through this iga, the 2 million grant for the transportation improvement program, and the long awaited lents foster streetscape plan is moving forward to the construction. This project was present at the creation of the lents town center urban renewal district, identified in the ura plan as a key transportation improvement needed to support revitalization of the town center's commercial District. The project's main goal is to rebalance the function of the foster woods cuplet, which operates, essentially, as an extension of the i-205 freeway interchange. To push the freeway environment farther outside of the commercial district and to recreate a more pedestrian-oriented neighborhood-friendly environment conducive to business development. The project implements portions of the lents business transportation plan adopted by council in 1999. Major elements of the project include widening over 2,000 lineal feet of sidewalk to city standard for pedestrian districts, along with street trees, pedestrian scale lighting and other amenities. The addition of 28 new onstreet parking spaces, pedestrian crossing improvements to enhance safety, and the realignment of 91st avenue at foster road to improve safety, and circulation to key redevelopment sites. Reconstruction of southeast ramona east of 92nd avenue, with unique design elements to create a strong connection to the new max station. And finally, gateway improvements at each end of the cuplet to send a clear message to the driving public that lents is no longer a place to zoom through, but a destination. Thank you.

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

Fritz: This is an example of city staff doing what we said that we were going to do, and mayor Adams, the commissioner, a And the Portland development commission, doing what we said that we were going to do, and it's a, a wonderful project in east Portland that will greatly enhance the feeling of it being a town center rather than an extension of the freeway, and I just wanted to highlight that and to thank everybody involved.

Adams: Commissioner Fritz, very nice of you. Thank you. Please call the vote.

*******:** Is it an emergency?

Adams: I move -- we need to move on it because -- no, no. Let's have an emergency clause.

Leonard: Mover the emergency clause.

June 30, 2010

Adams: It would help if we could get -- there is the construction season and we were hoping to get it going today. Please call the roll on adding the emergency clause.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. [gavel pounded] Call the vote on the emergency ordinance 975.

Saltzman: Thank you for this explanation. It sounds like a great project. Much needed, and glad to get it going sooner rather than later. Aye.

Leonard: Aye.

Fritz: The total project cost is almost \$4.7 million, so this is nearly \$2 million from the Oregon department of transportation, so we thank both the taxpayers of Portland and the taxpayers of Oregon. Aye.

Adams: Well, thank you for your great work on this. This has been a long time in coming, and it wouldn't happen without your great staff leadership. So, aye. [gavel pounded] And 975 is approved. Can you read the title for emergency ordinance item 991.

*******:** You want to read 991-993 all together?

Adams: Yes, thank you.

Items 991, 992, and 993.

Adams: If I could have howard klink, scott bailey, and peggy samansky come forward. I will make just a few remarks. The items before the city council today are related to, to the strategy, community strategy of the, of the education cabinet, which is co-chaired by county chair jeff Cogan and myself. The goal of the education cabinet created a year and a half ago was to cut the drop-out rate in half in five years and to increase double the matriculation after high school graduation to advanced skills training or post-secondary education. And these initiatives are intended to help do just that. United way has been working with the city sass part of our community connect strategy that seeks to increase the involvement of community volunteers in schools. Particularly, in the ways that directly impact the graduation rates, such as tutoring and mentoring. The community and that's 991. 992, community and parents for public schools, along with the commission on children and families, are doing work to Increase parental involvement in the education of their youth, particularly for east Portland and southeast county districts. We know that parent involvement is a critical success factor for Portland's youth. And with the county school program, which the county contributes money, they will support the ongoing services of the sun program and will leverage additional resources, especially focused on east Portland, and I just add that I was asked to represent the county and the city to recent sun school national conference, and I knew that the sun program were good from my experience of it here locally, but the sun program is like a rock star among community school programs in the united states. I felt much, much, you know, much love, and I really, you know, come in at the tail end of years of work on this program. So, i'm, let's begin with, with mr. Klink.

Howard Klink: Mr. Mayor, commissioner, thanks for the opportunity to comment on, on 991. It's an exciting opportunity and merging partnership, whose goal is to mobilize and expand volunteerism in the community with the primary focus on expanding get number of, increasing the volunteers who are involved in the schools and generally more with youth. I think that most of you are aware that there is a strong history of the partnership between the city of Portland and the united way, and it goes back probably before the economic opportunity initiative, more recently, the assets mapping Project with the mayor's office, the community relief fund, and these have been planning partnerships and fundraising partnerships very successful and produced great results. Here's one more, and the, the funding request in front of you this morning, as the mayor indicated, part of the community connect strategy, it will achieve this goal of expanding volunteerism to support the youth by building a web-based platform that will bring together a number of currently fragment and had different efforts that are involved in recruitment of voluntarism for youth and make it much easier and more efficient for individuals who do want to volunteer to connect with youth-serving

June 30, 2010

programs. That's the specific focus of it. Partners are included right now, the city of Portland, united way, hands-on Portland, Oregon mentors, and the faith community as a whole, and more partners like up, both in terms of connecting to the project and the purpose of making funding contributions to it as we speak. Promotion to volunteerism is a key foundation component of the united way's mission. We're proud and honored to be asked to support and work with this project and thank the city for the contribution that they are making.

Adams: We couldn't do without united way so thank you. Scott.

Scott Bailey: Good morning. Thanks for your support. For over 11 years now, our community and parents for public Schools has been working within the Portland public schools district to increase parent involvement as the mayor indicated. That's a key block to student success. One of the things that we have done annually over the last 10 years is, is a parent leadership conference. I know commissioner Fritz has attended it, and I think that you have, too, or Jane Ames has been there.

Adams: Jane is better than me. [laughter]

Bailey: And at those conferences we bring together parents from all over the city. It's a very diverse group, and we do workshops, a chance for parents to network and find out what's successful in different schools that they could bring to their school. What we want to do with this, with the support you are giving us, is to expand this to all school districts in the county. We see this as a building block to develop a whole system of support for parent involvement. We have worked a lot with some schools. Let me give you one example for what we mean by participant involvement. We work with the Portland public schools to develop a workshop for, targeted towards second and third grade parents on what you can do at home to help your child become a better writer. I wish that I had had it when my kids were that young. We involved Sun Schools, helped us with parent turnout. The curriculum department developed the, the workshop, and it's now, I think, at 20 different schools that have that workshop in Portland public schools, Title 1 schools, and it's very successful, and, and amend, I think a Portland staff person got flown out to El Paso because they were so impressed with the workshop. They wanted to be trained in it. That's the kind of involvement that we envision, and that's the kind of workshop that we have at these conferences. So, I want to -- I will stop there, and thank you again for your support.

Adams: Thank you.

Peggy Salinsky, Multnomah County: Mayor Adams and commissioners, Peggy with Multnomah county. I'm with the department of county human services with the Sun Service System division within that department. I want to thank you, mayor, for your kind words about your trip to Philadelphia. I was gratified to hear that you had a good time and seemed like you were enjoying yourself, and I heard comments from folks about what a cool mayor that we had.

Adams: Oh, wow.

Salinsky: Yes, you were effervescent in an evening when folks were tiring, I think, from the wrong day, and it was nice to have --

Adams: It was the interpretive dance number.

Salinsky: I wasn't going to bring that up, but since you did, sir. I'm here about 993, which is the intergovernmental agreement with the county, particularly for the Sun Service System, as you know, the city has a long-standing partnership with Multnomah county and the school districts and the non profits to support the Sun Service System and the Sun Community Schools, in particular. This amendment will continue that support in three key areas. One is backfilling a small reduction taken out of parks and recreation and city pass-through funds to the county, and although the amount is modest, every nickel counts on the ground at the Sun School, as I think that others would attest to, so that really helps us if we can backfill that reduction. Second, the funds will go towards supporting the staffing of the Sun Service System Coordinating Council, and I think all of you have had, have had visits from Joanne Fuller and others from the Sun Coordinating Council shoring up support and, and

June 30, 2010

talking about sun, and the staffing of that council is vital important. We appreciate the city support on that. And the third area we will be discussing is the governing body for the sun service system about the use of funds to supported high schools to advance efforts in the education cabinet's key strategies about supporting high school completion and how sun schools can become a key lever in that effort, as well as supporting, perhaps, it might go towards a federal grant that, that we're planning to apply to, to the full service schools with the federal government, so we'll take that conversation to our council and have that discussion here in august. We thank you for your support.

Adams: Got t you do great work. Thank you very much. Anyone wish to testify on this matter?

Moore-Love: No one signed up.

Adams: Karla, please call the vote on all three, or, is it three?

Saltzman: I just want to thank howard and scott and peggy for your great work. Thank the mayor for his strategies here. But, I know that all three of you are tireless advocates for, for youth in our county and our city, and appreciate the work that you have done all over, over all the years. Please to vote aye.

Leonard: Aye.

Fritz: I am surprised to hear that we've been community partners for our public schools for 11 years. We've been struggling with the school funding for a long time. My oldest child started kindergarten the year after measure 5 passed, so we've been through this and continue to go through this, and now with the national crisis, we are going, continuing to go through this, so it makes the partnerships even more important, and we will get through this. We will find ways to get through this and to give every child, to continue to give every child in Portland is a quality education in the public schools. Thank you, mayor Adams, for your leadership for the united way, and Multnomah county, as well, and commissioner, former commissioner jim francesconi who was so instrumental in setting Up the sun program. This is truly a legacy that he can be proud of. I was a little thrown by the name "communicate connect" because mayor potter had a community connect looking at how citizens and government could work together. This is an extension of that, and for many of our students, faculty, the school is their government, and certainly as a parent, I learned a lot about governmental structure through my involvement in the Portland public schools, so I think it's, it's a worthy successor to give this name to this particularly vital connection between the community, the teachers, the educators and students, faculty, so thank you again. Aye.

Adams: I want to thank, again, the education cabinet and my education team, carly lad, reese lord and [inaudible] aye. [gavel pounded]

Adams: The next item, 992.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. Approved. [gavel pounded] 993.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. [gavel pounded] 993 is approved. Can you read the title for item number 994.

Item 994.

Adams: Hi, how are you?

Art Pearce, Bureau of Transportation: Good, how are you?

Adams: Good. What are we looking at?

Pearce: So this, per council's direction, is part of the funding package for the light rail project. Council proposed that a new sdc district be, the overlay district be formed in the university district area and the inner southeast area, and so this is a consultant contract with henderson, young and company who will assist us in doing the analysis required to, to evaluate the appropriate geography list to create this new sdc, so this is, this is through the result of a competitive recruitment and chose henderson young as the best consultant team.

Fritz: What kind of community involvement will there be in setting this up?

June 30, 2010

Pearce: We would plan to set up an advisory committee, and, and planned to initiate that this fall, and depending on the timing, that may relate some to the stationery planning that would, that we're planning to initiate in the southeast area so there may be common representations from both so there will be meetings and, and an open house, and then back before you with the recommendation.

Fritz: Should folks contact you if they are interested in participating in that process.

Pearce: That would be great.

Saltzman: What was the geographic area?

Pearce: We are expecting the university district to be part Of this overlay, and then also, inner southeast, probably just from the river to powell, but that's part of the conversation that we need to have for the light rail geography, that's a common geography, and a possibility that, that, that the district could go along 17th.

Saltzman: And you mean the south waterfront?

Pearce: That has an overlay district, so it would not be adding another overlay on top of that, south waterfront is the area around the psu market to the 405.

Adams: This is part of the negotiations I had with psu so they know it's coming.

Fritz: We're not approving that funding today. We're looking at, at, if we want to do it.

Pearce: Right. You are providing the staff with the consultant resources needed to do the evaluation and prepare a recommendation.

Adams: It's really how to do t we have approved, as a matter of policy, that this is a key funding leg of the \$30 million, so stakeholders know that. That's been part of, that was part of a year and a half of outreach and including with negotiations with psu, so this is how as opposed to should we. I want to make sure that everyone knows that.

Pearce: One key question is, we'll go through a fair amount of effort to establish this, so we should think about not just funding light rail but other needs that might happen, so part of the conversation will be what other projects might be appropriate For funding on this list. Things, particularly with the Portland light rail and the streetcar, there is, there is funding, for both those projects needed and sort of ancillary bicycle facilities and those things that we might want to look at funding at the same time.

*******:** Right.

Fritz: And the boundary is also up for discussion?

Pearce: It is, yeah.

Adams: All right. Any other discussions? Anyone wish to testify on this matter? Karla, please call the vote on this emergency ordinance.

Leonard: Aye. **Saltzman:** Aye. **Fritz:** Aye. **Adams:** Aye. [gavel pounded] 994 is approved, and we decided to, to pay for the 995 out of water bureau budget so the 996, can you read the title.

Item 996.

Adams: You are out of the room, commissioner. [laughter] What are we looking at mere?

Yvonne Deckard, Director, Bureau of Human Resources: For the record, I am yvonne deckard, director for the bureau of human resources. The rec employee agreement covers 90 employees, and those employees are in our sun schools our community centers and our cultural centers such as the Multnomah arts center, pittock mansion, the community music center, and on november 17, council authorized me to put on the table a supposal to all our bargaining units to see if we could get agreement, and basically if the bargaining unit accepted the supposal to rule over that agreement. The group, the bargaining unit that did accept the city's supposal was the rec employee union. And so, patrick ward was our chief spokesperson. We did not make any real significant changes because they accepted our supposal. Patrick is going to go over what the agreement, what's included in the agreement, and what was a part of the city's supposal that led us to, to agreement and at the end of his conclusion, we were recommending that the council, actually, ratify the agreement.

June 30, 2010

Patrick Ward, Bureau of Human Resources: Good morning, mayor Adams and commissioners, patrick ward, labor relations coordinator with the b.h.r., and we had a very expedited and fruitful bargaining with the, the recreation unit. And, and at your direction, we have entered into a three-year agreement. There will be no change in the wage rate in the first year and the change in the wage rates for the second and third years. It will be adjusted by the change in the consumer price index for wages for Portland with the minimum of, no increase and a maximum of 5%. We continue the same cost share on health insurance benefits for the life of the agreement, aside from, from some minor clarifications in the contract, the contract remains as, as the prior, as the current contract expires at the midnight tonight.

Adams: Questions, comments from council?

Fritz: I have a couple. Was the union not concerned about the change in the bargaining unit over 1,200 hours of work a year rather than 860?

Ward: That was in addition. We had already entered into a letter of agreement during the current contract with local 483 to make that change from 860 to 1200 hours for seasonal casual employees.

Fritz: Did we give them something in return for in that?

Ward: No.

Fritz: Why are health benefits only applicable for working scheduled hours on a regular basis rather than the number of hours?

Deckard: Commissioner, we used to have an 80-hour rule, and the last contract we actually tried to move away from that 80-hour rule for administrative reasons. But in the process of doing that, we needed some clarification because the union, they contended if someone came and worked one hour, that they should be able to get full-time health benefits, and so we were trying to clarify that by saying no, you need to work your regular hours in order to get your health benefits.

Fritz: I see. Ok. And then just to emphasize the wage increases, with a 0% base.

Deckard: Yes, zero.

Fritz: If there's no increase in the consumer price index.

Deckard: Correct. Now, the part that the council needs to be aware of is that there is a me too in this contract. Rec accepted the supposal the city put on the table, but they asked for me too so if we do something with non-rep, Dctu, coppea, are other bargaining units, that they would come back and give them that. So if we decided to give the others, you know, a cpi, that we would have to give them that cpi.

Fritz: Does the "me to" apply to things that might be less in other contracts than what they have.

Deckard: Yes.

Fritz: Thank you.

Saltzman: So, I think that you know i'm concerned of, of a provision that we have on our dctu contract that, that pays people overtime when they work less than 40 hours a week.

Deckard: Yes.

Saltzman: So whatever, and I am --

Deckard: That me too would, if we were to reach that agreement with the dctu, then that's part of the, of the "me too." what I can tell you is that, over time for this bargaining unit, is very de minimis. They don't use a lot of overtime. It is usually in case of emergencies, but having said that, yeah, we would be looking at this.

Saltzman: The same rule would carry over.

Deckard: Correct. We will be looking at the same rule.

Saltzman: You know, my colleagues know i'm concerned about this because it doesn't make sense, common sense for people to be paid for overtime for working less than 40 hours. It's also costing us \$3 to \$4 million a year in overtime that shouldn't be paid, in my opinion. Which is about the size of our budget deficit we just adopt a budget. So, i'm not sure that I can support this, although I have nothing against the good faith and intentions brought to this contract by local 483 and the city. But,

June 30, 2010

because of my concerns over article 9 and the det contract and the fact that it is left untouched, it does carry over to this contract, as well. I'm not sure that I can support this contract until we have, until this council has come to grips, I think, with the issues in the detu contract, including paying overtime for people who work less than 40 hours. You are looking puzzled.

Leonard: Before you respond, let me make sure that representative -- representative. I just reverted back a decade. [laughter] Commissioner Saltzman's comments are balanced with another viewpoint. He would characterize this as an issue wherein people need to work 40 hours a week to get overtime. And I think that that's a little misleading to people that are listening. And by way of an example, at the water bureau, we have men and women who work on the front lines to keep -- and i'm, i'm very reluctant to have this public conversation, but in an interview I did yesterday with a member of the media that's present, it was clear that commissioner Saltzman discussed some of the issues that we have discussed in executive session related to this topic, which I have concerns about. Given that that's in the public forum, I want to, I think, make sure that there are two points of views that the public is hearing, and commissioner Saltzman, why he certainly has the right to say to his position, I would say that that's a position that I thought had been addressed back in the 1930s when the eight-hour day became the hallmark for american workers. In fact, what this is a proposal that commissioner Saltzman is supporting that would deny a person working on a water bureau crew who went to a main break, who normally would get off at 5:00 in the afternoon because the main break has to be fixed before they go home, has to work until 9:00 that night. And that person could be on duty for 13 hours. The consequence of what commissioner Saltzman is proposing that person would work straight time after 5:00, not overtime, as most americans commonly think of overtime if earlier in that week they had a sick child and stayed home with the sick child and didn't work that, that, let's say on a monday, stayed home with the sick child. Tuesday went back to work, and because they stayed home with the sick child and used their family leave and then went to work the next day, the completion of that workweek, of them actually being at work was less than 40 hours, so they can be put in the position of working two or three 12-hour days without getting any overtime. I think that's an anathema to most working americans, and that's the consequence of what commissioner Saltzman's proposing. I oppose that vehemently, as do I think that most Portlanders and most americans do. So I think that to, to argue that this city council in this city that is known for a number of very great causes, many of which commissioner Saltzman has spearheaded, by the way, to stake out a position publicly that people, after working eight hours, should want get overtime is not something that I agree with, support, and will do everything that I can to fight. So, not only do I disagree with commissioner Saltzman, but I think it's unfair to, to have breached what has been, what I consider, a, if not rule, a long-standing tradition of this council not to disclose in public good or bad discussions we have in executive session. That's why we have executive session, and I don't think this whole topic is appropriate to be discussed. Here or, or anywhere else until we have included all our negotiations.

Saltzman: If I may respond? I asked for an explanation of this article when I learned about it, in executive session. Article 9. And it does honor as all, all people do, eight-hour days and 40-hour work weeks.

Leonard: That is not true.

Saltzman: Before you get overtime.

Leonard: That's not true.

Saltzman: We have a provision since 1970s where people can get overtime based on the hours that they have been paid rather than hours worked. And I think that defies, sort of the common sense idea of what overtime is all about, despite what you just said, commissioner Leonard. We pay people overtime when they have worked less than eight hours or 40 hours. It's to the tune of \$2 -- to \$3 to \$4 million a year. It's not an insignificant amount of money. And I think what the, you know, we just passed a budget that's laying off people, all these people, union members could have

June 30, 2010

their jobs if we dealt with this provision that pays overtime for people that work less than 40 hours a week. And I think that this is something, you know, we need to tackle as a council. I think it makes sense. It's about keeping jobs, not about, I think, condoning a practice that has become outdated and not acceptable to the public any more.

Leonard: I would like to ask a clarifying question to make sure the facts we're, that we're discussing the facts and not what some of us are purporting them to be. The example I gave, and I would like a response lavonne from the example I gave is that if a water bureau worker, a mom, let's say, had a sick child on monday, and, or dad, either way, had a sick child on monday, took family leave, stayed home, didn't come to work. Showed up to work on Tuesday, we had a main break. And the normal time to get off work was 5:00. They had to stay and work out in the street to get the main repaired and work until 9:00. That would normally be four hours at time and a half if the position commissioner Saltzman is taking is actually adopted, and as part of the collective bargaining agreement, is it accurate that those four hours that person works under that type of an agreement we're we would restrict overtime until you actually work physically were present, you will not get overtime. That person work that straight time from 5:00 to 9:00 or time and a half.

Deckard: Currently, the city pays overtime for detu, and rec employees for time paid, not time worked, so the example that you described, if we were to have a change in the contract, we would, actually, be paying them for their actual time worked. In your example, because they would not have worked 40 hours, because the monday that they were home on dependent care was time paid but not worked, they would not be eligible for time and a half. They would get straight time. Your example is correct.

Leonard: So they could literally work 16 hours straight, which we have water bureau crews doing, work 16 hours straight and not get overtime.

Deckard: Correct.

Adams: Commissioner Fritz.

Fritz: We can set up the contracts any way that is legal.

Deckard: Correct.

Fritz: So we could set it up so that if you worked longer than the scheduled hours on that particular day, you got overtime. But if you had taken three vacation days that week and then volunteered for an extra shift on the saturday, you did not get overtime for the saturday. We could do that.

Deckard: Correct.

Leonard: You have to have an agreement to do that, both parties have to agree.

Fritz: That's what we're in negotiations with. Commissioner Saltzman, I share your concerns, and I think that we need to get to something that, that is common sense and fair to both the employees and the taxpayers. On this contract, as yvonne has said, there is not that much overtime for these workers. They are part-time, many of them, so we don't get to the issue of having -- they don't get as much benefit, either so that they are not having a lot of sick days and vacation days because of the part-time nature. They don't earn as much. And also, that we do have in this contract setting the wage increase with a 0% base, which I believe is appropriate, if there is not a cost of living increase, there is not a wage increase. So, for those reasons, I will support this particular ordinance, particularly, since yvonne has said that there is a me too clause which does apply to any takes that would happen in negotiation as well as to any gives.

Adams: Is there any additional issue regarding this that hasn't been aired out?

Leonard: Yes, i'm concerned for the other reason on the "me too clause." Can you point the language that would indicate that overtime would revert to a lesser standard if another bargaining unit agreed to the proposal of commissioner Saltzman and Fritz support?

Deckard: What we did, commissioner, is that the union and my office agreed to the me too but did not put the me too in the contract, but we agreed that by them going out first, that any economic changes that we made with non reps, and any of the other bargaining units that we would, that it

June 30, 2010

would carry over to this contract, and so, you know, if we, actually had an overtime change, we would then be sitting with this unit and looking at all of those economic issues that we agreed to, so if we, actually, do overtime or, or shift differential or premiums, any of those things, we have agreed with this unit that we would, that those things would carry over.

Leonard: In the past, in the city's past, and I think this predates those, those of you that are at bhr, the me too clauses were not uncommon, actually, in collective bargaining agreements. The way they were written is if another unit received a benefit, a benefit, then the bargaining unit that had the me too clause got that benefit so I will, I will sit here and tell you that it would be my position. I appreciate how you characterized your answer to commissioner Saltzman and commissioner Fritz, but I would not agree, nor would I want to agree that even if, for some reason, we changed the calculation for how we paid overtime, so people who work after eight hours, if they use a leave that week, or had to work straight time, I would not want that to apply to this unit. I think that they would tell you their intention was not for that to happen, too. I think that a bargaining unit that is as, I will say, old as this bargaining unit, to be the first bargaining unit to agree to a set of wages, hours, and working conditions before the others have should be rewarded for their good behavior and not punished. So I would, I would say that yes, if we did bargain some c.p.i. increase, which is highly unlikely, but if we did, that they should receive that, but I also would argue vehemently, and I would hope the majority of the council agree, if some other bargaining unit agreed to some other provision for overtime, that will not apply to this unit.

Deckard: Commissioner, I would, actually, I had those specific conversations with the unit so they would understand that because of we're the city was and our economic conditions, that we may be coming, you know, that the me too would include those things that we would be sitting down and talking with them, you know, and certainly I would be taking council's direction if council directed me, you know, not to deal with that issue with this bargaining union, then it would be off the table.

Leonard: I want to get that on the record that, in my vote in supporting this, it is not, um, an agreement with any other position that, that if some benefit decrease, is negotiated with some other bargaining unit, that it applies to this unit.

Adams: Clarifying question, what percentage of this, of the recreation unit is seasonal, part-time and/or temporary?

Deckard: The 90 individuals in this agreement are all either full-time or permanent part-time.

Adams: Other discussion?

Saltzman: I wanted to clarify, so the state, as I understand, since the mid 1990s has adopted the federal overtime standard, which is a 40-hour workweek?

Deckard: I believe the state has done so.

Saltzman: But the city has not adopted that change?

Deckard: The city hasn't -- there are a mixture of practices. Some jurisdictions have adopted it, some, you know, have not because of the state's economic shortfalls that they did adopt it.

Saltzman: Into the collective bargaining agreements?

Deckard: I believe so.

Saltzman: It is based on 40-hour work weeks? For overtime purposes?

Deckard: The state and federal statute are the same.

Fritz: Do the state and federal statutes address the issue of the standard workday so that if is you work, whatever you agreed to, you work, your standard workday, whether it's 10, eight, or 12, if you work over that, it's overtime?

Deckard: It's all overtime. The question is, is it paid at time and a half or paid as straight time.

Fritz: Does the statute address that?

Deckard: So, I would have to look at the statute. But the statute doesn't require a jurisdiction to pay it at time and a half. The statute, you know, says that you can pay at a straight time, and then

June 30, 2010

from that point, it depends on, the individual collective bargaining agreements to, you know, whether or not a jurisdictions, what they have agreed to.

Fritz: Just to be clear, I support paying time and a half for overtime if you, if an employee works over their, whatever their standard shift is, whether it's eight or longer than that.

Leonard: Let me --

Fritz: I'm not done. I agree with commissioner Saltzman that paying overtime for additional shifts, if 40 hours has not been worked, is, is not reasonable, and I would like to revert to the state and federal standard on that.

Leonard: Let me be clear, I was in the legislature when the state law passed, and I respect lavonne, but I do not believe the state collective bargaining agreements respect, the republican dominated state legislature passed in 1995.

Deckard: I would have to go back and look.

Leonard: The state statute passed in 1995. And over the strong opposition of a number of people in the legislature who represented working people but it was dominated heavily by republicans. Back then, and they had, actually, veto-proof majorities that they passed this particular statute by. And not with standing anybody's comments regarding whether they think that people should get paid after eight hours, the state statute says, and it simply says, you have to work 40 hours before you get overtime, so if you do something different than that, that's beyond what the state statute allows. So for people who are not unionized in this state, for instance people who work at mcdonalds, people who work at, at fast food restaurants. The state statute applies to them because they don't have a collective bargaining agreement, and as we stand here today, they can work, work literally 12 hours a day for 36 hours every week, and never get overtime. And that is how it is applied for people that are non union. That, it was the intent of the drafters of the statute. The literal application of what two of my colleagues are saying they are supporting, are supporting, is, and most of our overtime is at least at the water bureau, not working an extra day. Not coming in, you know, taking vacation on monday and tuesday, and then picking up a day on Saturday and getting overtime. Most of our overtime, in fact, is when the crews are out in the streets, and at the end of their normal workday, they can't pack up their lunch pails and go home at 5:00 if there is an entire community without water so they stay until the water gets turned on. That's an actual real live application of how a worker's day goes. Many of those workers, if the position my colleagues are advocating is adopted, will be impacted directly working up to 16 hours in a row if they took one day of, of family leave, they could work 16 hours, and they often do, and often do until the water is turned back on so, so what, what i'm saying here is, is that, that I don't think that there has been any, any collective bargaining agreement at the state or any other local level but has adopted the state statute. However, there are a number of working class people throughout the state that are stuck with what the state did.

Adams: I have let the conversation go in depth on this issue, and I think it has been useful to air some of these points of view out. But, the matter before us is about this successor labor agreement for the recreation bargaining unit. Unless there is objection, do I have to get a vote to remove the emergency clause? So I move that we remove the emergency clause.

Leonard: Second.

Adams: Moved and seconded to remove the emergency clause. Any discussion? Karla, would you please call the vote on removing the emergency clause.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. [gavel pounded] The item moves to second reading next week. Can you please read the title for emergency ordinance number 998.

Item 998.

Adams: Dan Saltzman.

June 30, 2010

Saltzman: Thank you. In february 2009, city council adopt adresolution to begin formation of the royal highlands phase 2 local improvement district. In this agreement, the bureau of environmental services will assume ownership and maintenance responsibility for private sewer system that serves properties in this. If anyone has questions, we have staff here to answer those questions.

Adams: Any questions? All right, anyone wish to testify on 998? Karla, please call the vote on 998.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. [gavel pounded] Please read the title for item 998-1.

Item 998-1.

Adams: This is purchasing working on behalf of the bureau of environmental services. Ms moody, how are you?

Christine Moody, Bureau of Purchases: Good, mayor, thank you very much. Christine moody, procurement Services. You have before you the procurement report recommending a contract award to the low bidder. The low bidder is r&r general contractors, who are an Oregon state certified minority-owned business. They are retaining most of the work on this project as the prime contractor resulting in 97.5% mwsb on this project. And I will turn this back over to council if you have any questions.

Adams: Discussion from council.

Fritz: Why is this on the 4/5s?

Moody: It was on consent, and it missed some filing, so the bureau was unable to wait a couple of weeks until we could get this back onto the agenda.

Fritz: Is it an emergency ordinance?

Moody: No. It's a procurement report.

Fritz: They couldn't wait another week?

Adams: Two weeks. No meeting next week.

Fritz: Ok. I see. So that's the reason for it. Because I think one of the good things about having these on our agenda, you have done the work and we ask questions about the bids and the process and the minority women and emerging small businesses. One of the other advantages to having it on the agenda so that everybody knows that this bid is going to this company, and if there is any objections, so i'm willing to vote for it today because you are usually so diligent at getting things on the agenda, and with the explanation that it couldn't wait for two weeks, because we don't have a meeting next week. Thank you.

Adams: A couple of things for the program note, procurement reports come directly to council. They don't need the commissioner in charge. The timing of which is, is -- almost always dictated by the sponsoring bureau. Yep. All right, is there -- I entertain a motion to accept the procurement report.

Fritz: So moved.

Saltzman: Second.

Adams: Moved and seconded. Can you please call the vote on the procurement report 998-1?

Saltzman: Aye.

Leonard: Aye.

Fritz: Interesting after a year and a half i'm still learning new things about council procedure. Aye.

Adams: Aye. [gavel pounded] Council is in recess until 6:00 p.m.

At 10:50 a.m., Council recessed.

June 30, 2010
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JUNE 30, 2010 6:00 PM

Adams: Council will come to order. Can you please read the council item report number 999.
Item 999.

Adams: Pleased to welcome auditor lavonne griffin-valade.

LaVonne Griffin-Valade, City Auditor: Good evening, city auditor lavonne griffin-valade here to introduce the annual report for calendar year 2009 of the independent police review division in my office. I will keep my remarks very brief because I want to allow plenty of time to allow staff to talk about the work they accomplished this year. Since the program began in 2002, ipr has undergone a number of changes, primarily to improve the efficiency and responsiveness of the organization but also to more effectively reach out to the community. The annual report before you is a snapshot of ipr outcomes in calendar year 2009. It includes relevant trends, demonstrates areas of success and areas where we need to continue our efforts to improve. Our goal this year was to streamline the report and make it more readable and thus more widely read. We met with and surveyed a broad spectrum of folks, council staff, members of the citizen review committees, several other community members, police bureau staff, to ask for feedback on the annual report and the format we have used in past. And we surveyed them for what -- on a variety of, in a variety of ways we mostly wanted to find out what they found important and what they felt was extraneous information, what they viewed as necessary or unnecessary or clear or confusing. And so since again our goal was to make this to streamline it and make it more readable, we cropped from 62 pages in the 2008 report to 39 pages in the 2009 report. And we were even by doing that able to retain most of the significant information by combining several figures into a single table or by pointing readers to our website. We are also available to discuss any questions or concerns that folks may have about information that was in the report in the past and is not appearing in the same format in the current report. So last item, I want to thank the hard working staff at ipr. They put in long hours. They are very dedicated to this work. I am very proud of the staff that we have in the office of the independent police review, and I am going to introduce four members of the staff who will do the bulk of the presentation and answer your questions. First mary beth baptista who is the director, Constantine severe who is the assistant director, derek reinke who is the program analyst, and Irene konev, who is our community outreach coordinator.

Adams: Good evening. Welcome back.

Mary-Beth Baptista, Director, Independent Police Review: Good evening. I am confident that irene will be here momentarily.

Adams: We run a tight, tight ship here. Starting on time.

Baptista: I am mary beth baptista and I'm the director of the independent police review division. The auditor's independent police review division is an impartial oversight agency under the authority of the independently elected city auditor. City council created ipr in 2001 to improve police accountability, promote higher standards of police service and increase public confidence. As council members know, ipr is monitored and advised by a nine member citizen review committee which you appoint. On may 27th the independent police review released the 2009 annual report. This is ipr's seventh annual report to the public. Complaint and intake processing data for 2009 are detailed in this report, as are major policy and program changes. There's irene.

June 30, 2010

Ipr has five primary responsibilities. We receive complaints and commendations. We monitor and participate in ongoing administrative investigations by the Portland police bureau and conduct joint or independent investigations. We report on complaint and investigation activities and recommend policy changes to prevent future complaints and adjust patterns of misconduct. We hire qualified experts to review closed investigations of officer-involved shootings and in-custody deaths. We coordinate appeals filed by members of the community as well as Portland police officers who are dissatisfied with the outcome of administrative investigations. Additionally ipr conducts community -- outreach to the community to hear concerns and build community trust. Ipr has 10 staff members to fulfill those core responsibilities. To fulfill our primary responsibility of receiving and processing complaints, we have two full-time and one part-time investigators. Ipr investigators conduct an initial investigation of all complaints received about Portland police bureau members. The initial investigations they conduct are extensive. They involve an interview, usually in person, with a complainant and any citizen witness. Each interview is recorded and a summary is transcribed. Ipr investigators also gather evidence including photographs, medical records, police records including 9-1-1, dispatch recordings and reports as well as police reports. That material is put together in a case file to inform me and the assistant director constantine. Investigation. We ask for additional investigation from ipr investigators or find that we have sufficient information to make a case handling decision. A second part time assistant director assists constantine and I with our responsibility of monitoring and participating in ongoing administrative investigations. We meet weekly with the iad captain and lieutenant and other staff to discuss individual cases and assure cases are moving through the system in a timely manner and receive an explanation if they are not. We also coordinated which cases ipr leadership will participate in regarding interviews and further we receive the completed investigations for review prior to them being sent to a supervisor for them to make their recommended findings. In approximately 1/4 of the cases we return that to the internal affairs to conduct either additional investigation or clarify or amend their investigative summary. We also receive the supervisor's recommended findings and have the authority to challenge those findings and trigger a hearing before what was then called a performance ors for review board. In 2009, we were advisory members of that board, meant, meaning we do not vote on that board but were present during the case presentation as well as deliberations. Derek is our senior manager analyst. He is key to the next obligation which is to report on complaint and investigation activities. And recommend policy changes to prevent those future complaints and address patterns of misconduct. An example of his work was in 2009, july of 2009, ipr released a progress report and analysis of the bureau's progress on implementing recommendations regarding the bureau. Use of force and use of force policies. He also included in this report was current data on trends of use of force within the bureau. Derek also staffs several citizen review committee work groups and assists them with data collection, analysis, and reporting. Examples of that include our desperate treatment report, that was presented to council earlier this month, and the follow-up report to the police assessment resource center recommendations to the bureau that will be presented to council next month. Carol and marilyn shepherd are office support. They are the glue that keeps us together. They work very closely with the crc to coordinate appeals filed by members of the community and officers who are dissatisfied with the outcome of their administrative investigations. This year that was quite a task. In 2009, crc saw several more appeals than they did in 2008. Eight appeals were filed in 2009. Two major changes occurred in 2009 with respect to the two remaining responsibilities of ipr. First, city auditor lavonne griffin-valade decided to hire an expert to evaluate the police investigation of the in custody death of james chase. This shifts from past practice. That was to wait until the civil litigation was done. We made a decision that it was imperative that we have these reviews in a timely manner so we launched that review prior to the end of the civil litigation. Second, we completely overhauled our efforts to reach out to the Portland community in 2009. We commissioned a community outreach

June 30, 2010

plan that was finalized in January of '2009 and hired outreach coordinator Irene who was hired in March of 2009. She immediately went to work to reach out to the community, listen to concerns, and build trust. I feel these efforts have already been very beneficial to IPR and the public. Now they've introduced you to everyone I will turn this over to Irene to discuss her outreach efforts and outcomes in her first year.

Irene Konev, Independent Police Review: Hello. My name is Irene. Hello, Mayor Adams and Commissioner Saltzman, Commissioner Fritz, and Commissioner Leonard. So basically, in terms of building trust, we find that historically marginalized communities also have less trust of police oversight so efforts have increased to strengthen relationships with groups representing these communities. IPR oversight system was promoted at state, county, and local levels through community fairs, events, and staff meetings at community-based organizations. Specifically IPR bit trust relationship was organizations representing the nonmajority community that was once very reluctant to work with IPR. We have created consistent contact e. Plan nation of IPR's commendation process, support of activities and follow e-up on complaints and to IPR these same organizations now refer complaints to IPR and call the outreach coordinator our ally at IPR. Another example of trust building and nonmajority communities was a presentation that was made to 90 immigrant and refugee community organization staff members. This event led to meetings with other directors of programs such as Youth Transitions, Africa House, and Asian Family Services as well as at meetings and presentations with the communities of these organizations serve. IPR's staff and CRC members often go out with the outreach coordinator into the community to help build trust. For example, intake investigator Mike Katz who speaks Spanish made presentations to Spanish to the Hispanic community and the CRC have often attended presentations to hear community concerns. Just today one such organization acting as a bridge to IPR asked us to take a complaint in their space where the complainant already feels safe and has an interpreter. These bridges are built at other organizations. Lastly, these same organizations did not respond to any contact from IPR or they did not know that IPR existed. The measure of success of seeing how many organizations are not only willing to work with IPR in comparison to past years but actually trust us and seek our services and assistance. Outreach coordinator is routinely asked to attend events, meetings, and expand IPR. Some examples that the communities we have worked with African-American, African, Native American, Hispanic, Asian, Muslim, Slavic, Youth, Homeless, Domestic Violence and Sexual Assault community, sexual minority, developmentally delayed, faith community, increased diversity on CRC. Significant efforts were made to broaden the scope of outreach to attain a more culturally diverse pool. Approximately 150 letters were sent out to elected officials, community-based organizations, businesses, judges, Portland Police Bureau command staff, interested community members, and volunteer coordinators of eventual sexual assault agencies. Three ads were purchased and six were donated by community newspapers. Recruitment opportunities were utilized in personal contact, emails, and telephone calls as well as on the websites. The four new members who joined CRC are a reflection of those outreach efforts and are representative of Portland's cultural diversity. Biographies of current CRC members are maintained on the IPR website. A new CRC member orientation program was designed which includes six hours of intercultural competence training, direct connection to community organizations and training. Increased cultural competence and IPR staff and CRC members, upon being hired in March of last year one of my first projects was to coordinate a 12-hour intercultural competence training for IPR staff members, which covered oppression, theory, racism, intercultural competence, personal leadership and best practices. This training strengthened staff skills to gauge with others in ending oppression in the context of IPR to enhance communication with the public. Today IPR routinely engages in holding each other accountable. I thank city council and the leadership of IPR for this wonderful opportunity. It has been both challenging and rewarding.

June 30, 2010

Baptista: Next I am i'm going to turn the presentation over to our numbers guy, the senior analyst, management analyst, derek reinke to give an overview of the data that's presented in the report.

Derek Reinke, Independent Police Review: Good evening, mayor and commissioners. I'm derek, management analyst with the division. I am just give you a few of the data highlights and trends in the report and then we can discuss more of them later with questions if need be. The number of complaints filed by community members in 2009 continued a downward trend. There were 405 complaints received in 2009 which was 47% fewer than in 2005. It's important to note as the report continues on that the report doesn't detail what happened entirely to those 2009 complaints. If that were true I would have to wait and come back to you guys in december of this year or maybe even in 2011. Instead what the report does is say what happened at the system in each stage in 2009. So there's a table later on that talks about ipr decisions. Those are all decisions that were made in 2009. But some of those might be on complaints that came in the door in 2008. And that goes -- as you continue to go further downstream that becomes more and more true, decisions made in 2009 are on 2008 cases, maybe even a 2007 case is not sustained or something until 2009. So each of the tables throughout the report is really based on the year that decision or action was made at that stage in the complaint system. So in terms of things coming in the door we give a snap shot every year to readers of the most common allegations. For 2009 and the last couple of years, the most common allegation has been rude behavior or language from the community complaints. There were 106 complaints with at least one allegation of rudeness. And then in the appendix of the report we include more full detailed accounting of all allegations by category for those that went over that level of detail. In terms of ipr case handling decisions, ipr dismissed 226 complaints in 2009. Most commonly because the complaining parties' description of the action did not violate a bureau policy. That's a 60% dismissal rate. Percentage that's basically on par with past years. And the ipr office referred 140 complaints or 37% to the bureau's internal affairs division. When I get those percentages you will see i'm using a denominator of 375 which is less than the 405 that came in the door. Again, that time lag so the decisions made in 2009 rather than decisions on 2009 cases. In terms of iad decisions we saw a slight uptick as service improvement opportunities rather than as a full investigation in 2009. Commanders and managers recommended sustained findings in 22% of the 58 investigations they reviewed, which is down from a peak in 2006, but is roughly at the longer term average. In terms of bureau initiated complaints, police bureau members reported twice the number of complaints in 2009 as they had a couple of years previous. These complaints, the bureau generated tend to contain more serious allegations like unprofessional behavior or untruthfulness rather than something like rudeness and have a higher likelihood of being sustained downstream. Force complaints is one of the most important things we track and follow closely. Force complaints have leveled off after dropping more than 50% from 2005 to 2008. There were 51 combined bureau and community complaints of force in 2009. There were 50 in 2008. While there were over 100 per year from 2002 to 2005. As mary beth stated, in july of 2009, we released a follow-up report that force task force which included ipr, crc and police bureau members, released a follow-up report which said the bureau -- bureau's compliance with 16 recommendations that were all aimed at reducing uses of force and force complaints. In terms of discipline, another highlight, formal corrective action it was taken against 23 members of the bureau including termination. Another five resigned or retired while there was a pending complaint against them. This is down slightly from previous years but actually that table understates the overall discipline that's handed out by the police bureau because it doesn't account for discipline from general performance reviews. It's just specifically from things that were complaint generated and that also doesn't account for discipline that's sometimes given out for multiple vehicle crashes which can lead to some discipline. So it actually understates the overall discipline.

Fritz: Can you give these knows numbers again.

June 30, 2010

Reinke: Yes. It's 23 corrective action against 23 members. And then another five resigned or retired while there was a pending complaint. So we can't say that the bureau officially doled out discipline if it was, you know, kind of on their own behalf. And then that actually understates because there is some more discipline that is handed out based on an emerging performance issue with a particular officer might lead to a performance review, which isn't a complaint. It isn't part of the complaint system. That would be something more that the professional standards office could speak to. And then I also know that there's a vehicle collision review board that also can get into discipline at times and that's not accounted for in the ipr table. The issue of timeliness, performance on many of the timeliness measures worsened this last year compared to their goals. I have got concerns that these performance measures with timeliness are pretty flawed. I think we need a better understanding of the actual time lines at each stage rather than a percentage of cases completed within a specific time period. So that's something that I have been working on. For example, we have a measure that we report 90% of cases are closed within 150 days. Which is great but that doesn't tell us if the typical case takes 49 days or 149 days. It just tells us it was within 150. And also largely ignores the type of complaint or the case handling decision. So while 150 days might be a very aggressive goal for a case that goes through a full investigation, it really wouldn't far too long for a service improvement opportunity to take. So that's, I am currently doing a study where I am trying to get a better sense of the timeliness of all of our cases, where the bottle necks or lags might be in the system, and I am relying much more on a median time lag at a particular thing so rather than saying, you know, we completed 90% within 150 days, I can tell you the typical dismissal took 23 days or something like that. I think would be a much more refined measure and tell us a lot more about the system and when improvements are needed.

Fritz: But we didn't yet get to any fully investigated cases being completed within 120 days. Is that right?

Reinke: I wouldn't be surprised.

Fritz: And so i'm wondering --

*******:** Yes. On page 38, that's correct.

Fritz: Is that an unrealistic expectation? Why are we taking longer than what we hoped for in 120 or 150?

Reinke: I think I have got a couple of concerns and one of my concerns is that these, the way these are measured in terms of just a percentage within a particular time frame, ignores what could be improvement. So let's say the 90% of cases we close within 150 days, it would be a whole heck of a lot better if we were completing those in 40 days rather than 140 and we would never know that. If the only way we looked at them, the only way we reported it was the per cent within 150.

Fritz: We only make that percentage because of dismissals. We are not getting to the target on any of the ones we fully investigate.

Reinke: I think the measures need to be reengineered. They need to focus more on median time rather than percent within a specified goal and I think the goals need to be revisited as well.

Fritz: I like to hear some more comments on that. Thank you.

Reinke: Ok. Well, that is something i'm studying right now.

Fritz: You are the numbers guy. Your telling us about the measurements from others I would like to hear what's happening in the investigations that it's taking longer. Was that unrealistic to expect any fully investigated investigation should be done in 120 days? Maybe that's not possible for various reasons and should we then look at our time frame and maybe even for a numbers guy, split it up into dismissals versus fully investigated cases and have two different goals.

Reinke: The effort I am doing now will go far beyond the annual report data. Hopefully we will identify some of the realisticness of the investigation, time lines and things like that. I expect to be done by the end of the summer. Give some feedback to the stakeholder group and we will see what

June 30, 2010

goes from there. My analysis would hope to answer some of those questions much beyond what we have typically relied on and been reporting in the timeliness area.

Fritz: Thank you.

Reinke: And I just had one other thing to touch on as a highlight. That's our satisfaction surveys. Our ratings for 2009 were down slightly this year overall. This is another area where I've got some data concerns, data quality concerns. We had a response rate of under 20%. It was 18 or 19%. 18%, and that's a concern to me that we really don't have a very good handle on if those 18% of the folks that respond to us really speak for everyone. I mean, how similar or dissimilar are they to the other 82% who choose not to respond? So I don't know exactly what to make of the results we are getting. But it's been low for a while and so I guess it's fair to compare us to past years and we are down slightly.

Fritz: The response rate hasn't changed much over the last five years?

Reinke: Over the last five years, no. Not a whole lot. We have done some efforts to increase the number that we send out the door. But we had basically the same rate coming back in.

Baptista: We recognize one of the areas in the report that is of community concern is our dismissal rate. And so I have asked Constantine to discuss the dismissal rate and what we learn from dismissals.

Constantin Severe, Independent Police Review: Ipr dismisses about 60% of the cases and there's a variety of reasons why ipr dismisses a complaint. One, whether it's sometimes the complaint is ill logical. Sometimes there's a timeliness issue but the largest issue would be what's categorized as floss misconduct and that's basically, based on the standard that we have, whether there's a likelihood that the officer engaged in misconduct and an investigation would prove that misconduct which is relatively high standard. So that in itself kind of explains the relatively high dismissal percentage. Recently, I think at end of 2009, there was a decision to, cannot prove misconduct which I think accurately reflects the rationale behind a good percentage of the dismissal reasons as opposed to there was no misconduct, which was kind of a catchall. I think the "cannot prove misconduct" is a much more honest and kind of transparent way of recognizing, of the case going from ipr, referring to iad and if iad actually decided to do a investigation, whether this case would end up in any discipline. That explains the rationale for whether a case gets dismissed or not. One particular case I had an example with was actually several cases where I noticed that this one particular officer was involved in several complaints. I think it was within a six-month period there was eight complaint involving this officer. That I believe a majority of the complaints were dismissed. There was maybe one or so that went to iad for a service complaint and one possibly for investigation. But just kind of the way it works, ipr had about 405 cases last year. I do, I believe about eight, 80% of the cases. Mary Beth does a lot of cases that end in 0 or 5 so that's about 20% of the cases. So there's about 223 officers who received one complaint. So if I recognize somebody's name, that's kind of kind of my internal system. Wow, this is something that's a little bit out of the ordinary. And once I started noticing this officer's name coming up, he was kind of -- he is in a specialty unit so I pulled up the roster for his unit. Just to see if there's something within his unit of possibly having more contact with the public so it would generated additional contacts with the public that might be something that's slightly adversarial where persons in other units wouldn't receive it and I looked, we received complaints and I looked at unit rosters and there weren't the levels of complaints for those particular, for those other officer that is this particular officer received and I did a memo basically of just all the different cases that ipr had handled. And what, because this is a public forum I am kind of circumscribing what I am talking about so my apologies for that. Dia memo describing what the allegations were, what ipr's actions were, and a lot of that allegations revolved around racial profiling, and that was the complainant' accusations against officers but it was usually around a traffic-type situation or not crossing the street at a 90 degree angle. So it would be one of those cases where it could be relatively minor, you know, let's

June 30, 2010

say from an officer's perspective but from a complainant's perspective this is a very big deal to them. They feel they are getting picked on. In an area where somebody else wouldn't get picked on. So it kind of also explains why these cases ended up being dismissed because if you took that kind of a case, where let's say somebody failed to cross the street at a 90-degree angle, when you look at there's a police officer and a lot of times the complainant agreeing, yeah, I failed to cross the street at a 90-degree angle. So that, you know, just in the kind of mechanism that we have, we are going to have to dismiss that particular complaint. But the fact that an officer is going to have eight complaints against him in a six-month period, that is troubling to me and I did my memo, forwarded that to the unit commander and an assistant chief, and they were very proactive in talking to that officer of saying that we, ok, we understand that you are trying to do your job, and most of these allegations are dismissed but we, you know, we have a higher expectation for you of, you know, doing your job and doing it well, but at the same time of dealing with members of the community with respect and treating them like community members. And that they belong in this community, and in the six months subsequent from my sending out that memo to the unit commander and the assistant chief that particular officer didn't have a complaint. So myself, I was surprised how effective it was, where there wasn't any discipline meted out but there was kind of a direct and proactive and very quick reaction from the bureau supervisors and from what they told me of the meeting, the officer took it to heart and I -- the results kind of proved that.

Fritz: What happens when you have a lot of dismissals because it's within policy, but you look at policy and you wonder whether that's a good policy? How do you sort that out?

Severe: Well, we have one important way of dealing with that. Like we could talk to the bureau ourselves if we notice there's an issue with this particular policy. Another way is just using our partners at crc of saying, having a work group and looking at it in depth and of I think one of the benefits of using the crc to do that, one, they are citizen community members and there's also more of a public process involved in that where you can reach out to different stakeholders in the community who are able to, you know, provide input. I like to think of myself as somebody and Mary Beth and the rest of the ipr staff as folks who are relatively plugged into the community in Portland but we are professionals and kind of removed from that and having the crc members actually be involved in those -- this is a few years, but the total policy of the bureau which was a huge source of complaint for ipr several years ago or the officers providing identification or the business card which council dealt with several months ago. That used to be another issue where we would receive a lot of complaints about those particular issues. And I think there's a variety of ways that those can be dealt with. Whether it's ipr or thetic I found thetic being involved in the process very helpful.

Fritz: How many changes in policy have happened because of ipr or crc recommendations? Do we track that?

Baptista: The crc currently has a tracking list. That they are working on making being more accurate about that. We have actually discussed that we need to do a better job of tracking that as well. One example of where ipr was involved in a task force with the bureau that also involved crc members was, of course, the force task force and that led to several recommendations to the bureau to change their force policy, which, of course, they have.

Adams: Other presentations?

Baptista: No. Just open to questions.

Adams: Other discussion from council? Let's go to public comment.

Moore-Love: Three people signed up. Please come on up. Debbie, Dan Handelman and Damos.

Adams: Good evening.

Baptista: I'm sorry. I forgot that Michael was here to speak on crc to continue the presentation. I'm sorry.

Fritz: Another presenter.

June 30, 2010

Adams: So if you wouldn't mind taking, sorry, taking a seat in the audience and Michael is always succinct.

Michael Bigham: Yes, I will be brief. Mr. Mayor, members of the council, I am the chair of the CRC. I would like to thank for giving me a moment to speak about this. I would like to thank IPR director Baptista and Lavonne Griffin-Valade for their support during the last year. I saw 2009 as a year of gathering strength and hard work for the CRC. Willingness to ask hard questions and push the police bureau for answers. And I think a lot of our hard work bore fruit this year in terms of, you had three work group reports come before you. One is disparate treatment, structure review, and park. We also worked very hard on outreach. And I am particularly proud of our public forum we held in February, which was planned in 2009 on police accountability and James Chasse. And we did that without any staff support from the IPR or the auditor or fiscal support. So I am very proud of our outreach committee for really working hard to doing that. I was disappointed that nobody from city government made an appearance but we have another community forum in October in northeast Portland, and I would like to see somebody from the -- I would like to invite all of you to attend the, to our community forum. You ask about changes in policy. With the police tow work group there were 13 changes in police policy. We have done policy changes in rudeness, profanity -- rudeness and profanity. If there's one criticism I have heard about the CRC is that's certain segments of the local community are underrepresented. And I have to think that's a valid criticism. And one thing I think members of the council should, can do especially members of the council that haven't, nominated people for, to be on the CRC. Is to reach out to those segments of community that are underrepresented and nominate representatives to be on the, during the next cycle, which will begin in October. Again, thank you for your support.

Fritz: Thank you for your work. I want to respond to your invitation as to why I didn't come to your forum and I probably won't be at next one. That is that there is a certain amount of distrust in the community of city government and indeed city officials. And it was very important to me that citizens felt comfortable to talk to fellow citizens and that you then report to us on what you heard, which I read your report, every word of it. This is a very delicate issue and so we want to provide a variety of opportunities for citizens to talk to each other, to talk to council, to come to council for us to go to them and I greatly appreciate your service in providing that particular forum and your outreach in a number of different ways.

Bigham: Thank you.

Adams: So I think I brought this up at previous meetings. And I am interested in I think the process and the endeavors at a point where it can begin to answer this question. And I don't think it necessarily was in previous years. And the work that Commissioner Randy Leonard has underway I think can help inform that as well. But the definitions of success. You know, what percentage of, you know, we heard 223 complaints off the however many police officers are actually on the force at the time that number was captured. We have heard that -- and this is true for all bureaus, not just this one that sort of the markers of success or the way that statistics are gathered seemed kind of arbitrary. And I am really interested in the CRC helping to define success in terms that are going to speak to the average Portlander, if there is such a thing. And I would like to see that as a priority for you all to give back to us what the recommendation on what success looks like on this.

Bigham: Ok. And you are talking in terms of connect with the community? Is that where you are coming from?

Adams: I think as police commissioner, what success looks like for the bureau.

Bigham: Ok.

Adams: And as it relates to the IPR process itself. What does success look like? The early, early on, back in the stone ages of this effort, there was -- so I was glad to hear tonight that you are looking at sort of capturing and putting as part 6 your report in the future the sort of policy work that, improvements that you facilitated early on that was a really key part, a deliverable. And considered

June 30, 2010

a key measurement of success. And I think under gary also as an important to him, so whatever it is for the ipr, both in terms of success as you measure change or improvement, but then just what's success for the customer? Put that in quotations.

Fritz: Michael, I would like your opinion as to why the complaint investigation satisfaction has gone down.

Bigham: I think a lot of it has to do with what's going on in the media in terms of the big picture things that are going on, the shootings and deaths there custody. I think that that colors everybody's opinion of not only the police bureau, but of ipr. And their effectiveness.

Fritz: Thank you.

Adams: Thank you. All right. The three of you please come up. Hi. Welcome. Who signed up first? Go ahead.

*******:** First would it be possible to have five minutes this evening?

Adams: Yes.

Debbie Aiona: Thank you. Good evening, mayor Adams, and commissioners. I am debbie, representing the league of women voters of Portland. The league appreciates the ipr's commitment to publishing annual reports on a regular basis and the value staff places on informing the public of its work. The league believes in the citizens' right to know and that democratic government depends on informed and active participation at all levels of government. Regular reporting on the work of public agencies provides the community with the information it needs to understand and effectively influence the government that serves them. The 2009 report is even handed in tone, which is welcome. The reduction in content is, however, a concern. Past reports presented a much richer picture of the workings of our oversight system, and a clearer explanation of the types of police actions of community concern. Examples of items we would like to see added back to future reports include summaries of appealed cases and their outcomes, a sampling of other cases investigated by the internal affairs division, the break down of complaints by precinct and the detailed break down of citizen initiated allegations with data on the number sustained and not sustained. We understand ipr's desire to streamline the annual report, but that needs to be balanced with providing comprehensive information about the ipr and iad so the public can measure their effectiveness and better understand how our complicated system works. Furthermore, individual -- i'm sorry -- further more, information on individual complaints against police, discipline imposed and related policy issues provides the community with the window into the police bureau. When time permits we recommend that the crc assign a work group to review completed reports and advise the ipr on what information and data the public will find useful in the future. The report itself raised some issues and questions we would like to share with you. There is an ongoing expert analysis of the james chase junior death but other closed cases that have taken place since the end of 2005 have yet to be examined. Previous reviews have led to a number of constructive policy recommendations. We urge the auditor to get the rfp process started for those cases. The number of complaints received declined again there year. There is no way to know if this is because community members are more satisfied with their encounters with the police or if they do not trust the oversight system. When resources permit the league recommends contracting with an outside experts, to develop a survey instrument that would result in a more accurate assessment of the system and include individuals who had contact with the police but did not file complaints. The percentage of noninvestigated minor complaints increased this year and accounts for 58% of cases referred to iad. Given the significant numbers and option for a complainant requested review or reconsideration should be explored. The number of cases that went to mediation is an all-time low. It would be interesting to know if ipr understands why people are not choosing that option. Ipr reports the rate at which cases are sustained at 22% and bases this figure on the number of iad investigated cases with the sustained finding. The 2008 performance review and the crc structure review report both recommend basing the sustained rate as the percentage of all complaints. Thank

June 30, 2010

you for considering our views. Again, we appreciate the ipr's commitment to serve the public and are confident the staff will work with interested community members and the crc to continue to improve the annual reports. Thanks.

Adams: I would also ask that you and the league propose, and you did, but you only had five minutes, but propose for us measures of success, not just categories of measures of success but if you have any insight. You have been on this topic for a long time. You have got a lot of expertise. It doesn't have to be person perfect but give us an idea of how we should start, against what measure we are going to judge progress or lack of progress.

Adams: Ok. Mr. Handelman.

Dan Handelman: I am also hoping I can request five minutes this evening.

Adams: Absolutely.

Handelman: Thank you very much. I am Dan Handelman with Portland Cop Watch, good evening, Mayor, and Commissioners. We released an analysis of this year's ipr annual report and called it a mixed bag of useful and buried information, neutral reporting and public relations. On the whole the new report is geared less toward touting the ipr's statistics and achievement which we noticed in 2007 and 2008. There's less implication that the drop in complaints, the drop in use of force complaints and officer involved shootings from 2007 to 2009 was the result of ipr's work. However, ipr ignored for example one of only 27 cases selected was completed by the bureau within the five-month guideline. The report also continues to bump up certain statistics and trends including the sustain rate chill leaving the report's back pages, in the back of the pages information that the satisfaction rate with the ipr has gone down while the dissatisfaction rate has remained at 50%. This year's report states the facts that the number of complaints went down from 771 in 2005 to 405 in 2009 and there was only one officer-involved shooting, no deaths in custody in 2009. And they, you know, maintain a neutral tone by reporting it just as facts but there's still no way to know whether the consultant's report from January of 2008, or other factors may have thrown a broader mistrust of the whole system or if perhaps the police are not committing as many acts of misconduct. One of the down sides of the neutrality is that by selectively choosing the facts the system appears to be functioning better than it is and this was already mentioned. I will go into more detailed rate that the ipr says is at 22% of cases fully investigated by the police bureau ignores only 37% of all the complaints they receive are turned over to internal affairs in the first place and internal affairs only investigates 17% of those complaints. So depending on the number used for all overall complaints, the actual sustain rate is somewhere between 2.8% and 8.1%. And I can, so we have two pieces of paper. Orange one I am reading from, the white one has more detail analysis of that. We also noted that what used to be called service complaints have climbed from being used by internal affairs 34 to 54% of the time from 2002 to 2006, to 51 to 60% of the time in 2007 to 2009. These minor complaints are for violation of policy that do not normally rise to the level of discipline but we think the bureaus are depending on them too frequently. For instance disparate treatment which is when law enforcement treats somebody differently or otherwise uses race or some other factor inappropriately is one of most serious offenses yet. Only one racial profiling case has been sustained since 2002 and that was in 2007. The community might expect this behavior should result in discipline but 10 racial profiling cases were handled as minor complaints in 2009, and seven in 2008. One result of the 2009 report being slimmed down, I just want to point out that this is the 2004 report here. And this is the 2008 report here. So it's already slimmed down quite seriously. And now it's slimmed down to do 2009 report. So we're losing a lot of information that we had before and it makes it more difficult to fairly see what's going on inside the bureau or at ipr. The good thing is in a few places ipr does cite specific examples of complaints and how they were handled including one that involved allegation of force and improper stop and search and one involving a violation of the bureau's foot policy. The pursuit policy. And they also mention specifically by name James Chasse as being a person who died in police custody who was

June 30, 2010

being investigated and that's the first time I know of that a person's name who was on the other side of the balance ton was listed in one of these reports. So we any that's very important because the community, these are just numbers and words. But when you talk about this is what happened to somebody notice community, this is what somebody in the community says happened to them it makes it more real why we have this system in the first place. There's very, very few examples of that and I can Debbie mentioned already they used to list under the review committee the details of all the appeals they heard. What was the case about? They don't do that anymore and I don't know why. On the upside. They didn't even note the reason they had, one of the reasons they had so many more appeals this year is that the ipr director after she was hired agreed to start putting the appeal forms in with the disposition letters, something we have been complaining about for years and she did it and now the crc is hearing more case. So again we want to give them credit where it's due and that's one of the good things we appreciate. The ipr report continues to talk about how they have the ability to do independent visions even though we all know that's never been done and I think it's just misleading to leave that fact hanging out there without also noting it still has never been done. And we have a number of questions and concerns we raised in the longer report. One of the things that we have recommended in the past was that they put a table of all the recommendations in the annual report which other jurisdiction do that say, whether it was adopted or not by the bureau and that might satisfy some of the council's questions.

Adams: I, too, would ask, there arrest few people in the nation I have to believe that are ass knowledgeable about these kinds of issues, not only our local version but others, and if as well welcome your thoughts on how do we kemp success. It's, I had my sister look at this. And asked her what she thought. She could not tell, I mean, she couldn't get any sense of, because some graphs show great improvement but there seems to be a lot of concerns still expressed. I think we need to communicate, I think we need to get to the point where we decide what we are aiming for here. I would ask for your input as well. Thanks. Hi.

Damos Abadon: Thanks for having me over today. Mayor Adams, commissioners, I only need a couple of minutes. I just had a brief concerns and questions I wanted to address to you. But mainly to ipr. Ipr mentioned that they do, that many complaints are usually resolved within 150 days. Was there not that too short or too long depends on cases but I would also like to know if ipr maintains, could maintain contact with those who complain as well. Many times people are having to call them, you know, and just either get a voice mail, hopefully someone will call them back. And people are all along just wondering what may be going on. So if ipr could also maintain contact with people who have set out complaints that would be highly appreciated. Also if ipr staff, as their name might apply, independent police review, or if they are able to conduct interviews or make contact directly with officers against whom complaints had been made, independent of internal affairs or those officers' direct commanders and also mayor Adams, as since you have taken on the direct role of police commissioner, how might you regard or address future instances of police conduct, police abuse, particularly some of them where egregious or public cases which would definitely draw your attention more. It would be nice -- I would definitely love to see you get on top of these things, and address them more publicly and take a more hands-on approach, you know, as well. Earlier in the year, many people made comments that the mayor of Portland didn't really address the recent killing of Aaron Campbell until Jesse Jackson came into town and it wasn't until then that many people you addressed it as well as Saltzman in a real public way. Whether or not that may be the case, actually, that is the perception that a lot of people do have. So I would just like to see the commissioners get on top of these things more. And a more direct and more public way. And that's what I had to say about that. As well as regarding independent police review. Thank you.

Adams: Thank you very much. Appreciate your testimony.

Fritz: Give us your name, please.

June 30, 2010

Abadon: Damos abadon.

Fritz: Thank you she much.

Adams: Anyone else wish to testify? Ok. This is a report. I will entertain a motion to accept the report.

Fritz: Could I just ask a question? I move to accept the report.

Adams: It's been moved and seconded to accept the report. We will now have discussion on that.

Fritz: Could I just ask staff a question?

Adams: Of course. Which one? Take your pick.

Fritz: Well, I am interested in your response to some of the suggestions that we heard to add some more, add back details. I recognize the need to make it easy to read but --

Baptista: I can -- the break down by precinct is one that we will bring back. That's important to the bureau, it was important to the community. The reason we didn't have it in this report was because of the precinct reconfiguration. The data just wouldn't have been comparable and it just seemed to make more sense to just take a break from that for a year. Regard, the summary of appeals, I looked at that again because I believed that we did put more information in there than we actually ended up, ended up on the cutting room floor, if you will. I think it's because we had so many that began in 2009 but weren't resolved until early this year that most of them were really brief. But we will be sure to add more content to those because I do think those are important for the community to see which cases are being appealed. And as for I believe the allegation break down by complainant, there were certain, there were certain graphs that combined other graphs within the report, and those were the ones we tried to eliminate. Those that had multiple moving parts. So what we tried to do was give all the data. Some of the ways we had graphs in there to compare two or three different graphs, were confusing for the graphs themselves. Required a lot of explanation and text. And so those were the ones we tried to remove. So although some were, are obviously missing, the data, those included in that we tried to make sure at least somewhere that data was reported. But we will again, you know, we anticipate that next year's annual report is going to look very different than this year's annual report. Basically based on all of the significant changes that have been made to ipr that need explaining. And it will be, I think it will have an entirely new set of data points and problems that we are going to have to address because of how we change the system mid-stream, too. So we are constantly working on improvement. We have no problems with being back to the commissioners, to the mayor, to the community, to crc to say what did you like or not like about this report and try again. We are open to survey improvements. We were going to take that on last year. That was much discussion last year, the annual report, but frankly with all of what we ended up doing in 2010 that was clearly put on the back burner. But I was confident that would be raised again and we are going to look into better survey research methods.

Fritz: Can the citizens do the survey online? Or is it just --

Baptista: No, we can't. That's one of the things we were going to look at. That was one of the things we were going to look at, because we know that there's many, you know, survey monkey and all these kind of new media that's able to be more accessible.

Fritz: I know I have to get something in to an envelope with a stamp to the mailbox it's much less likely.

Baptista: Frankly, I think we haven't done an analysis on this and I know I shouldn't say things we don't have real numbers on but it feels like a lot of pop litigation that we are working with don't have a stable address and the email is a more and more previous lent with how we communicate with people.

Fritz: Can people appeal online?

Baptista: Yes.

June 30, 2010

Fritz: Thank you. There was one final suggestion about putting a table in the annual report with the recommendations of policy changes and what happened with those. Can we do that?

Baptista: That sounds like a good idea.

Fritz: Thank you.

Leonard: Mr. Mayor, I have a question. The issue of aaron campbell came up. And I am curious if there is any process going on in ipr relative to the circumstances that led to that incident.

Baptista: Any processes going on in ipr?

Leonard: Are you guys doing anything similar to what is being done in terms of the independent review of the chase procedure at the bureau? Is it too early to do that? Is there some point at the future where you might?

Baptista: Right. Well, as to what we are doing with all of the officer involved shoots and in custody deaths we are participate insuring the ongoing investigations of these cases and tracking them. I did not participate in any, have not participated in any of the interviews in that particular case. But we clearly monitoring it and participating in checking it with iad. We discussed it this morning, for example, as we discussed the subsequent two officer involved shootings and in-custody deaths. We -- every week we meet with internal affairs. I go through assistant director is really most helpful with that. Looks where the cases are that are past due and we have an agenda every week and we go through each and every one ever them, why they are past due, where they are, what we can expect next and we track them every week and the officer involved shootings are no exception. We do the same.

Leonard: In that particular case the concern that I had at the time and I was -- I publicly commented that just from what was available on the public record, including the letter from the grand jury, that it drew me to the conclusion that there was a pattern of a break down in the incident command system at the police bureau in at least two shootings where suspects were both killed in nearly identity al circumstances, that being that the shooter, the officer, was not on either the same radio frequency as command was, or the hostage negotiator, or the officer removed the ear piece. So there's been so much go on between now and then but I have kept it in a tickler file to find out if, first of all, if that is a concern that's been raised at the police bureau, and, second, what is being done to address the issue of what appears to be a lack of adequate training of officers in the incident command system, how it works, how it's supposed to work and this kind of where we are at in that particular incident.

Baptista: Well, it's difficult for me to comment on an ongoing investigation. But I can certainly say that the grand jury letter provided us a very good road map of areas that we need to address and the captain and I have had this specific discussion about really looking and knowing where the community concern is and being sure that the investigation answer those community concerns as well. I'm sorry.

Leonard: I am obviously interested in that but I am also very laser focused on what I have identified at least from my perspective as was to at least a minimum major contributing cause to that. And I am just curious if that issue is being focused on as parts of any discussion. I don't know that it's so much of an investigation as training issue.

Baptista: Training does an in depth analysis as well and I think that this provides them a road map of the things that they need to look at as well. But at this point we are in the process of working, you know, working together to complete this investigation so it can go for findings and have a full hearing at a review board. After that is done, we obviously with a new ordinance we maintain that responsibility to hire an expert of officer involved shootings and in custody reviews and I think what you are speaking to is exactly that. That when we look at when that expert comes in and reviews that, that this case, will obviously compare it to previous recommendations of park whether it's park that does it again or not, they will look at previously recommendations of the bureau and

June 30, 2010

determine whether or not they complied with, followed or were up to par with those recommendations.

Leonard: And I would be interested in that. But I guess I am more concerned that, I mean, I suppose as the commission inner charge of fire, if we had an incident tonight that there was a major fundamental break down I wouldn't want to wait until somebody hire and expert to come back. I would tomorrow morning say, it appears we need to gather all the troops and start doing some training today. My -- I guess this is so much a question to you as it might be to the police commissioner, I am just curious and would like to have the opportunity to, with the appropriate person, find out to what extent the bureau recognizes that is at least a major contributing factor in that case and one other and to what extent they are taking measures now before we go as long as it will take to actually have an exhaustive review to have at least addressed the training issues that are the identified that I think are kinds of fundamental things that need to be done long before we get do a conclusion of an investigation.

Baptista: I think my role at ipr is to make sure that those issues are addressed once r- once those issues are addressed I think that is the issue for the police bureau to have that conversation.

Leonard: Right, right.

Adams: We in the seven weeks I have been police commissioner, we have had, I have had discussions on this very issue because I share the, shared the concern just based on what the descriptions in the mass media were, and the review of this particular, the campbell case will be out by the end of august. It was chief sizer set a goal of having it available at end of june but we are going to it is going to take two extra months and the bureau has -- part of the two extra months is the bureau, in addition to the short-term changes and reforms they have made, is bringing an outside expert to look at the case itself from a logistics and protocol and training point of view.

Leonard: So what the council will be briefed on the conclusions that are reached and any recommendations made or changes in protocol?

Adams: We will be getting out the chief has to recommend to me what the -- if any discipline and what the discipline might be, and then --

Leonard: That's not what I am talking about.

Adams: But we can't --

Leonard: I am talking about more of procedural, not even ascribing personnel blame. I am saying that when I am.

Adams: I understand.

Leonard: More of the what appears to be a lack of training in some basic incident command protocols that seems to have led to two incidents that the suspects were killed in. And I am less concerned about individual officers involved than I am the bigger picture ever the bureau somehow addressing that training issue that, you know, when incidents occur, here's the protocol you have expected to adhere to this protocol. And so on. I am more curious about at the appropriate time, having an update. And I don't know whether that's to the entire council or each us individually that that issue has been identified and then successfully addressed throughout training processes.

Adams: Base on the discussion that I had with the chief today, and I have still need to dig into it a little further, the next 40 days or so will help answer not just for the sake of any disciplinary but also for the sake of, are there issues? What are the issues and then the spirit of continuous improvement just like how do we improve constantly improve when it was done absolutely perfectly, quote-unquote, to policy and protocols, clearly, we need to improve. And so we will be happy to provide any individual briefing to make sure we have captured all the possible questions anyone on council might have but there will be recommendations for, there have been changes already since I have been police commissioner. I think commissioner Saltzman made some immediate changes as well. And they will continue as we get more information. We will get more information in the next 40 days.

June 30, 2010

Leonard: I will welcome, if you want to direct the appropriate person to give me a briefing on what they have identified as the issues. Because this is something that I have flagged as a concern that I think has to be addressed sooner rather than later.

Adams: Good. I agree. Be happy to make that happen. Nipping else? Karla, please call the vote.

Griffin-Valade: I'm sorry. I did want to answer one of mr. Handelman's questions and this is about the review of all of those very old in custody deaths and officer involved shooting cases. I, too, have been very concerned about that and we are in the process of developing the rfp for that. And are moving forward. And we are hoping to catch up with all of those cases in the recognition that the lessons from those particular incidents need to be more reviewed in a more timely fashion can, much sooner after they occur so that information can be more relevant to the public and to the police bureau.

Adams: And part of that discussion that we need to have is the legal advice we get, the ability to speak sooner without all necessarily all and every fact nailed down, just implicit in your question, commissioner Leonard, being able to make improvements before absolutely everything possibly can be known is known. And I think there's some good, important policy discussions related to legal risk that I would rather us be more open sooner with what goes well, what doesn't go well, even if it presents us potentially, and I underscore potentially with more legal risk. I think the communication is more communication earlier is what's needed.

Griffin-Valade: Great.

Adams: All right. Thank you all. Call the vote.

Saltzman: Good report. Thank you for the testimony. Aye.

Leonard: I have grown to appreciate what a tremendously difficult subject public safety is and under that banner, oversight of the Portland police bureau. And I have, and I have grown to appreciated that more because of the work that I started doing late last year with our new auditor, and got to know the ipr director and the people that work in that office better. I have been very impressed with each of their dedication to the principle of checks and balances. Our government is founded on a basic principle of check and balance, and in this form of government, you have the council to be a check and balance to the police bureau, then we have in addition to that the elected auditor who has the ipr that I am increasingly impressed with as I work with providing an effective check and balance. And it's just a very, very tough balance to achieve. And I appreciated that more and more especially because of the group that we have created as a result of the council adopting unanimously the improvement ipr ordinance which gives more authority to the ipr to oversee the police bureau and conduct investigation and participate in investigations. And it's just clear to me that everybody, myself included, comes there with different backgrounds and different reasons for being there. But I guess I can only speak for myself and say what I am trying to achieve is this balance in police oversight, where we can, for an for example, prevent from ever happening a tragic circumstance such as the james campbell shooting which the city attorneys don't like me talking because they don't like the auditor discussing the chase case before it's concluded but I think it's part of our responsibility as elected officials when we see something that we think is wrong to say that it's wrong and I think the circumstances that led to james -- james chase's death were wrong and I think the circumstances that have led to other deaths, and I don't want to confine those -- my concerns with one case by just naming one and missing others but there are circumstances that people in this community have been injured or died that are wrong. And but I don't think that that is an indictment of the entire police bureau, the command system, the men and women who day in and day out are out in the streets to try to protect us. So the balance is, how do you prevent those kinds of things happening by having an effective oversight and effective check and balance and then on the other hand, how do you make sure you don't create a culture in the police bureau that tips the other way where at a moment of decision, when a person's life lies in the balance, or maybe even a police officer lies in balance, they hesitate and he they hesitate because of all the questions that

June 30, 2010

ensue afterwards. If my what the balance was I would tell you what that is right now and I can't -- i'm not a that place to find it but I think working through this citizens committee that is trying to make recommendations to the council on possible further items that we might adopt for oversight of the police bureau, hopefully we will find that and we will find that. But I will tell you that's what I struggle with as I go through that process as what I have become increase leak impressed with on the part of ipr because I know they think about that same thing as well. And I hope, I hope the community, no matter what side of this issue, appreciate that struggle for that balance as well because at end of the day, when we're, when we need help from our police we don't want them to hesitate. They want them to help us. Having said that that's what we want. We want them to help us, not to bring undue harm to a situation that doesn't require that. So that's a very long explanation to get to the place where I say that I appreciate this work and I appreciate the ongoing work of the auditor and ipr director and all of the members of ipr and I also appreciated the new approach that the police bureau is taking to these questions. And these issues which is frankly very, very refreshing. Aye.

Fritz: Well, this is the independent police review staff report, and recommendations, and I appreciate the work that ipr has done. I particularly appreciate mary beth baptista and your whole team and the way that you are acting as a team including the council of the collaborative member of your team and I also thank the citizens for especially debbie and dan who have been to countless meetings over many, many years and give us great advice and good analysis and I really appreciate and I hope you have heard the response to your recommendations and the facts that you two are contributing to the process improvement that we are all aiming for. Going back to staff, the police and the staff and office of human relations and office of neighborhood involvement's crime prevention and as commissioner Leonard referred to do fire responders and the folks the bureau of emergency communications who dispatch them there's a lot of folks who are involved in how we take care ever people having problems in our community. There's our partners at Multnomah county with project respond and the crisis intervention line, and there's many of these issues are not single issues. They are all connected and the council is working very much on those. And so my third group to thank is the elected officials, the auditor and the council members, who, we have had four hearings on either ipr or independent police review or the citizens review committee since we adopted the changes to independent review process on march 31st. When we had the hearing on march 18th and the second on march 31st we heard some concerns that this was going to be another, we just do it. We walk away, we counts it good and go on our merry way. It is clear to me that is not what we are doing here. We have a renewed committed to our partnerships working with community and police relations at the office of the human rights commission and with other community partners and with people who consider themselves independent, we are all thin together and we ale want to figure out solutions and I think that the data in here, while I agree we need more information, that we need more details and the things that have been discussed, the mayor has pushed for databased practice and for evidence and outcomes that we can look at and be sure of, in addition to do we feel comfortable calling 9-1-1 and do we see the improvement that we are all striving for? Some of the things that we are going to feel in our hearts and there's other things we need to see on the paper and we have a commitment to both of those things. So I appreciate the making sure this hearing was notice evening. It was an opportunity for the galleries both to be filled tonight. And the fact that you took the time to come down here, a lot of other folks didn't feel the need, with a need for a lot of extra citizen pressure at this time, is comforting to me. But we have citizens diligently working on this all the time. And that you, I hope, the citizens are understanding that the council is committed to working on this all the time, with the auditor as well. And we are in the process of continuous improvement. Aye.

Adams: Well, I want to thank lavonne griffin-valade, our auditor, and the I am team for their ongoing work on a very difficult and incredibly important aspect of city government. I want to

June 30, 2010

thank the crc for their ongoing service and for the key stakeholders has been mentioned and new stakeholders, long time stakeholders and new stakeholders for your work on this process. I encourage you to do more analysis. In addition to the reporting. And I look forward to being part of a city council that, you know, takes the opportunity to define what kind of, what do we want in peace keeping? What do we want in crime prevention and law enforcement? And not just report the statistics and not just report the numbers but report them against a standard that we set as a community, a measure of success. So it's going to be hard given the complexity of the nature of this kind of work. But we need to do it and I look forward to working with you on that. Aye. [gavel pounded] so approved. We are adjourned.

Moore-Love: We need to have the motion for the West Hayden Island meeting at 6:00 p.m., july 29th.

Adams: So moved.

Fritz: Second.

Adams: I take that back. We are unadjourned unless there's objections. Please call the vote.

Saltzman: This is on having the hearing on the evening of july 29th?

Moore-Love: Yes, july 29th at 6:00 p.m.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. Approved. We are adjourned.

At 7:20 p.m., Council adjourned.