



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30<sup>TH</sup> DAY OF NOVEMBER, 2011 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5. Mayor Adams left at 11:50 a.m. and Commissioner Fritz presided.

At 10:43 a.m., Council recessed.  
 At 10:47 a.m., Council reconvened.

At 11:40 a.m., Council recessed.  
 At 11:45 a.m., Council reconvened.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraquirre, Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<p><b>1243</b> Request of Polly Waller to address Council regarding 4% for the Indigent proposal (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>1244</b> Request of Jeffrey Bernards to address Council regarding State ballot initiative to ban use of studded tires (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>1245</b> Request of Moses Wrosen to address Council regarding Occupation Movement (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>1246</b> Request of Jerry Dusenberry to address Council regarding recognition of former Portland Police Officer, Mickey Pease, founder of PAL Boys Club (Communication)</p>	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>	
<p><b>1247 TIME CERTAIN: 9:30 AM</b> – Combined Sewer Overflow Program Final Report (Report introduced by Commissioner Saltzman) 30 minutes requested</p> <p><b>Motion to accept the report:</b> Moved by Mayor Adams and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<b>ACCEPTED</b>

<p><b>1248 TIME CERTAIN: 10:00 AM</b> – Recognize Oregon’s sixth Poet Laureate, Paulann Peterson, for her dedication to the teaching of poetry and art (Resolution introduced by Commissioner Leonard) 45 minutes requested  (Y-5)</p>	<p><b>36888</b></p>
<p><b>1249 TIME CERTAIN: 10:45 AM</b> – Tentatively deny the appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett and uphold the Hearings Officer's decision with modifications to approve with conditions the application of Recology Oregon Material Recovery, Inc. for a conditional use to establish a waste-related use that accepts and processes food waste that is blended with yard debris, within a fully enclosed building at 6400 SE 101st Avenue (Findings; Previous Agenda 1205; LU 10-194818 CU AD) 5 minutes requested  <b>Motion to deny appeal and adopt the findings:</b> Moved by Mayor Adams and seconded by Commissioner Fish.  (Y-4; N-1 Leonard)</p>	<p><b>FINDINGS ADOPTED</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p><b>Mayor Sam Adams</b></p>	
<p><b>1250</b> Reappoint Martha Bailey, David Grant and Stan Tonneson to the River Community Advisory Committee for 3-year terms to expire October 31, 2014 (Report)  (Y-5)</p>	<p><b>CONFIRMED</b></p>
<p><b>1251</b> Appoint Debra Haugen and reappoint Richard Griffin and Ed Ferrero to the Towing Board of Review for terms to expire September 30, 2013 (Report)  (Y-5)</p>	<p><b>CONFIRMED</b></p>
<p><b>*1252</b> Authorize a grant to provide All Hands Raised, formerly the Portland Schools Foundation, \$235,000 for support of the Cradle to Career Partnership (Ordinance)  (Y-5)</p>	<p><b>185009</b></p>
<p><b>Bureau of Transportation</b></p>	
<p><b>1253</b> Set a hearing date, 9:30 a.m. Wednesday, January 4, 2012, to vacate NW Irving St between NW 4th Ave and NW 5th Ave (Report; VAC-10077)  (Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>*1254</b> Authorize a Supplemental Intergovernmental Agreement with the Oregon Department of Transportation to administer the design and construction of the N Killingsworth St Phase II project (Ordinance)  (Y-5)</p>	<p><b>185010</b></p>
<p><b>1255</b> Designate a portion of City property controlled by the Bureau of Environmental Services and Portland Parks and Recreation located at 6926 NE 47th Ave as public right-of-way and assign it to the Bureau of Transportation (Ordinance)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1256</b> Extend the date of the privileges for regular disabled parking permits (Ordinance; amend Code Section 16.20.640)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>Office of Management and Finance</b></p>	

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<p>1257 Accept bid of Mega Pacific Co. for the Flavel Maintenance Yard for \$1,727,300 (Report - Bid No. 113480) (Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p>*1258 Authorize six Professional, Technical and Expert contracts for on-call technology quality assurance services (Ordinance) (Y-5)</p>	<p><b>185011</b></p>
<p>1259 Create the classifications of Arborist I, Arborist II and Arborist IV and establish a compensation rate for those classifications and the classification of Arborist III (Second Reading Agenda 1221) (Y-5)</p>	<p><b>185012</b></p>
<p style="text-align: center;"><b>Commissioner Randy Leonard Position No. 4</b></p> <p style="text-align: center;"><b>Water Bureau</b></p>	
<p>1260 Authorize the Water Bureau to execute grants for a pilot project to fund water efficiency projects for non-residential commercial accounts (Second Reading Agenda 1222) (Y-5)</p>	<p><b>185013</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish Position No. 2</b></p> <p style="text-align: center;"><b>Portland Parks &amp; Recreation</b></p>	
<p>*1261 Authorize acquisition of real property adjacent to Raymond Park for park purposes (Ordinance) (Y-5)</p>	<p><b>185014</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman Position No. 3</b></p> <p style="text-align: center;"><b>Bureau of Environmental Services</b></p>	
<p>1262 Authorize a contract with CH2M HILL Engineers Inc. for the Tryon Creek Wastewater Treatment Plant Facilities Plan for a total not-to-exceed amount of \$1,062,524 (Ordinance)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p>1263 Amend contract with PB Americas, Inc. for additional work and compensation for the Portsmouth Force Main Odor Control Project No. E08927 (Second Reading Agenda 1224; amend Contract No. 30000641) (Y-5)</p>	<p><b>185015</b></p>
<p>1264 Amend contract with Emery and Sons Construction, Inc., for additional work and compensation for the Fanno Basin Pump Station Force Main: Garden Home Section Project No. E09115 (Second Reading 1225; amend Contract No. 30001207) (Y-5)</p>	<p><b>185016</b></p>

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<p><b>1265</b> Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Eastside Combined Sewer Overflow Communication and Control–Outfall 46 Project No. E10223 through the exercise of the City's Eminent Domain Authority (Second Reading Agenda 1226)</p> <p>(Y-5)</p>	<p><b>185017</b></p>
<p style="text-align: center;"><b>Office for Community Technology</b></p>	
<p><b>1266</b> Extend term of a franchise granted to AT&amp;T long-distance to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 162822)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1267</b> Extend term of Chevron USA franchise to transport petroleum products by pipeline (Ordinance; amend Ordinance No. 164748)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1268</b> Extend term of Kinder Morgan Cochin LLC franchise to transport petroleum products by pipeline (Ordinance; amend Ordinance No. 164747)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1269</b> Extend term of a franchise granted to Level 3 Communications, LLC to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 173930)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1270</b> Extend term of Olympic Pipe Line Company franchise to transport petroleum products by pipeline (Ordinance; amend Ordinance No. 162012)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1271</b> Extend term of a franchise granted to MCI Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170954)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1272</b> Extend term of a telecommunications franchise granted to Qwest Communications Corporation to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 171914)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1273</b> Extend the term of a temporary revocable permit granted to Qwest Corporation to build and operate telecommunications facilities in City streets (Ordinance; amend Ordinance No. 175757)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1274</b> Extend term of Southern Pacific Pipe Lines franchise to transport petroleum products by pipeline (Ordinance; amend Ordinance No. 155742)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1275</b> Extend term of a franchise granted to Sprint Communications Company, LP to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 172141)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>

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<p><b>1276</b> Extend term of a revocable permit granted to TCG Oregon to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 173990)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1277</b> Extend term of a franchise granted to WCI Cable to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 172750)</p>	<p><b>PASSED TO SECOND READING DECEMBER 7, 2011 AT 9:30 AM</b></p>
<p><b>1278</b> Grant a franchise to Astound Broadband, LLC for telecommunications services for a period of ten years (Second Reading Agenda 1135) (Y-5)</p>	<p><b>185018</b></p>
<p><b>1279</b> Extend term of a franchise granted to 360networks (USA), inc. to build and operate telecommunication facilities within City streets (Second Reading Agenda 1228; amend Ordinance No. 172864) (Y-5)</p>	<p><b>185019</b></p>
<p><b>1280</b> Extend term of a franchise granted to Electric Lightwave, Inc. to build and operate telecommunication facilities within City streets (Second Reading Agenda 1229; amend Ordinance No. 170283) (Y-5)</p>	<p><b>185020</b></p>
<p><b>1281</b> Extend term of a franchise granted to McLeodUSA Telecommunications Services, Inc. to build and operate telecommunication facilities within City streets (Second Reading Agenda 1230; amend Ordinance No. 175061) (Y-5)</p>	<p><b>185021</b></p>
<p><b>1282</b> Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. to build and operate telecommunication facilities within City streets (Second Reading Agenda 1231; amend Ordinance No. 169230) (Y-5)</p>	<p><b>185022</b></p>
<p><b>1283</b> Extend term of a franchise granted to Metromedia Fiber Network Services, Inc. to build and operate telecommunication facilities within City streets (Second Reading Agenda 1232; amend Ordinance No. 175162) (Y-5)</p>	<p><b>185023</b></p>
<p><b>1284</b> Extend term of a franchise granted to tw telecom of Oregon llc to build and operate telecommunication facilities within City streets (Second Reading Agenda 1233; amend Ordinance No. 171566) (Y-5)</p>	<p><b>185024</b></p>
<p><b>1285</b> Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Second Reading 1234; amend Ordinance No. 175062) (Y-5)</p>	<p><b>185025</b></p>

**REGULAR AGENDA**

**Mayor Sam Adams**

**Office of Management and Finance**

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**1286** Accept report of General Fund Overhead Advisory Committee and adopt recommendations (Resolution) 20 minutes requested

**Motion to amend Exhibit 4 to increase HR Police Services to 4 FTE:**

Moved by Commissioner Leonard and seconded by Commissioner Fritz.  
(Y-4; Adams absent)

(Y-4; Adams absent)

**36889**  
AS AMENDED

At 12:07 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30<sup>TH</sup> DAY OF NOVEMBER, 2011 AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:04 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Jim Van Dyke, Chief Deputy City Attorney; and Greg Goodwind, Sergeant at Arms.

	<b>Disposition:</b>
<b>1287</b> TIME CERTAIN: 2:00 PM – Accept Report on Recommendations Regarding the Portland Police Bureau (Previous Agenda 1238; Report introduced by Mayor Adams) 1 hour requested for items 1287 and 1288.	<b>CONTINUED TO DECEMBER 8, 2011 AT 2:00 PM TIME CERTAIN</b>
<b>1288</b> Establish the authority for the Citizen Review Committee to make policy recommendations directly to the Portland Police Bureau, increase the length of term served by Citizen Review Committee members and clarify procedures of the Citizen Review Committee in hearing appeals from community and bureau members (Previous Agenda 1239; Ordinance introduced by Auditor Griffin-Valade; amend Code Chapter 3.21)	<b>CONTINUED TO DECEMBER 8, 2011 AT 2:00 PM TIME CERTAIN</b>

At 3:39 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.

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**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.

**NOVEMBER 30, 2011      9:30 AM**

**Adams:** Good morning everyone and welcome to the city council chambers. In just a few minutes I'll be gaveling us into official order after we call the roll. We though have two very important acknowledgments to make prior to undertaking the cities business. Before I do that, the rules of the chamber are; if you're a lobbyist you need to declare that you are a lobbyist, either for some sort of organization, or business. When you introduce yourself, if you've signed up to speak or you are speaking at the mic. We also need your first and last name. We do not want your address. We do not want your phone number, we do not want your email address either. If you like something, you're welcome to put your thumbs up. If you don't like something, you're welcome to put your thumbs down. But there's no clapping, there's no burping, there's no noise in response to any testimony. I facilitate the chamber in a manner that all views are welcome and encouraged. So with that, I'd like to start by acknowledging the fact that we lost a member of the mayor's extended staff team and more importantly, the city lost a great Portlander on Saturday to an unexpected completely surprising heart attack. His five children, his parents and Dana, are all grieving as we are for his loss. Rob Ingram served in a number of positions in the city, and most recently as the director of the mayor's office of gang violence reduction, he also had worked for commissioner Saltzman and for mayor tom potter. So if you could join me in a moment of silence for the passing of Rob Ingram. Thank you. I'd like to recognize Commissioner Dan Saltzman.

**Saltzman:** Thank you, mayor. On tomorrow, December 1st, the flag of the city of Portland will be lowered to honor 13-year-old Julio Marquez who died from homicidal violence. Julio was a student at the David Douglas school district, he skate boarded for three years, on the east Portland community center's skate team, where he showed talent and a positive upbeat attitude. We are saddened that the community has lost a young person to a senseless act of violence. Julio's story reminds us that each child is a child of the community and we need to take care of all of our children. Our thoughts are with his family, friends and loved ones during this difficult time. This is the ninth time that we've lowered the city flag since April of 2009, to honor our children. Today, we're joined by Santigi Fofana-Dura, who runs the skateboarding team at the East Portland Community Center. Santigi, if you would like to come up and say a few words.

**Santigi Fofana-Dura:** My name is Santigi Fofana-Dura and I knew Julio for a couple years. And he was a really good kid and it's unfortunate what happened. I've been talking with other people on the skate team about this and there's been a lot of sadness, but at the same time, we got to be strong and keep moving on because there's more kids out there and this situation can happen again, and so there's a lot of people in this building and in this city that have the power to help with what's going on and I just want to bring the message from all the people over there that we just want peace and that's just what we want. We just want peace and help. Thank you.

**Saltzman:** Thank you. And then I would ask we would have, also, a moment of silence in honor of Julio Marquez. Thank you.

**Adams:** On a more cheerful note, I don't think that the morning session should pass without acknowledging the fantastic work of Commissioner Randy Leonard and the amazing success at keeping Bull Run water, Bull Run water. Thank you, commissioner. Congratulations and your team. You can clap on this one. [applause] [gavel pounded]

**Adams:** The city council will officially come to order, today is Wednesday November 30th, 2011, it's 9:30 a.m. for morning session.



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**Adams:** How are you, Karla?

**Moore-Love:** I am well, thank you.

**Adams:** Are you enjoying the fall colors?

**Moore-Love:** I am.

**Adams:** could you please call the roll? [roll call]

**Adams:** A quorum is present we shall precede beginning with communications, can you please read the title for 1243.

**Item 1243.**

**Adams:** Polly Waller. Hi.

**Polly Waller:** Hello.

**Adams:** Welcome to the city council.

**Waller:** Thank you. Good morning, my name is Polly Waller. Thank you, Mayor Adams and city commissioners for this opportunity. I come today by myself but with the support and encouragement in Portland from family, friends, neighbors, business owners, educators, clergy and people I've met on our streets and shared this proposal to address homelessness. Proposed is a mandate to use 1% of building construction budgets for new and remodeled commercial and public buildings in the metropolitan region to create rest and shelter space for homeless people. The idea is modeled after the 2% for the arts program, reasoning that if our aesthetic pleasures deserve 2% of building construction budgets, basic human rights deserve even more. However, yesterday, I met with a key downtown business owner who was supportive of the idea, but advised starting small and growing from there. The 4% that appears on the agenda is revised to 1%. The mandate would cover buildings in the metropolitan region and includes supervised inside space separate to itself that would provide a place for people who had nowhere to go. As budgets would allow, it could be anything from a stand, sit and rest room, to full facilities of a shelter space with bathroom, shower, kitchen and sleeping spaces. Supervisors for managing health and safety concerns within the shelter space could be trained from those who use the space to maintain a healthy environment. I hope to see this program federally mandated in the future with matched federal funds that are annual to create a more sustainable program. The mandate includes commercial buildings as I believe business plays an important role in creating the equity for citizens the Portland community wants. By physically giving space for those who have the least, the widening economic gap affecting us all and leaving the poorest stranded is lessened. Improving the lives of the indigent citizens improves the quality of life for the whole community, and will strengthen the economic structure in general. In the philanthropic spirit of Simon Benson who provided public drinking fountains in 1912 to quench the thirst of loggers so they wouldn't go to the taverns, and my great, great, great grandfather, Mathew Patton, who gave a block of land for the first home for the aged and poor in 1888 which was developed into the Patton home on Michigan street in north Portland, Portland should become a model for the nation by initiating the 1% for the homeless program. I hope to return the signed petitions for the 1% for the homeless. Thank you.

**Adams:** Thank you very much. And if you wouldn't mind on your way out, commissioner Fish's office is over there and they have, I think, some useful information that would help and aid in your efforts. All right. Can you please read the title for 1244.

**Item 1244.**

**Adams:** Good morning, welcome. Welcome back.

**Jeffrey Bernards:** Thanks. I'm not here about the crc today. But similar.

**Adams:** Transportation, I hope.

**Jeffrey Bernards:** Yea. Oh, all the way. So my name's Jeff Bernards, I'm with [preservingoregonroads.com](http://preservingoregonroads.com) in case you want to visit our site. And so, I have been trying to work with my legislator for years, to figure out why nothing is being done about studded tires, so after much research, I found out that special interest has been blocking it and here in the Portland area, 90% of us don't use them, the road damage we see out there is caused by 10% of the people and on

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the legislative fact sheet they had a bill in front of the legislatures last session and the legislative fact sheet used Portland as the model and said, a new road in Portland should last 12-15 years with studded tire use it's cut in half, it's cut to 7. A concrete road, should last 35 to 40 years, with studded tire use, it's 15 years. But the current state of the budget with PDOT I think it's in our best interest that we all sign on to stopping this damage. It's only caused by 10% of the people. They make a new stud-less snow tire that outperforms studded tires. The studded tire is not a snow tire, it's an ice tire, which is 1% maybe of our driving conditions. And if it's that nasty out, it would be better for people to stay home the one day than drive for 150 days with studded tires. I was out gathering signatures at the public library on November 2nd, someone drove down 10<sup>th</sup> avenue with studded tires, it was sunny out. I think it's been a little overkill and I think it's an issue that we need to talk about and not just ignore and it's been ignored by our legislatures. In 1974 ODOT wanted to get rid of studded tires, it's been that hot a topic. And I had a little free time and I thought, I'll do this, you know. Now I realize what a job you guys have. I have one issue; you've got about 10 on your agenda every day. I thank you for doing the job that you do. I mean I have my haters out there but you know, we need to change and use the new technology tire. I think it will save our roads, save our budgets and allow for safer driving conditions because the ruts that are created fill with water and my little car hydroplanes down the road. I just did, I was with the Columbia County Democrats, I drove out to St. Helens yesterday, that road is ruined, and there is no money to fix it. So I think that saving money is just as important as finding new money to build roads, I think we can save a lot of money by doing that, because some of the estimates are \$50 million a year in road damage. Well that was based on 20-dollar oil. Oil is \$100 a barrel. It's not going to be \$50 million in damage every year; it's going to be a lot more. So, anyway, thanks for your time and that was [preservingoregonroads.com](http://preservingoregonroads.com).

**Adams:** Thank you for your work. Appreciate it. Can you please read the title for item number 1245.

**Item 1245.**

**Adams:** Mr. Wrosen. Mr. Wrosen. Alright, can you please -- oh, that gets us to the -- can you please read the title for communications item number 1246?

**Item 1246.**

**Adams:** Welcome.

**Jerry Dusenberry:** Thank you. Good morning. My name is Jerry Dusenberry and each one of you should have received a packet from me about a week ago, relative to my purpose and intent before the council. Excuse me. I am requesting your favorable consideration relative to memorializing and recognizing an outstanding public servant of years past. Mickey Pease was pretty much a one-man show in founding the PAL Boys Club, currently 92<sup>nd</sup> and SE Harold street, known as the Waddles Boys and Girls Club now. The city has recognized other outstanding civil servants, public individuals that have contributed significantly and measurably to the community and unfortunately, Mickey has been overlooked over those years and I think that's a travesty. As a matter of fact I'm embarrassed, I'm chagrined in that I've not addressed this much earlier. But his legacy continues. Mickey has helped many, many thousands of young people in the decades of the 1950s. We had a very sad memorial this morning about this 13-year-old youngster. That was his intent, to save, to salvage, to help a lot of kids. He provided a home away from home. He was an inspiration. Mickey was not only a Portland police officer, he was an inventor, a hucksman if you will. He designed a traveling show so the kids could put on entertainment to various functions, a trampoline activity, weight lifting and so forth. And this is how he helped fund the boys club back then. Mickey is the quintessential epitome of the cop and the kid illustrated and epitomized by Norman Rockwell's paintings. So, it's not too late. I again, request that the council establish some kind of recognition for him. There is some seed money, as we indicated, to promote this endeavor. If there's any questions, I'd be happy to try to answer them.

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**Adams:** Well just a thank you for spending your time to come here to city council to remind us of someone who very quietly provided what is a much-needed service for east Portland, we appreciate it very much.

**Saltzman:** I would add my chief of staff serves on the board of the police activities league and we'd be happy to look into some sort of future recognition of Mickey.

**Dusenberry:** Great.

**Saltzman:** We'll work with you.

**Dusenberry:** Thank you.

**Adams:** All right. That gets us to the consent agenda. Does anyone wish to pull any items from the consent agenda? Karla, would you please call the vote on the consent agenda?

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

**Adams:** Aye. [gavel pounded] consent agenda's approved. We have three time certain. Can you please read the first, which is a report to council item number 1247.

**Adams:** Commissioner Dan Saltzman.

**Saltzman:** Well thank you Mayor. As you may have noted in the title, this is the combined sewer overflow program final report. Yes, I'm sure you're all glad. We've updated you, I think, every six months on the program over many years and today is the end of that because it is the official end of our 20-year construction program to control combined sewer overflows into the Willamette river and into the Columbia slough, to end them more or less. The city's agreement with the department of environmental quality requires that we complete the program by tomorrow, December 1st, 2011.

And I'm happy to report that we will meet that deadline on time and on budget. This is no small feat. This program was comprised of more than 300 separate construction projects over the last two decades. The projects ranged in scope from individual homeowners disconnecting their downspouts to constructing massive tunnels to capture and convey combined sewage to our treatment plant in north Portland. In addition to the benefits to our environment and to public health, the CSO program employed thousands of people and spent money on local goods and services. The contractors for both the west and eastside big pipe projects also exceeded goals for contracting with minority-owned, women-owned and emerging small businesses. It is because of that kind of a commitment that the Oregon association of minority entrepreneurs named the bureau of environmental services, in 1995 and again in 2011, one of the public agencies of the year. Completing the CSO project doesn't mean our work is finished. Portland is committed to expanding green stormwater infrastructure that will complement the pipe system. We need the green infrastructure to maintain the integrity of our pipe system and we also need it because it's the right thing to do. Managing storm water at its source will ensure that we continue to keep stormwater runoff out of our combined sewer as Portland grows and develops. So all together the CSO projects, over the last 20 years, cost an estimated \$1.4 billion dollars. It is the largest public works project in Portland's history. As I said earlier, it's been done on time and on budget. We really had no state or federal support to accomplish this project. The cost was borne by Portland sewer ratepayers and their investments have ensured a cleaner, healthier Willamette river and Columbia slough, for us and for many generations to come. So I want to thank Portland sewer ratepayers for their perseverance. And now I want to turn it over -- we have a 12-minute video narrated by CBS 60 minutes host Leslie Stahl. But before that, we're going to turn it over to Dean Marriott and Paul Gribbon, for a few words.

**Dean Marriott, Director, Bureau of Environmental Services:** Yes, thank you very much Mayor, members of the council. Dean Marriott, environmental services, I just have a few words to say, since I won't be making my biennial report to you on this in the future. This is a moment in history.

This really is turning the page. As Portland was founded 150 years ago, we have used the Willamette as a sewer and it wasn't until 1951 that we even had wastewater treatment, so we have a sort of storied history of how we've treated our natural resources and we've been making amends since the 1950s and this marks yet another page in our history and it's a really positive story. As the

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commissioner mentioned, the benefits are really quite impressive. We're going to go from 100 days a year where we've allowed sewage to discharge into the river to no more than four. And those will be primarily in the winter time. And they will be caused by events such as we had last week, where we had three to four inches of rain. So on most winter days, you'll no longer see the sewage in the river sign up. The river will be safe for recreational use and I think that's going to mean a significant change in the way this community addresses the river. There's going to be a lot more interest in recreational access. There's going to be a lot more interest in developing and redeveloping our interface with the river. And those are all positive signs.

**Adams:** We'll have more people signed up for the Portland triathlon.

**Marriott:** You betcha. And they'll want to be swimming alongside of you, mayor, I know.

**Adams:** Of course.

**Marriott:** I want to just take a moment to say this effort started in 1991, at the time, commissioner Earl Blumenauer was in charge of BES and he led the discussions with Oregon DEQ, that was picked up by commissioner Gretchen Kafoury and Mike Lindberg in 1993 that led a conversation with the community about just what kind of a cleanup effort we wanted to have and that final amended order was approved in April of 1994, the week I arrived. So I was handed that order as sort of: This is your assignment. And ever since then, we've been working on this and we've tried to keep it cost effective, as the commissioner said, we're completing this effort on budget. We wanted to be open and transparent. I came before you every six months and I came before your predecessors every six months to talk about how we were doing. We went out to the community and engaged all of the folks that would likely be affected by the work before it started, so that we would know how it would affect them, how we could change the design; change the construction of the project to minimize the impact on the community. We wanted to grow local jobs and local businesses and as the commissioner said, we've actually gotten awards for those efforts. And we wanted this work to be done safe. We wanted everybody who went to work in the morning or in the evening to go home safe after the job was done. And we've been successful at that. So before I introduce the video, I want to turn to my colleague, Paul Gribbon, who has been instrumental over the last decade in making this project a success. Paul.

**Paul Gribbon:** So I'm Paul Gribbon, I'm the manager of the tunnel program for the bureau. I've been tasked with putting a ribbon on 10 years in two minutes, so see what I can do. When we first contemplated doing this program, tunnels were always a last resort. We did not do these by choice, we did these because there were no other options left and we did research about these types of projects throughout the US and we got very depressed. Cost overruns, delays, disputes, lawsuits, not only were common but they were normal. Since one of our success criteria was staying off the front page of "the Oregonian," we figured O.K. we're going to have to try something different and we were very fortunate, when I think back how fortunate we were. One is the legal flexibility in Oregon to go with an alternate contracting approach. Oregon doesn't restrict in how you can approach a particular project. The other thing was the political support that we had. Commissioner Saltzman was very supportive; the city council at the time was very supportive of us trying alternate approach to do this work. And that was a very good thing for us. Looking back, we had our fingers crossed when we went into this and it was, exceeded our expectations it basically changed the game. The two big contractors we had, Impregilo Healy Joint Venture on the west side and Kiewit Bilfinger Berger on the east side were our partners, they were never our adversaries. We had some very difficult technical challenges, especially on the west side and we never had to argue about who is paying for what. We went straight into alternatives analyses and what's the best approach and O.K. let's just go do it. And once both joint ventures were here, they both committed to not self-performing any work that could be done by local businesses and they both lived up to their commitments and the other good thing about this type of contract, is you hire as you go. So as work became available, they would advertise for local subs to do it. Both had well over 200 first tier subcontractors, local subcontractors. Impregilo Healy's minority women emerging small business

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goal was 13 million. They finished at just under 20 million. Kiewit Bilfinger Berger's goal was 26 million, they are right now a hair under 32 million. Impregilo Healy had about 600 craft workers at their peak. Kiewit Bilfinger Berger had about 500 at their peak. And if you look at all the subsequent economic benefits of putting that many people to work, it multiplies. The other thing is, mining is historically dangerous work and both contractors were recognized by Oregon osha for their safety programs and we had no serious injuries, no fatalities, we came through it in really good shape. The only -- the last two things I want to say is, continued support is, we really disrupted a neighborhood down at southeast 18th and Inslee and we also seriously disrupted the central eastside industrial district and we had a lot of support from the neighbors and we had a lot of support from the businesses, we worked with them, and they worked with us and really I have to thank specifically those two areas but everyone who supported us in what we were doing. Last thing, I was very fortunate to have very talented bes staff and consultant staff that we had. Everyone came to work every day and just wanted to do the best job that they could and I was really glad for that. That's it.

**Marriott:** Thanks, before -- before starting the video, I just want to also add my thanks to -- this really is, as we stay on our vehicles, "the city that works." A lot of my staff are here today and a lot of them are, of course, working out in the field. But this took everybody from inspectors, safety staff, accounting people, budgeting people, engineers, clerical folks, the whole gamut of city employees to make this a success and I want to thank them. I certainly want to thank Bill Ryan, our chief engineer. Paul was in charge of the tunnels and a lot of the project rested at his doorstep but Bill and his engineering services staff did a great job on the other parts of the project, Jim Hagerman, for his financial acumen. Steve Behrnt for making sure the wastewater treatment plant is ready to receive the extra flow and a colleague, Virgil Adderly, that many of you have not had a chance to work with, but has been an enormous help in making sure that we're ready for this. Megan Callahan and all of her community outreach staff, they made sure that the businesses we were going to affect, the neighbors we were going to affect knew what was coming. And I want to also just say a word of thanks to the rest of the city family. Our friends and colleagues in the city attorney's office could not have done it without their help. Omf, purchasing issued a lot of contracts in this work. Pbot, we did a lot of work in the right-of-way and needed their assistance and cooperation. Parks. After all, we tunneled under tom McCall Waterfront Park and parks was gracious enough to let us do that. The fire bureau that was standing by ready to practice with emergency assistance in tunneling work which is as Paul said, dangerous work. The Oregon department of environmental quality, they were the folks that issued this order, they were the folks looking over our shoulders, making sure we were complying and they were great to work with. And just a word from me to the elected officials who were commissioners in charge of environmental services. It started with Mike Lindbergh that hired me. I had the good fortune of working with him, with Commissioner Eric Sten, with Sam Adams when he was Commissioner in charge of Environmental Services, and with Dan Saltzman for probably the longest number of years and I really appreciate all of your support and assistance during that time. And just a word about Paul, for 20 years, he's worked for the city of Portland and for the last 10 years in charge of getting this tunnel -- these tunnels built. He's done an admirable job and deserves a lot of credit and he has my thanks for that. So now on to the 12-minute video. Unfortunately, you're going to get to see a little bit of me again in the video, so while I'll step aside, you'll have to put up with me again. Some of you may remember that about five years ago, we were fortunate that Walter Cronkite donated his time to narrate a video about Portland's CSO program and challenges, unfortunately, he passed away before we could have him narrate the final video but fortunately for us, Leslie Stahl agreed to step in and narrate the final video for free, her gift to the city of Portland. Tom Frish is the videographer he's here today, he is the owner of an emerging small business in Portland and I hope you'll agree with me that he did a great job on this video. We're going to use this, and we're going to post it on the web, we're going to use it with school programs to make sure that people

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understand what they're getting for their investment. So with that, we'll go to the video. And I don't know can you all see it? Do you have monitors you can see the video?

**Saltzman:** Yep.

**Marriott:** Ok, thanks.

**Video narration:** Portland has an abundance of moving water. Sun sparkling on the Willamette River as it flows through the city reminds Portlanders of the surrounding natural environment. The river provides jobs, fish and wildlife habitat and recreation. To the north, the Columbia slough, a Willamette tributary, contains one of the country's largest urban wetlands. The slough is a popular place for paddling and home to native wildlife and fish, including Coho and Chinook salmon. Despite their value to the city, protecting the river and slough wasn't always a priority. Portland incorporated in 1851 but didn't build a sewage treatment plant for another 100 years. After the city's first treatment plant opened in 1952, water quality improved but the sewer system in most Portland neighborhoods still combined sewage and stormwater in the same pipes which is how early city engineers designed it. During dry weather, combined sewers carried all of the wastewater to the treatment plant but when it rains, storm water washes over streets, parking lots and buildings and flows into the combined sewer system. During heavy rains, combined sewers can fill to capacity and overflow. Most of these combined sewer overflows, called csos, contain about 80% storm water and 20% sanitary sewage. The bacteria in sanitary sewage can threaten public life and the environment. In 1991, the city of Portland and the Oregon department of environmental quality entered into a formal agreement that required the city to significantly reduce csos by 2011. When the 20-year cso control program began, an average of six billion gallons of combined stormwater and sewage overflowed to the Willamette River and Columbia slough every year. Portland's solution to the cso problem was to remove as much stormwater as possible from combined sewers, then construct large tunnels to capture, store and convey most of the remaining flow to the sewage treatment plant. In order to remove storm water from the combined sewers, the bureau of environmental services began with a series of cornerstone projects. We installed storm water sumps and sedimentation man holes to collect relatively clean water and let it soak into the ground. In some neighborhoods we installed pipes to carry storm water runoff to natural treatment plants. We separated several streams that were once diverted into the combined sewer and piped them directly to the Willamette River. Finally, we created a downspout disconnection program to disconnect roof drains from the combined sewers. Thanks to incentives given to property owners, we disconnected over 56,000 downspouts which removed nearly 1.2 billion gallons of storm water from the combined sewers each year and saved an estimated 300 million dollars in construction costs. The cornerstone projects were cost effective, relatively easy green solutions. The more complicated cso tunnel construction was the next challenge. Because these early projects reduced stormwater flow to the combined sewer system by about one-third, engineers could reduce construction costs by designing smaller tunnels to collect and convey combined sewage. Portland's cso control approach resulted from three years of work with technical experts, interest groups and the public. The 1994 cso facilities plan was a mix of stormwater inflow control projects, cso tunnels and treatment plant improvements. We also added an influent pump station for the Columbia slough big pipe. We built new primary clarifiers added a second outflow pipe and built a facility to remove chlorine from treated water before discharge to the Columbia River. The first large CSO construction project was a 3.5-mile long Columbia slough big pipe, which ranges from six to 12 feet in diameter. The project included expanding treatment plant capacity to handle additional flows. The Columbia slough projects completed in 2000, reduced CSO's by more than 99%, to the slow moving, environmentally sensitive Columbia slough. The next project, the Westside big pipe, was more complicated. Two tunnel boring machines, one moving north and one moving south, worked 120 feet below ground to construct the 14-foot diameter, 3.5-mile long tunnel along the Willamette river's west bank and under the river to Swan Island on the east side. The boring machine, working under Portland's waterfront park, tunneled past several Willamette River bridge footings. Work

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crews injected concrete into the ground to safeguard against surface settlement as the tunnel boring machine passed by. The machines that constructed the Westside big pipe used 16-foot diameter cutter heads as the rotating cutter heads chewed through earth and rocks, the machine mixed displaced soil with bentonite clay and pumped it to the surface. A separation plant removed the bentonite for reuse and barges hauled the soil up river to help restore the Ross Island lagoon. As the machines advanced, hydraulic arms behind the cutter head installed pre-cast steel reinforced concrete segments to form tunnel rings. Jacks pushed against the assembled rings to propel the machine forward. The West side big pipe is large enough for a greyhound bus to drive through with room to spare. The city excavated five large tunnel shafts as part of the West side project. The tunnel boring machines, workers and supplies entered the main mining shaft at northwest Nicolai Street. The shafts connect combined sewer overflows to the tunnel and provide tunnel maintenance access. The Westside big pipe connects to the swan island pump station which was constructed below ground inside a 123 foot diameter shaft at 160 feet deep, the shaft is large enough to hold a 15-story office building. Because the shaft bottom is well below the water table, pumps operated round the clock during construction, to lower the groundwater table within the excavation. During wet weather, the swan island pump station can pump 100 million gallons of combined sewage per day, from the Westside big pipe to the treatment plant. The eastside big pipe was Portland's last major cso construction project at 22 feet in diameter and almost six miles long. It was also the largest public works construction project in the city's history. An adult giraffe could stand up straight inside the East side big pipe. The construction method was similar to the Westside. The cities contractor used a larger single machine to construct the eastside tunnel and there were some new challenges on the east side of the river. Engineers had to alter the original tunnel alignment to avoid the footings of large bridges and ramps and a major freeway interchange. Despite those obstacles, a sophisticated laser guidance system led the tunnel boring machine to within one inch of its target. With tunnel construction complete, the city finished work on several smaller CSO projects. They included the Portsmouth force main, the Balch consolidation conduit and the Sellwood wet weather pump station. Completing those projects brought major CSO construction to an end. Throughout the \$1.4 billion program, the city had no federal or state funding assistance. I'm very pleased to say that it's a big investment but it's been done on time and at this point, under budget too. But never the less, it's been a significant cost to ratepayers but I think a lot of ratepayers agree with the ultimate goal, and that is, less combined sewer overflows into the Willamette River and the Columbia slough. For the first time in 150 years, we have no combined sewer overflows anymore in the Columbia slough and when done in the Willamette, we will go from 50 overflows a year in the winter to less than four. And then in the summertime, we will have one overflow every third year. It's beautiful and it's a wonderful part of Portland. It's calm, it's peaceful, and clean. It sort of makes you feel good just having a big section of nature right there in the city. Although Portland has completed its requirement to control CSO's by 2011, the combined sewer system remains and the city's work to keep stormwater out of combined sewers is as important as ever. We've used stormwater as a resource and not a waste. Instead of sending clean rainwater to the sewer system, we're investing in green projects that mimic nature. Green street facilities, for example, are small rain gardens planted along streets. They collect and slow street runoff and let water soak in the ground. Soil and plants filter pollutants and the runoff replenishes groundwater supplies. Eco-roofs are another example of green infrastructure. These are vegetated roof systems that absorb rain to reduce runoff. They also cool the air, insulate buildings and create habitat for birds and beneficial insects. Portland also works with dozens of partners, planting thousands of street and yard trees to expand the urban forest. Trees capture rain, reduce erosion, clean the air and beautify our neighborhoods.

Portland receives 37 inches of rainfall a year and we can't simply rely on our big pipe system to handle all that. We have to search for alternatives to putting clean water into our big pipe system and I think that not only keeps up with our growing thriving community but also speaks to

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something that's very much cherished here by Portlanders, and that is sustainable solutions that are creative in keeping rainwater out of our system in the first place. Portland is here because the Willamette River is here. The river helps make Portland a great city. Our predecessors lost sight of that, they used the Willamette as an open sewer and turned their backs on it. We inherited a river abused by past generations but now we're learning to become active stewards of our waterways. Today, Portland and its citizens work together for a clean, healthy and vibrant river for us and for generations to come.

**Saltzman:** Ok. Well, thank you. That was a great video. First time I've seen it. Great production and thank you to Leslie Stahl again. We have one invited panel and that is Neil Mullane, the deq water quality division administrator. Jorge Guerra, the Oregon Association of Minority Entrepreneurs, Mike Houck of the Urban Greenspaces Institute, and Don Francis, who is the founder of Willamette Riverkeepers. If you would all come up. We can bring an extra chair or maybe there's already four. Neal, do you want to start off?

**Neil Mullane:** Thank you. For the record, my name is Neil Mullane, and I'm the administrator of the water quality program at deq and I just wanted to, you know, for the department and the state offer my congratulations to the city and all the team that you have working on this particular project. Back in '91, I was one of the original deq people working on this particular project and throughout the entire length of that particular project, have had different roles at deq and really had enjoyed working with the city throughout the entire process. Working with Dean and his entire team, and really coming to the conclusion today, I think is a tremendous accomplishment for the city of Portland. And I think for decades to come, the citizens of Portland and of the state will really enjoy and benefit from the work that was done and the effort that was made by the city of Portland. I think it's tremendous.

**Saltzman:** Jorge.

**Jorge Guerra:** Good morning, mayor and commissioners. Jorge Guerra is my name and I'm the person from the Oregon Association of Minority Entrepreneurs, OAME. And I'm representing today Mr. Sam Brooks, who is the chairman of the board for OAME. And on his behalf, he regrets not being here and giving you a personal thank you but he has given me a letter to read to you on his behalf follows. On behalf of the Oregon association of minority entrepreneurs, OAME, and the minority women and emerging small businesses that worked on the combined sewer overflow program on the Westside and the Eastside we thank the city of Portland, and for the work to expand the opportunities for minorities, women and emerging small businesses. The bureau of environmental services worked hand in hand with OAME and the Portland minorities, women and emerging small businesses communities to establish and achieve higher than expected goals. We need a standard to increase jobs in Portland. This stresses communities and increased support for minority women and emerging small businesses. The cso and BES is a standard to emulate. We appreciate the support from the Portland city council and the bureau of environmental services. I am sorry I could not attend this council meeting in person. Those are the words from Sam Brooks and personally I want to say also, thank you and OAME, who has been around for 25 years, I have been with OAME for 20 years and I know most of you and all the work that we have done together in increasing and providing support to minorities, women and emerging small businesses, we want to thank you.

**Saltzman:** Thank you. Don?

**Don Francis:** Excuse me, try to get my presentation up here. First of all, thank you to the council and mayor for inviting me to present today. I was asked to give a short history of the Willamette River and cleanup efforts. The image is up for you. In 1864, I guess we all know that people pooped. So in 1864, Portland created the first sewer, it was a wooden sewer and it carried sewage right to the Willamette River. Over the years, the Willamette River became pretty contaminated from upstream and Portland sources as well and so the Portland switched away from using the Willamette as a drinking water source and created the Bull Run watershed, Bull Run reservoir to



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supply Portland with clean pure drinking water. The Willamette continued to degrade as the city of Portland and other communities expanded in size and increased industrialization and as a result, the Portland city club issued a report saying how intolerable, how ugly and filthy the Willamette River is. This is really the beginning of the Willamette River activism started after the 1927 report. Here's a 1936 picture. [laughter] I'd have to say that the activists continued dramatic means to communicate their points and I guess maybe keeping Portland weird goes back a ways. But this says a Will Lewis foe of filth donned this gas mask to demonstrate his distain for foul odors encountered by himself and others of the sewage committee on a pollution inspection cruise of the Willamette River yesterday. So getting out on the Willamette has always been really a very important thing to do. In 1937, the legislature gave the governor a bill to sign that would create sewage treatment plants for the Willamette River and the governor vetoed it. So pollution continued. In 1938, um, Izaak Walton League and other citizens banded together and got enough signatures to put an initiative measure referendum on the ballot in Oregon requiring a creation of the state sanitary authority as well as creating sewage treatment and treatment for industrial waste. This looks like a kind of a familiar building here in the background of this picture. 4,000 schoolchildren two days before the election, 4,000 schoolchildren and other citizens rallied around Portland city hall and that's where this well known photo is from, declaring the youth of Portland demand clean rivers. It was a publicity stunt for the election and then two days later, the voters passed the stream purification bill. World War II put the skids on things for a while there. We were busy and after World War II, the city started the construction of sewage treatment plants and piping to convey sewage to the Columbia water waste treatment plant. The Willamette River was still not so clean, less sewage at that point but still a lot of industrial waste. Sludge rafts reeking, sludge rafts coming down the river, especially in the summer, eating up all the oxygen, fish dead in downtown. In 1962 a KGW TV reporter by the name of Tom McCall made a documentary that aired on channel 8 called "pollution in paradise" and calling for Oregonians to take action to clean up the Willamette River. 1967, governor McCall, well in 1966, McCall ran for governor, pledging to clean up the Willamette. In '67 he became governor and created a, changed the name of the state senator authority to the Oregon department of environmental quality, made himself the head and started cracking the whip on polluters, industrial polluters up and down the Willamette River. It also created a need for industries to start creating permits and issue permits for industries to pollute and in essence, created a template for the clean water act. In 1972, the Willamette landed on the front cover of "national geographic" as a river restored. And this really was a – it was later that year, the clean water act was passed, the Willamette river being an inspiration for that. And the Willamette really is key here, there was a paradigm change for the whole world. Industrial rivers, big city rivers were just there as sacrifice zones. If you had a municipality, a big city, it didn't matter if it was in Chicago, Boston, New York, London, it didn't matter, the waterways were dead and polluted that was just the cost of progress and what we did in the Willamette River in the '60s, the '30s and '50s, going back, was to create a whole new paradigm about what an industrial a community river could be. It didn't have to be dirty it didn't have to be polluted. We could do something and that's what the "national geographic" article highlighted and it's part of our heritage here as well, which is really important. 1974, Harvard drive was torn up and McCall waterfront park came in. This was the first step in the rebirth of downtown Portland and the revitalization of downtown. Portlanders turned and faced the river and embraced it, rather than getting away from it. All was not necessarily perfect on the Willamette however. In 1991, with six billion gallons of combined raw sewage, going into the Willamette, northwest environmental advocates filed a law suit under the clean water act, which kind of came back to help the Willamette. Forcing the city of Portland to go into negotiations with deq and you all know the story of that one. So, we have northwest environmental advocates to thank for that. Both for the lawsuit and then also the little boat taking people out on the rivers around Portland, showing people sewers and other issues and we sometimes referred to that as the sewer tours. And Daryl Gray over here behind me was the

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primary volunteer skipper for that boat and changed the way a lot of people looked at the rivers and understood them. So today, 2011, we're here to celebrate. I mean, this is great, this is 100 years almost, of activity on the Willamette. And we have a lot to be proud of. The rivers are still not healthy. And we have a long ways to go. So I guess the next thing we have to say is, we're celebrating 20 years of really hard work, which is really important. What are we going to do for the next 20 years to make the rivers healthier as well? I thank you very much for the time. Thank you.

**Saltzman:** Thank you, Don. I give the last word to well known urban green space advocate, and noted author Mike Houck.

**Mike Houck:** Thank you actually my name is Mike Houck Urban Greenspaces Institute and I did not come here to testify this morning. I came to help celebrate the fabulous event, closure of this project. I did sit on all of the committees, going back to 1991 and we had many conversations with deq, epa and others trying to persuade the agencies to allow the city to maybe draw this out a little longer and maybe capture two to three hundred million bucks to do more of the green stuff. But went ahead with the plan that epa and deq approved and I think the hallmark of this project, as fabulous as that pipe is, I mean, it really was a spectacular engineering feat, it's underground, it's out of sight. People really don't see that pipe. What they do see is all the green infrastructure that the city has integrated with that gray infrastructure and I think that's the most, from my perspective, the most significant accomplishment of this project, is to set the city on a course where green infrastructure is, from here on out, will be integrated, thanks to the grey-to-green program and the -- all of the cornerstone projects and so forth. I sat on the committee that interviewed for the director of the bureau of environmental services and I can't say how proud I am that we selected Dean Marriott and also, I think the bureau of environmental services is one of the premiere agencies throughout the country. We've got a lot of young, very creative, innovative folks who are really going to ensure that green infrastructure is well integrated into the city and into the future. So -- congratulations, I'm incredibly proud of you and your predecessors for staying the course and putting together this fabulous program and to the bureau.

**Saltzman:** Thank you, thank you all. That completes the invited testimony.

**Adams:** How many -- thank you all very much. We really appreciate it. How many people are signed up?

**Moore-Love:** Four more people.

**Adams:** O.K.

**Adams:** Hi, welcome. Hi. Who would like to begin?

**Derek Chisolm:** Good morning, I guess I'll begin. I'll keep my comments rather brief. My name is Derek Chisolm, I'm a project manager with Parametrix. And for five years I've been one of the folks who have volunteered time on a project oversight committee. We have been looking at the safety performance, fiscal management, scheduling and other matters, rather frequently at times and infrequently at other times and with the charge of bringing to your attention any issues that we saw that needed your intervention or your guidance. And it has been a relatively easy task because of some good contracting mechanisms and a very strong project management team. And we have not been forced to bring any issues to your attention that required further direction or redirection of the project. It's been a pleasure to serve our great city in this manner.

**Adams:** Thanks to you and everyone else for your service.

**Saltzman:** Yeah, thanks for your service.

**Bill Mariucci:** Thank you. Thanks for the opportunity to be here today. My name is Bill Mariucci and I've served as the project director for Kiewit Bilfinger Berger on the eastside CSO tunnel project and I think that it's been demonstrated pretty clear this morning this was a total team effort. And I know that on behalf of KBB we'd like to thank the hundreds of craft workers local, who were dedicated to safe work every day and producing only the highest quality product. You heard about the hundreds of subcontractors, suppliers, most all local. Who brought their skill and their expertise

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to the project from beginning to end. And I'd like to also add personally, last but not least, a thank you to the bureau of environmental services. Particularly Paul Gribbon and his day-to-day management of the overall CSO program and you heard about the dedicated staff that we had the opportunity to work with at all levels within our organization. First-class entity. And we're very happy and pleased to have played just a very small role in the overall cleanup of the Willamette River. Thank you.

**Bob Sallinger:** Good morning, I'm Bob Sallinger, I'm the conservation director for the Portland Audubon Society and I've also served on the BES budget committee for the past eight years. I'm here speaking on behalf of Audubon today though. So I want to congratulate the city, Dean and Paul and BES, and city council for this. This really is a monumental occasion. I was struck by Paul's comment that one of the goals was to stay off the front page of "the Oregonian." And unfortunately, I think he's done too good of a job of that. Because the headlines too often have been dominated by criticism of BES for some relatively minor expenditures and I think the real story of BES is, especially for those concerned about the rates, is the fact that the big pipe came in on time and on budget and also that simultaneously, BES started doing the kinds of green infrastructure integrating that into the gray infrastructure that we needed to ensure that we don't repeat the mistakes of the past. And that we maintain the efficacy of the big pipe. Because if we don't continue on this path, of maintaining both our gray and our green infrastructure, this big pipe is going to be obsolete in a couple of generations and we're going to wind up saddling our next generation with a much heavier liabilities than we had to face. And we all know how challenging that was. I think this is an investment that's only going to look better and better over time, as other cities that waited are forced to do what we did for \$1.4 billion. And it's worth looking at some of those numbers. Pittsburgh is starting their project that's going to cost them \$6 billion. St. Louis \$4.7 billion, Cincinnati \$3.2, northeast Ohio, \$3.2, Kansas City \$3.0 billion. So this is going to look like a better and better investment and for those concerned about the rates, other cities are going to pass us by very, very quickly. My concern going forward, is that we maintain this commitment. This isn't -- this problem wasn't -- as Don talked about, isn't a new problem, it was recognized a long time ago. Over a hundred years ago the Olmsted brothers talked about the importance of dealing with stormwater. That it would be much more economically effective to treat water, our streams and protect those corridors rather than looking for pipe solutions. We didn't take that advice 100 years ago and we paid a heavy price for it. Going forward, we need to maintain our commitments to the gray and green infrastructure. We need to take a leadership role on super fund, we really look to the city to take that leadership role, and set a high bar. And we need to ensure that when we develop along the river that those impacts are fully mitigated so that we continue to protect, restore and increase access to our river. So again, congratulations to both council and to BES.

**Saltzman:** Thank you.

**Adams:** Thank you all very much.

**Saltzman:** So, Mayor if the council will -- thank you. Mayor, indulge me for one more minute. Paul Gribbon, who for the past 10 years has been our tunnel king and has shepherded this project on time and on budget, lived, ate and breathed this project. His last day of work is Friday and no we're not cruelly shoving him out the door because the work is done. But he's taken a position with Impregilo who was one of the contractors on our Westside big project, he'll be happy to say, he's keeping his home in Portland but he will be probably traveling around much of the country and perhaps the world working on other big public works projects, starting in Nevada. So we wanted to just have Paul come up and give him a plaque to honor his service. So this is a picture of the big pipe project and it says Paul Gribbon, for 20 years, of exemplary service to the people of Portland, Oregon and protecting the Willamette River, the Columbia slough. Your extraordinary efforts managing the Willamette river CSO tunnel program ensured the successful completion of the largest public works project in the city's history. [applause]

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**Adams:** Congratulations.

**Mike Houck:** One more word. There's not a plaque to give him, but I think we really should recognize, Neil has informed me that today is his last day at work as well at deq and we owe him a huge debt of gratitude for the work he's put in at the Oregon department of environmental quality and holding the city's feet to the fire, and worked cooperatively with us. We want to thank him. [applause]

**Adams:** All right. Thank you very much, job well done. Let's see if it lands on the front page of the paper tomorrow. [laughter] who wants to make a wager? I move acceptance of the report.

**Fritz:** Second.

**Adams:** It's been moved and seconded, Karla please call the vote.

**Leonard:** I'm pleased to support this as one who has grown up in Portland. I think I see in the proper context, the changes, the actual physical changes in the landscape, maybe more than those who have come here more recently. The most vivid example is the Columbia slough, as a child, and I lived near the slough and my friends and I would go near the slough to recreate and fish. And what, we didn't know any better, to go there today though, is to go to a completely different place on the planet than what used to exist in the '50s and the '60s and up through the '80s. It's a place that Lewis & Clark actually camped at when they were traversing the Columbia river to find the mouth that connected to the pacific and wrote these wonderful tales about the wildlife and to think that we've now gotten to the place in our lifetime to restore it back to that kind of a condition is really a remarkable achievement Dean, and you've done a great job and all of the commissioners in charge, including the two here, Sam Adams, Dan Saltzman and particularly Mike Lindbergh for having the foresight to hire Dean and begin this really tremendous effort. Aye.

**Fritz:** So I wasn't born in Portland. I got here as fast as I could. I think that I grew up environmentally in Portland, though, and started getting involved in 1991, at the beginning of this project and I vividly remember meeting with Dean early in his tenure and him talking about changing the course of the ship of state after the environmental services, that it takes a while to turn a large ship and indeed, you have changed the environmental services from engineering and sewage to environmental services. And I think we've all learned a lot along the way about the value of green infrastructure and the cost saving affect of green infrastructure as well as this huge big pipe project, so we need both and we have done both well. I appreciate everyone from the commissioners in charge to all of the staff and the laborers who worked really hard on the back breaking work of actually physically getting this project done. And I also appreciate the ratepayers of Portland who have invested in this project and many people have asked me, so now are their sewer rates going to drop precipitously now that we're done? The answer is no, that we borrowed money so that we could get this done expeditiously and as was mentioned by Bob Sallinger, at less costs than other jurisdictions now starting, so we'll be paying back for that bonding and ensuring that our investment is used well. The council also in 2009 chose to salvage the office of healthy working rivers, which is working in partnership with environmental services to make sure that we do continue, as Don Francis mentioned, making this a truly healthy river and the office is currently in the process of developing a river recreation strategy which now builds on the investment that the ratepayers have made so that we can all enjoy the river more and at the same time, recognizing that is is an industrial river and we need to keep promoting those good jobs which have sustained Portland over the last century and a half. So thank you, everyone. Thank you for showing up to celebrate because we sometimes don't mark the great things that happen and again thank you to mayor Adams and commissioner Saltzman, the two serving commissioners who have put a lot of time into this project. Aye.

**Fish:** We're a little behind in our schedule, so I'm going to be brief in my remarks. But first, I want to say that I enjoyed your comments Dean, until I heard you say that you had been tunneling without proper permits underneath Tom McCall Waterfront Park. (laughter) So I just want to say that \$1.4 billion may be just an initial working estimate. We'll figure out the 20 years of fees that

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are going to come back us -- [laughter] -- for this trespass that occurred. I also want to just say that having Leslie Stahl narrate a video has put a lot of pressure on everyone up here, in terms of production values in our future presentations to council, so. I want to echo something one of our testifiers said, which is, I'm very pleased that in your video and presentation you also acknowledge and focused on the green infrastructure investments. This council and the charter review commission as we speak are thinking about ways we can reform our rate-setting process going forward and there's a lot of ideas out there about how we do it. And I think it's absolutely critical whatever we settle on, that people understand that those investments we have historically made in green infrastructure are core to reducing long-term ratepayer impacts and building out our system, they're not add-ons, they are not somehow luxury items, that those investments will actually keep our costs down in the long term and have to be continued if we're going to continue to be a place that values our rivers and our streams. Dean, thanks for all your good work, Commissioner Saltzman, congratulations for bringing this home, mayor Adams for your role and all the commissioners who have had a hand in this. Aye.

**Saltzman:** Well, I just once again want to acknowledge what a great day this is and to thank Dean Marriott, Paul Gribbon, all of the employees of the bureau of environmental services, all of the employees and contractors for our prime contractors, for delivering this project safely, as well as being on time and on budget and to the many people on my staff who have worked as my bureau of environmental services liaison over the years. Amy Trieu today but also Brendan Finn at one time and I believe Matt Grumm as well. So it's been a real team effort and everybody has done a very tremendous service to the city of Portland and in light of Don Francis' presentation, I want to acknowledge the city club for their 1927 report. That's pretty interesting history, so job well done. Aye.

**Adams:** Well, I want to acknowledge Nina Bell from northwest environmental advocates who -- I don't even know where she is now. Does anybody?

\*\*\*\*\*: [inaudible] She's working out of her house.

**Adams:** She's out of The Dalles. She's so quiet, but if she's listening, I want to thank her because at the time, it was incredibly painful to be one of the first cities in the United States through their legal actions that forced again, us as one of the first cities in the United States to deal with this issue. It got the attention of the U.S. EPA and now cities across the United States are having to do for a lot more money what we've done. And so it was her early efforts that did that, along with Don Francis and Mike Houck and Bob Sallinger and others. Painful at the time, I think I've lived through eight years of folks telling us that this was the worst deal we had ever made with the court, or with a federal agency. And because we were the first, it was many years of second -- we did a lot of second-guessing, we did a lot of efforts to actually improve upon the court order, we were unsuccessful but we have managed to find a way to do the gray-to-green infrastructure, and will continue to do so because this -- the more -- the more rainwater we keep out of the system, the longer the capacity of this pipe will last for future generations. So it's been -- we've been lucky, we've been smart and most importantly, we are on time and on budget. Paul, Dean, and the person who's had the project longest, commissioner Saltzman, the entire teams, the citizen oversight committee, very grateful for all of your work. Again, let's hope this is on the front page of the newspaper tomorrow, because it deserves to be. Aye. [gavel pounded] all right. You're welcome to stay, we won't be offended if you want it leave either. We will now do -- can you please read the title for time certain resolution, item number 1248?

**Item 1248.**

**Adams:** Commissioner Randy Leonard.

**Leonard:** I'm going to wait until -

**Adams:** People have cleared out?

**Leonard:** People cleared out a little bit.

**Adams:** We'll take a five-minute break.

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**Leonard:** Ok. [recess]

At 10:43 a.m., Council recessed.

At 10:47 a.m., Council reconvened.

**Adams:** Alright, we are back in order. If Commissioner Fish could come forward, or I should say come back to the council. Do we have any second readings? We don't, do we? Do we? No, because we have a short regular agenda. Commissioner Nick Fish, paging Commissioner Nick Fish. [laughter] there he is. All right. Now we can begin. We're back in order and Karla, would you please read the title for time certain resolution item number 1248.

**Item 1248.**

**Adams:** Commissioner Randy Leonard.

**Leonard:** Thank you, Mayor Adams and colleagues. It really is my honor today to introduce this resolution and to -- that honors Portland's own poet laureate that belongs to the entire state now. Paulann Petersen, she's the sixth poet laureate of the state of Oregon. We're going to have a number of distinguished people speaking to us here momentarily. But I want to first acknowledge one very special guest, Dorothy Stafford, who is right here. Who is the - [applause] she, of course, is the wife the late William Stafford, Oregon's fourth poet laureate and he was also appointed in 1970 as the 20th poet laureate of the United States of America. So we're very honored to have Dorothy here today. I want to read the resolution and then call some very, as I said, special folks up. Recognize Oregon's sixth poet laureate, Paulann Petersen, for her dedication to the teaching of poetry and art. Whereas the position of Oregon poet laureate was established by the governor of Oregon on April 23rd, 1923 and adopted by the Oregon legislature in 1989. And whereas, the Oregon poet laureate program functions as a collaborative -- collaboration between Oregon humanities and Oregon arts commission, Oregon heritage commission, Oregon historical society and the state historic preservation office with the funding from the Oregon cultural trust and whereas, the poet laureate promotes art and culture, through poetry and words and whereas on April 26th, 2010, governor Ted Kulongoski appointed Paulann Petersen as Oregon's sixth poet laureate and whereas Paulann Petersen was born in Portland, graduated from Franklin high school and calls Portland home and whereas Paulann Petersen is a widely published poet, her body of work including five collections and several chat books and whereas Paulann Petersen was awarded the title of world service queen - - [laughter] -- in 1960 by mayor Terry Schrunk and given a key to the city of Portland. And whereas, this is where it pays to interview your subject first to get all the details, whereas, Paulann Petersen has been the recipient of many awards, including Stanford universities Wallace Stegner fellowship in poetry and Stewart Holbrook award for outstanding contributions to Oregon's literary life in 2006 and whereas her belief that poetry is for everyone has inspired Paulann Petersen to teach poetry workshops across the state and whereas many Oregonians do not have access to or experience with poetry and whereas Paulann has traveled 12,553-miles across the state of Oregon to read and teach poetry so far and whereas, in her tenure as poet laureate, Paulann as presided over 155 poetry readings and other events in 54 cities and as many libraries, dozens of which have taken place in the city of Portland and whereas the city of Portland and its citizens are grateful for the contributions of Paulann Petersen and now therefore be it resolved that the city council of Portland affirms its support for the work of Oregon's sixth poet laureate Paulann Petersen and be it further resolved that the city of Portland recognizes November 30th, 2011, as Oregon poet laureate Paulann Peterson day. [applause] I'd like to invite up state representative Carolyn Tomei. The director of the Oregon cultural trust, Chris D'Arcy and the director of Oregon humanities, Cara Ungar-Gutierrez. And as they're sitting down, I just want to say as Katie and I were coming today and I was asking Katie, what would you say about Paulann if you were testifying and she said -- and it's contained within the resolution, it's that she has this passion to bring poetry to everyone, not just people who love to read poetry, but for people who may have never had poetry exposed to them. And that's certainly been Katie's and my experience, we've had the distinct pleasure of not only

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having Paulann read poetry to her and I along with her husband, Ken, at our house, but also one very special time included my grandson, Cole. So I'm – we're really pleased to have each of you here and I can say, if you can get a 12-year-old boy to actually sit and listen to poetry, that's really a gift and she did that and did that very well. So representative Tomei, we've served together in the legislature, I was so pleasantly surprised to see you were going to be here today and I'd forgotten that you actually represent the area that Paulann lives in and that you are also friends and it's wonderful to have you here today.

**Carolyn Tomei:** Thank you, thank you so much. I'm sitting in your chair on the floor of the house, keeping it warm.

**Leonard:** Thank you. [laughter]

**Tomei:** Thank you. Thank you, mayor and city council members for inviting me to come to speak today. I am Carolyn Tomei. I'm the state representative for house district 41, which encompasses the best part of southeast Portland which also includes Sellwood and also Milwaukie. It's a great pleasure and honor to be here today. Honoring Paulann and the -- celebrating the work that she does and also to thank our partners, the Oregon cultural trust, Oregon humanities, and many others for their support of poetry. I've known Paulann for several years, since I started inviting poets to the capitol to present our opening ceremony. For a long time, legislative sessions began with prayers for wisdom and judgment and usually it was presented by religious leaders. But I've always been moved by poetry and I know how inspirational poems can be. So I sought out Paulann, who was a poet in my district in Sellwood, to help brainstorm the names of authors who could come to Salem to read their own poems for opening ceremonies and Paulann, of course, has been great. We've had almost 50 different Oregon authors at the capitol from all parts of the state, reading poems. And I'm pleased to say that other legislators are following suit. And now many are beginning to invite poets from their own districts and musicians and other performing artists of all kinds. My family has also taken advantage of the wealth of knowledge that Paulann offers. My husband, Gary, who is here in the audience, himself a painter and a musician, has taken poetry writing classes from Paulann in our own lovely Milwaukie lending library. As you've heard, Paulann has been generous with her time and talents, helping to foster creativity throughout the State of Oregon, all those tens of thousands of miles, all the many, many cities and schools and community events that she's attended. Gary really enjoyed her instruction and he continues to work on his writing and I'm pleased to say that his writing has greatly improved. [laughter] I personally want to thank Paulann for all the work that she does as we've already heard. As she puts it, she is truly an ambassador for poetry. In addition, and maybe even more importantly, she is also a fine poet. She puts words and phrases and images together in a way that inspires us all, even children, as we've heard. She helps us see our world, our state and our community in a fresh and fascinating place. Again, thank you, Paulann Petersen for being Portland, Oregon's own poet laureate and thank you again for allowing me to speak today.

**Leonard:** Thank you.

**Chris D'Arcy:** Good morning, for the record, I'm Chris D'Arcy, I'm the director of the Oregon cultural trust, and the Oregon arts commission, I bring greetings from the members of the board of the trust from across the state, including commissioner Fish who is with us this morning. We are connected to 1300 culture nonprofits across the state and the cultural trust is all about building cultural participation. Engaging youth and culture, engaging multigenerational cultural experiences and building community through cultural experiences. The cultural trust has five critical partners, the arts commission, Oregon humanities, the historical society, the state historic preservation office and the Oregon heritage commission and we enjoy favored status with the cultural trust because the partners have set aside funds that are used every year for projects that are unique and that build cultural collaboration across the state. The goal of these collaborative funds is to spotlight a project that unites every corner. From Malheur county to Multnomah county, from Curry county to Wallowa county, and as we scanned the state, and Oregon is the ninth largest state, in terms of

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geography a big place, we really cast an eye on what could really bring people together. And it was at that point that we resolved to bring a recommendation to the governor to renew to reinstate the poet laureate position. When I first looked at the work of Lawson Inotta who was the first revived poet laureate after a long hiatus, I thought it would be very difficult for someone to keep up the pace of someone who was based in Medford, did not use email, but continued to have weekly if not more frequent appearances. Little did I know that Paulann Petersen would top him by a considerable amount logging in over 12,000-miles, working with multiple libraries, schoolchildren, literary groups and other community groups to bring the magic of poetry to every corner of the state. It has been my pleasure to get to know her and it has been an incredible pleasure to see the transformational nature of her work, and I'll share two examples with you. I live and work in Salem, close to the governor's home and close to the state capitol. Paulann was invited to be involved with a special mural that was installed in the ymca building diagonally across from the state capitol. I had forgotten that the word "Salem" actually is derived from shalom, the word for peace. A massive community arts development project was organized, involving kids who were making small tiles, adults who were sharing stories about the peace movement of the '60s, high school kids who were creating new works of art and this all came together in an incredibly beautiful intricately designed mural. Paulann wrote a poem to celebrate this celebration of peace in Salem. The poem was so beautiful, that it became incorporated into the mural itself and I encourage you all when you visit Salem, next February perhaps, to speak to your legislators, that you walk across the street and see this. It is incredibly beautiful. And her poem is the uniting horizontal force across it. Commissioner Leonard spoke about the power of poetry with children. And I wanted to share another example of a project that Paulann undertook right before thanksgiving. As you all know, we're dealing with shorter school days and weeks across Oregon and the Salem-Keizer schools, a very diverse district, was closed all week for the thanksgiving break. Paulann worked with the A.C. Gilbert discovery village to be in residence one afternoon where she worked with children to help them write their own poems of thanks. The only requirement was that they needed to bring an adult who could write the poem down if the child were too young to write, do the writing himself or herself. Massive coverage in the "statesman journal" and the kids were, appeared to be really thrilled talking about how thankful they were for their families, for the activities they were involved in and expressing themselves through poetry. So to Paulann we thank you from every corner of the state. I want to also remind you that the Oregon Cultural Trust in order to carry on this work and support incredible things like the poet laureate, we invite you to get involved. Any Oregonian can give any amount to any cultural non profit, then match that with a gift to the Oregon Cultural Trust, your gift is free, your match will come back to you at tax time. So thank you Commissioner Leonard for introducing this resolution, thank you in advance, Commissioners for voting to approve it, and it is a pleasure to be here to honor Paulann Petersen today.

**Leonard:** Thank you.

**Cara Ungar-Gutierrez:** Thanks for inviting me, my name is Cara Ungar-Gutierrez, I'm the executive director at Oregon Humanities. First I want to say that I cannot believe Paulann did not tell me that she was the world service queen (laughter) because we have got to get that up on your web site. I mean, come on. So I do want to thank Commissioner Leonard and the city council for presenting this resolution as well as the Oregon Cultural Trust and our esteemed board member Commissioner Nick Fish for supporting the poet laureate program. But most importantly I want to thank and congratulate Paulann Petersen today for her grace, accessibility and dedication as Oregon's poet laureate. So as I said, I am the executive director of Oregon Humanities, which is one of the five statewide partners of the Oregon Cultural Trust. And with the partnership and support of the cultural trust, my organization coordinates the poet laureate program, and this means basically that I can tell you everything that Paulann does, what she does as poet laureate. And I will, but I want to mention why what she does is so important. And I'll start just with a brief story, when I was in graduate school; I was in the PHD program in rhetoric. And one of my classmates



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said, I don't believe in poetry, I only believe in discourse. Right? And I thought, oh yeah, that's so profound. Right? [laughter] Well you know, I was in grad school. What he meant by this was that poetry was no more important or unique than fiction or nonfiction, a play, a song, all of them important in their own right but no more important or unique. And I'm reminded of this now, because it's basically, through the poet laureate program, that I've come to realize that my classmate was wrong, right? And maybe not so profound. I've seen firsthand through this program that poetry is unique, that it does function differently in the world than do other kinds of discourses. I've seen poetry broaden Oregonian's inner vision revealing new perspectives. I've seen our laureates provide a better understanding of life and extend that understanding across region, class, race, age or educational background. So poetry communicates a significant experience, right? And through that it deepens our knowledge and it deepens our senses. The result of that is compassion, empathy, understanding, and connection, all of which are so important to us especially right now during these extremely divisive times. So, and that's why I'm so honored to be part of this recognition of Paulann as well as the office of the poet laureate itself, and it's because of the good work of the Oregon cultural trust that Paulann is able to continue with this important tradition which began all the way back in 1921, our first poet laureates name was Edwin Marquam. So that was the why, now for the what. Like Paulann's hero, William Stafford, and her mentor, Lawson Inada, both former poets laureate of Oregon, she has brought poetry to the masses, really to anyone who would listen. I could read off a list of where she has traveled but I would exceed my time limit here. I can tell you that she has visited 27 of Oregon's 36 counties, many of them more than once. And I thought that she had been to more than 130 events, but now I understand it's more than 155 events, and these events have been on her calendar since she started in July 2010. So that's 155 events in less than a year and half, which is pretty amazing, I think. And I wanted to share just three of the responses we have received from organizers and participants. So Matt Harrison, an attendee in Waldport wrote, she is a journey woman who teaches the art of listening. Pauline Beard, who organized a reading at Pacific University, notes that Paulann managed to mingle with everyone from the mayor of forest grove to a young high school student who wants to be a writer, to echo the importance of reaching young people. Rachel Drezback, who attended a workshop in Portland, called it both magical and practical. She says, I work with university students, so this cultural trust investment will be repaid into Oregon's students educations. And of course there are dozens more of these wonderful quotes, but I want you to notice the language in these responses. So, there's listening, connection, connecting to everybody, practical, magical. Right, again concepts and skills that we need to practice in these challenging times. And you might say magical? You know, not so important. But I think that really gets to the heart of it, right? It gets to the heart of connection, and I want to maintain its importance. It's sort of this old bread and roses argument, and a life worth living. And so I think that that's what Paulann brings to the state. I am a humanities person, so I want to leave you today with a literary illusion. In his novel "Howard's end," E. M. Forster utilizes a literary truth, he writes, only connect. Right? Only connect. It's like a mantra, and it's so powerful, in its suggestion that connection is what drives the health and well-being of our communities, and that such connection derives from art, or poetry. I am so energized by the choice that Portland makes today to recognize the good work of Paulann and, by so doing, reaffirming our collective commitment to connection through arts, humanities, and heritage. So, thank you all again. Thank you, Paulann, and congratulations.

**Leonard:** Thank you very much, Cara. So now we have two more distinguished presenters, Jim Carmin, from the Wilson special collections librarian, is the Wilson special collections librarian, at the central library, and Carl Adamshick, co-publisher of cavern books, the small press that's handling the project to get poetry books into small, rural, and tribal libraries in Oregon. Welcome, gentlemen.

**Carl Adamshick:** Thank you.

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**Jim Carmin:** Thank you. For the record, I'm Jim Carmin. I'm the John Wilson special collections librarian at Multnomah county library just down the street. And it's a great pleasure to be in front of the council and the mayor today. As the director of special collections, rare books, and manuscripts, it's both a privilege and a pleasure to be a part of this great event that honors a good friend and a wonderful poet Paulann Petersen. It's also an honor to fill in for our retiring Oregon State librarian, Jim Shepkey, who is very sorry he could not be here today. But he had an important matter that kept him in Salem, so I am filling in for him today. I asked Jim if there were some comments he'd like me to pass on, and he did. So I'm going to read a few things that he said, Jim Shepke says, had I been there, I would have noted that Paulann, our sixth poet laureate is carrying on the great tradition of our fifth poet laureate, Lawson Anata, by visiting libraries throughout the state for readings and work shops. According to the latest count I have, Paulann has been to 54 libraries already, less than two years into her term. I find that amazing. I would agree on that. Besides visits to libraries in Portland -- and Paulann's actually going to be doing an event in Portland next week that I am sponsoring. Thank you, Paulann. And the other large cities in the state, she has been to Christmas valley and Creswell and Paisley and Rockaway and Rogue River and every place in between. These are places that are starved for cultural programming, and our poet laureate, along with her chauffeur, ken -- Jim Scheppke's words -- has done these communities a great service by visiting their libraries. She is also working with Tavern books of Portland, Mike McGriff and Carl Adamshick here, to collect poetry books to donate to rural public libraries in Oregon. I'm aware of a donation of 36 books that's already been made to the Willamina public library. And the librarian there, Melissa Hanson, tells us that the donations already doubled the size of their poetry collection. We are very grateful to Paulann and the Oregon Cultural Trust for making our libraries throughout Oregon a prime beneficiary of the Oregon poet laureate program. So, back to me, I'd like to restate what Jim Scheppke said a moment, and just note what an impressive feat it is for Paulann to have read and taught at 54 libraries in less than two years, as Oregon poet laureate. And even more daunting if you consider it, her mileage. Let's bring it down to human scale. Traveling 12,553 miles across the state of Oregon means that she's moved more than 66 million feet to move us all to celebrate poetry, to help us learn about poetry to, remind us that poetry and words and language are a part of this, an important expression of heart and mind and hands. I've known Paulann for many years but even if I'd just met her today, I know that I would find her to be the perfect poet laureate. Few people are more willing to put aside her personal pursuits for the cause of promoting poetry than Paulann has been. I've observed her leading workshops and teaching classes, I've seen her read in formal settings and in formal salons at homes, including many in her own. Why Paulann is so right as our Oregon poet laureate is that this is what she's been doing for decades on her own and because of her official appointment she has touched many more lives now who know what I've known for years. Paulann Petersen is herself much like libraries. She's open-minded; she accepts wide views of others. She is patient, she is gracious, she is welcoming. She imparts knowledge. She is sincere. She educates. She believes that everyone is special and has the potential to soar, and she is democratic. Those of us who read poems regularly find them comforting, exasperating, challenging, delightful, stunning, funny, sad, terrifying, and every other adjective one could imagine. But for many of 21<sup>st</sup> century America, even in Portland, poetry is a difficult consent to embrace. For this reason, all Oregonians and especially we Portlanders are utterly fortunate to have Paulann Peterson as our official ambassador to poetry, to expose as many people as possible to the pleasures, pains and possibilities of poetry. I want to congratulate Paulann on this marvelous day, and again thanks to the city council and the mayor.

**Leonard:** Thank you.

**Adams:** Thank you.

**Carl Adamshick:** Thank you. My name is Carl Adamshick, and I'm cofounder of tavern books. And one day I was sitting around with my friend Mike McGriff and we decided we would set a book drive and try to get books of poetry and books on poets to rural libraries and tribal libraries

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across the state. And we thought that would be great, and then we sat there and looked at one another, and that's all it was, was an idea. At some point Paulann took it upon herself to, as she was driving around doing all these readings to mention it and to talk about it. And it wasn't until her sort of wherewithal and practicality came, that it sort of fostered our idea, and she got all these people to donate books and had all these libraries contact us. And much like Melissa at Willamina, I got to go down there and deliver books, and it was pretty special. You know? She said her poetry selection was dismal, and now she has lots of books there. And since then, we've actually delivered thousands of books to 10 or 15 libraries across the state. And everyone always wants to thank tavern books, but it's actually just Paulann Petersen, and that's all I really wanted to say today. So thanks, Paulann.

**Leonard:** Thank you. So now it's my distinct privilege and pleasure to introduce Oregon's sixth poet laureate, Paulann Petersen. [applause]

**Adams:** Welcome.

**Paulann Petersen:** Thank you very much. Well, what words from me might be appropriate, might possibly be adequate here today? Words of gratitude, words of praise. Those would come closest. I begin with gratitude for Commissioner Randy Leonard. Randy Leonard and his wife, Katie Whalen. I start here with a Portland city commissioner who cares enough about the life of arts and culture in our city to sponsor this resolution. Commissioner. That word has a sturdy, reassuring sound, and it should. A commissioner is someone who has made a commitment, someone entrusted to meet an obligation. And in addition to his myriad duties here at city council, his responsibilities to the water bureau, to fire and rescue, commissioner Leonard has taken his time, has entrusted the time of his staff members, Sarah and Ty, to celebrate the place of arts in our lives. For Randy Leonard, for Katie Whalen, I am grateful. I begin with praise and gratitude for the Oregon cultural trust, for the cultural partners. I begin with a simple and, in my estimation, inarguable fact that, without the sponsorship of the cultural trust and partners, Oregon would not have a poet laureate. When in 1989 Bill Stafford resigned after 15 years as our poet laureate, he did so with considerable discouragement and disappointment, saying the appointment should be passed on to a different poet more frequently. He said, after 15 years, it was getting to be more like an aristocracy than a democracy. He pleaded for financial support for a poet laureate. After bill resigned, Oregon went for 17 years without a poet laureate. And then, in 2006, Oregon Cultural Trust and the cultural partners stepped in to remedy that omission. Last month the cultural trust celebrated its ninth birthday, nine years of supporting arts and culture in every corner, valley, plateau, and hillside of this state. Nine years of being one of the most remarkable arts and culture support organizations in America's history. Do you think that's hyperbole in an exaggeration? Then let me counter with another question. How many other states in these United States of America have a cultural trust? I believe commissioner Fish could answer that question. The answer is none. None. Zip. Zilch. Oregon is the one and only. Our cultural trust is unique. For Oregon cultural trust, for Chris D'arcy, for Commissioner Nick Fish and every other Cultural Trust board member I am grateful. I begin with praise and gratitude for Oregon Humanities, for Cara Ungar-Gutierrez, for Kristy Athens who serves as liaison between the public and the Oregon poet laureate maintaining an OPL website relaying requests to me. For Oregon Humanities for Cara, for Kristy, I am grateful. I begin yet again with gratitude for -- and at this point you might reasonably ask me how I can say I'm beginning in yet another place, how I can possibly have so many starting spots. How? Because this gathering here today, this resolution is a consequence of community. Community, something with many beginnings, many starting places. A consequence of community, of joined forces, shared passions, mutual dreams. This resolution may say Oregon poet laureate, Paulann Petersen, but it's about confluence, about community, the result of the efforts of many. Thus I can begin again with gratitude for tavern books, that small press founded by two of Oregon's young literary lions, Carl Adamshick and Mike McGriff. I'm on the board of advisors for tavern books. And when Carl and Mike announced that Tavern books community project, the one placing poetry collections on the

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shelves of rural and tribal libraries in Oregon, they gave me a gift, the chance as poet laureate to appeal to people throughout Oregon, to donate books to the drive. For tavern books, for Carl, for Mike, I am grateful. I'm graceful to my state representative, Carolyn Tomei, who as she told you several years ago began inviting poets to give convocations to open those legislative sessions by reading a poem. And she has invited me there to do that several times. She has supported my work as poet laureate wholeheartedly. For Carolyn, I am grateful. I am full of gratitude and admiration for Oregon's libraries and librarians, for Jim Scheppke, our stellar state librarian, for Jim Carmin, the Wilson special collections librarian at that temple a few blocks from here, aka central library. For Sharon Bart, the director of my own neighborhood library, Sellwood library. I am quite aware that I would most likely never have had the privilege and delight of making visits to spots such as Sheridan and Christmas Valley and Garden Home if it hadn't been for the invitations from all those librarians. Oregon poet laureate and Oregon libraries. Now, that's a partnership. I'm grateful to Joy Botinelli and Bill Howell who made a special contribution to the Oregon Cultural Trust, a contribution dedicated to helping with the expenses of poet laureate visits to spots in Oregon far, far from my Sellwood home. To Joy and Bill for their generosity, I'm grateful. For my family, my son, Chris Peterson, daughter in law, Mia, grandson Dylan, granddaughter Alaina, who are here today, for their support I am grateful. For you, dear friends, who made the effort to be here today, who join me in celebrating this confluence, this community, I'm grateful. For the dearest of friends, she who is light in our lives, source of wisdom and wit, fountain of inspiration, for Dorothy Stafford, I am grateful. And I am grateful for the man, he is right over there, I think someone already pointed him out. Ken, who over a year ago renamed himself who now calls himself the poet laureate delivery service. [laughter] My husband, Ken Palley, who has been the driver in virtually all those 12,500-plus miles on Oregon roads. One evening earlier this fall, we pulled into the small parking lot in front of the Creswell library where I was due for a reading and a presentation. We walked into the library, up to the check-out counter behind which two young men, librarians, were standing. Ken announced to them, this is the poet laureate delivery service. Are you ready to take delivery? And they said yes. [laughter] For Ken's lively companionship, for his steadfast love and support, I am grateful. I'm a native Oregonian. I'm a native Portlander. I love Portland. I am irrationally biased in Portland's favor. Commissioner Leonard, city of Portland, city of my birth, you do me great honor here today, and I'm thankful -- very thankful -- but I call on you, all of you, to note this; there is no way, none at all, to honor me, to honor Oregon's poet laureate, without honoring, without celebrating the confluence of remarkable people and remarkable organizations whose praises I sing. The people and organizations for whom I say hosanna. Thank you. [applause]

**Leonard:** Well colleagues, you've gotten just a little insight into the passion that Paulann evokes from her friends and admirers with her presentation here today. Now is the opportunity for friends or family who may want to come up and say something on behalf of Paulann.

**Adams:** Is anyone signed up?

**Moore-Love:** No one else signed up.

**Leonard:** Is there anybody who'd like to come forward and make any comments?

**David Milholland:** My name is David Milholland President of Oregon Cultural Heritage Committee. I was honored to be one of several people who chose to nominate Paulann for this award, this position; because I knew she would step beautifully into the shoes of Lawson Fusala Inada of Ashland Medford who had done a great job. And they have set a standard for achieving something that wasn't imaginable when this position was first announced, that we were going to have a renewed poet laureate. That we've had people who have brought the nether ends of our I5 corridor into a statewide vision. No one goes to Christmas Valley in Oregon. It's a place that deserves to be visited. Nobody goes to the places that she was mentioning that were mentioned by our other presenters. And that Oregon is represented and Portland is represented in the nether communities of our state is so important. And that Paulann now has set a standard that has to be,

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yet further leap beyond, is a wonderful thing, because I think that Portland is a piece of a much bigger pie. We are all Oregonians, and it's a thrill to be in a position to watch you of the city council honor somebody who has invested her energy and all of our vision into making this a rich state. Thank you.

**Adams:** Thank you. Does anyone else wish to address us? Alright. Yeah, please. Anyone else? We have four seats up here. Alright, this will be our last speaker.

**Stephen Leflar:** I'm Stephen Leflar. And it's so intriguing to me that there is only one cultural trust in the United States. What a lucky thing for us. But I think Paulann is trying to say something that needs to be more blunt, and that's that poetry is the foundation of technology, of science, of development. And we forget that. The Chinese garden was built on a poem. That was the substructure and I think that all of us need to be reminded from Paulann that poetry, the arts, the intuitive science, I'll call it, is the basis of all of our work. And I thank you for supporting that.

**Adams:** Thank you. Hello.

**Bill Howe:** My name is Bill Howe Mr. Mayor, Commissioner Leonard, council. It is wonderful to have this honor, this resolution praising Paulann. When you ask for people to come up, we could be here all day. Paulann is a very hard act to follow, as you just witnessed. She also expresses a sense of community and love really that is so lacking in our public discourse. And to invite her here, I honor you for doing that. And it's a good opportunity for us all to take some pause. I remember -- I'm the only person on planet earth who attended all three of Ken and Paulann's weddings. [laughter] Ken, who had not been previously married, was overcorrecting, I think, through the ceremonies. One was at our house, and Ken was insisted that there would be no need for tents or anything. It wasn't going to rain. Of course it started pouring. Paulann shows up, and it stops raining, and this gorgeous rainbow comes out, and we have a picture of the two of them under a rainbow. Now, there's no one else in this room that's managed that feat, I suspect, probably no one else in Oregon. Paulann has this ability, as do great poets with good hearts, such as William Stafford and such as, by the way, Dorothy Stafford, who is a national treasure herself -- I would join the Dorothy Stafford delivery service, by the way. So I honor the council for taking this time, and I just wanted to share with you, Paulann, that every person in this room, I'm quite sure, and many thousands around the state -- it's a gift when Paulann shows up in a place like Burns or Bend or Prairie City or Enterprise, these places that we traveled with her. It is just magical, the gift. And for this council to acknowledge and honor that contribution is a great gift. Thank you so much.

**Adams:** Thank you, thank you both. Karla would you please call the roll?

**Leonard:** It has been really a pleasure developing this resolution, but I honestly didn't expect the outpouring and the wonderful hearing we were going to have today. Thank you, Paulann, for all you do. Ken, thank you for being her chauffeur, and thank you for embracing me as you have, and my wife, Katie. Aye.

**Fritz:** Commissioner Leonard, this is going to stand out in my memory as one of the most wonderful things that you've done while we've had the pleasure of serving together on the council. Thank you for bringing this resolution and thank you especially, Paulann. Words in this chamber are often used to express discontent and sometimes seem intent on inflicting hurt, and you reminded us today of the beauty of words and the inspiration of the words. And I can well understand now why you're described as a journey woman who teaches the art of listening. You could have heard a pin drop even on the carpet while you were speaking and inspiring each and every one of us. And you're also a woman of action, that you - Some people might consider the poet laureate position to be some kind of cushy job that looks good on a resumé. Obviously you and your chauffeur are taking it to heart, taking it all over this wonderful state to share one of our treasures of Portland, which evidently you are. I feel very blessed that you shared your time and your skill with us today and that you're taking action. And I particularly appreciate seeing Mrs. Dorothy Hope Stafford here today. You are a woman of action just by being here. You were so encouraging to me when I was running four years ago, and it makes a - I'm really happy to see you here today and to see

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everybody here who is here to support quietly and, just by being here, celebrate this wonderful accomplishment. I appreciate your reminder that the word "commissioner" is indeed a sturdy, reassuring word, and it comes with both obligations and with opportunities, as Commissioner Leonard has shown, that we have the opportunity to celebrate some of our great citizens. Thank you so much. Aye.

**Fish:** Well, the poet laureate was very gracious in her remarks and thanked a lot of people, but it is we that should thank you, for taking on this assignment and for honoring our state. And Susan Hammer was here a moment ago. I guess she had to leave. I want to thank Susan, because she invited me to her house once where I actually first met you and heard your poetry. So thank you for representing our state so well and for bringing poetry to all of the various counties in our state. I want to acknowledge and thank my colleague, Randy Leonard. I've learned something today. I know how passionate he is about history, and he's actually a walking encyclopedia of history and has talked about what he might do in his second career after politics, and I know that writing and research and probably spending a lot of time in the city archives will be a part of it. So I would be remiss if I didn't thank Randy and his partner, Katie, for bringing this forward today. This has added so much to our deliberations. You know, poetry plays such a special role in our life. And as you were speaking, I was thinking about all the times a poet spoke at a formal event and added something special. I think about the opening of Bud Clark commons where the poet laureate of street roots, Leo Rhodes, was joined by Barry Sanders, who is the poet in residence at the Pacific Northwest College of Art, and they both read original works of art. Frankly we could have stopped the program there, and it would have been memorable. I think about your predecessor speaking at the rededication of the Japanese American memorial plaza on Tom McCall waterfront park and how his poem at that event elevated it to something very special. And so on and on and on. We are fortunate to live in a state that has a cultural trust, and we are especially fortunate that we have the poet laureate position reinstated. Chris will kill me if I don't say this, so I'm just going to close by doing a little pitch. None of this is possible, not what Cara does, not what the trust does, not what you do -- none of the funding for our treasured arts heritage and cultural organizations happens without people in Oregon contributing. And it's the easiest thing you can do, and it is still not understood by a lot of people. So if I may, just because Commissioner Leonard has given us this moment, if you have a favorite cultural organization among the 1300 nonprofits listed at the cultural trust website and you can draw down a tab and see them -- and it might be northwest dance, it might be pear -- there's 1300. And before the end of this calendar year you make a contribution, let's say a \$500 contribution, and you then turned around and donated the exact same amount to the cultural trust, and you can do it through the cultural trust, or if you want you can go to the Willamette Week give guide and they will tell you on each contribution you make online, they will let you know whether it is eligible for a match, so you can just add it to what you're doing. You will get that back dollar for dollar in your taxes, because you're eligible for a 100% tax credit. So if you owe the state of Oregon one penny in taxes for that calendar year, you get your contribution back. And so here is the dirty little secret of the Oregon cultural trust. Your contribution to this endowment, which provides opportunities to expand the things we love statewide, costs you nothing, other than doing what you are already going to do, which is support the nonprofit organization of your choice. And the only thing you have to do, Commissioner Leonard, is make the contribution by December 31st and make the match by the end of the year, and you take it off dollar for dollar on your taxes so it costs you nothing. So I hope that this moment and what Randy has done and the presentation and the presence of our poet laureate inspires people who are listening to this, because the best way we can honor you then for your service to our state and our country is to support the cultural trust. So thank you, and thank you, Randy. Aye.

**Saltzman:** Thank you, Commissioner Leonard and Katie for bringing this forward today, and thank you, Paulann and Mrs. Stafford. I am honored to be in your presence. I guess in the spirit of dirty little secrets, you know, I'm somebody who, I can't read poetry; it just doesn't work for me. I could

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never get it. But when I hear it, it's captivating. And so hearing you today, Paulann, was captivating and gives me an ability to appreciate. And I do confess that the other way I appreciate poetry is I almost every year go to the Fisher poet festival in Astoria.

\*\*\*\*\*: Yeah.

**Saltzman:** Maybe I'll see some of you down there. And I've come to appreciate poetry. So I really appreciate it when it's being spoken but I just have an inability to appreciate it reading it. But you've done a great job, and I really appreciate your getting out to the state and tavern books' efforts to get books to libraries that don't have large collections. I really appreciate all you're doing and appreciate you being here today. Aye.

**Adams:** Well, congratulations. Thank you for your great work of putting energy into it to infuse the part of the title of Oregon by getting out to every place in Oregon. I grew up in Newport, Oregon, in Eugene, Oregon, and I used to have a job that took me to all 36 counties, and I know how much it means especially to have someone from Portland visit and show concern and to really embrace the fact that we are one state. So thank you, and thank you to your delivery service. Mrs. Stafford, great to see you. And I'm very pleased -- and thank you to Commissioner Leonard for bringing this forward. I'm very pleased to vote aye. Three minutes of recess. Thank you all very much.

At 11:40 a.m., Council recessed.

At 11:45 a.m., Council reconvened.

**Adams:** Council will come to order. Karla will you -- Karla would you please read the time certain land use item number 1249? And please call the vote.

**Item 1249.**

\*\*\*\*\*: Respectfully, appellants object to the process and procedure by which this order has been drafted and adopted.

**Adams:** I haven't recognized you, ma'am. Would you please sit down now? Please sit down.

**Kathryn Beaumont, Chief Deputy City Attorney:** Kathryn Beaumont, city attorney's office. What you have before you are the findings that reflect the council's tentative decision of approximately a month ago. In order to adopt the findings, you do need a motion, so a motion to deny the appeal and to adopt the findings presented to you as your final decision would be in order.

**Adams:** So moved.

**Fish:** Second.

**Adams:** It's been moved and seconded, would you please -- this a motion to approve. This process has gone on for some time with ample opportunity for comment and following the rules prescribed to us very strictly. Would you please call the vote?

**Fritz:** This has been a long process, and we delayed the vote in the middle of the summer to allow extra time to look into the issues, that was important to me that we made sure that I had all the information. And frankly, if I were being asked to vote on is this the right place for this facility or is this the best and highest use of this property, my vote would be no. But that's not what I'm being asked to vote on in this instance. What I'm charged and required by state law to vote on is whether the application for this proposed use on this proposed site meets the approval criteria in the code or can be made to meet the approval criteria with suitable conditions. My staff and I looked long and hard to try to find a way to say no, and I have been working on land use cases in neighborhoods for 20 years and tried really hard, and yet I find that the approval criteria are met with the additional conditions and I am very pleased with the conditions of approval that look to - for the good neighbor agreement, which I hope the neighborhood will work on diligently. We did hear from many neighbors in support of this proposal as well as many opposed, and often that is the case that, in any neighborhood, there isn't unanimity over whether something should be approved or not. I appreciate the staff work and the diligence that has been done here. And I also appreciate the good

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discussion that happened during the appeal. For those who are not pleased with this ruling, with this vote, the next step is to appeal to the land use board of appeals, about any procedural issues or other concerns with the way the council has made the vote. But with those comments, and again my thanks to all of the participants as well as to the staff. I vote aye.

**Leonard:** I found the applicants' testimony in regard to the transportation impacts in direct conflict to staff's testimony about the potential transportation impacts, and therefore I do believe that the criteria has not been met for approval of the siting of this enterprise in Lents, so I vote no.

**Fish:** Aye.

**Saltzman:** Aye.

**Adams:** Recology has agreed to a number of conditions that go above and beyond to improve the current status quo, debris transfer facility at the Foster Rd. site, including installation of state-of-the-art bio-air filtration system and the plan to upload materials within the closed doors, as opposed to open air. I want to thank those, I want to thank those who opposed this project for engaging in the process. And to be clear, this is not the only facility of this type that is proposed within the city. There is a proposal for this exact kind of facility in Saint Johns in the north Portland area where I live. So I want to thank Raihana Ansary in my office and others that worked on this. I'm pleased to vote aye. So approved. Can you please read the next item? I think it's title of resolution.

**Item 1286.**

**Fritz:** The mayor has to leave, so I'll be presiding over the remainder of the morning session. Andrew Scott.

**Andrew Scott, Office of Management and Finance:** Great. And I think there is an amendment that has to be made. And I assume everyone has a copy of that? O.K. So I don't know if we want to do that first or we can do that later.

**Fritz:** Sure, could you just briefly tell us what the amendment does?

**Scott:** Sure, yeah, the amendment. The original report that we filed last week includes a target adjustment, between bureau of human resources and the police bureau, moving three positions – I'm sorry, funding for three positions out of the police bureau into H.R., it should have been filed with four positions and after further discussion with the police bureau, they agree with that, and I can get into the specifics of why we're making those target reductions as we go through the discussion of the model. But that would be the amendment is essentially to change that from three to four.

**Leonard:** I move the amendment as submitted.

**Fish:** Second.

**Fritz:** Please call the roll on the amendment.

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

**Scott:** So the juxtaposition of discussing and talking and hearing from the poet laureate moving to general fund overhead model is probably one of the more dramatic juxtaposition of subject matters. I think I mentioned before that my staff is fond of haikus. Thus they have written two. One about the old model and one about the new. [laughter] And I will very briefly read those. This is about the old model; Overhead model, a spider's web of metrics, dauntingly complex. The new model. 36 to 2, the metrics are simplified, a new model born. With that, I'll just open it up for questions. [laughter]

**Leonard:** Very good.

**Fritz:** So for those for whom that is not perhaps - for those watching at home, could you give us a little bit more detail about what -

**Scott:** I'll go briefly through and we've discussed this with your offices. The city's overhead model, the general fund overhead model, this is how we allocate central service costs, such as the city attorney's office, council offices, my budget office, HR purchasing, and so forth. How we allocate the cost to all the bureaus in the city who use those services. The existing model has 48 cost pools. Those are the budgeted amounts that are allocated out. And they're allocated out using



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36 different metrics, everything from number of calls received, number of journal entries processed, to number of council agenda items filed. That model that has been in place for many, many years tries to achieve as much accuracy as possible in terms of the actual services used by each bureau. However, it is also prone to very large swings from year to year in terms of the overhead charges that are applied to the different bureaus in the city. As part of the current budget process, council passed a budget note that directed omf to update the general fund overhead model, looking at the cost pools, the metrics, and allocation methodologies and also look at any potential additions or adjustments to that model. The city has a general fund overhead advisory committee that reviews and make recommendations on all general fund overhead model changes, so we worked with the general fund overhead advisory committee, which has representatives from all of the large and many of the small and medium bureaus. We worked with them on any potential updates to the model. We presented them with a variety of options for changing the model with our primary focus being on stability and predictability of the charges. The advisory committee met twice and recommended moving forward with the model that you have before me which I'll briefly walk through. The new model greatly simplifies the metrics that are used. It goes from using the 36 different metrics down to just two. The two metrics that would be used to allocate all overhead costs would be budget size and fte. Budget size would account for 75%, and FTE would account for 25% of the cost. In terms of budget size, because we do have some very large bureaus with very large capital projects and debt, this is an existing thing that's been in the model for a long time. Well actually, one of the changes we're making is debt funds are now fully excluded from the model, so those get taken out. And then, something that was in the old model that would be carried forward in the new model, is capital costs are discounted by 50%. Again, this is for some of our large infrastructure bureaus. We do give them a discount on their budget size based on sort of the relative use of the services. The new model does has an impact on most city funds in aggregate, and I would draw you if you have the report in front of you, the first - there's a narrative section sort of describing the process we went through and rationale. The first table in that report, which is FY 2012-13 general fund overhead recovery comparison, what that table shows, we ran the existing model for next year to sort of show that, under the existing model with the metrics, what the charges would be, and then we show what the new charges would be by bureau as well. And at an aggregate level between the general fund and the non-general fund, there are not many changes, the general fund would save about \$413,000, under this model, non-general fund bureaus would pick up about \$413,000 more. However if you look within that, individual bureaus see significant swings. Some bureaus have significant reduction in the charges, and some bureaus have significant increases in the charges. All of the bureaus that are significantly impacted were represented on the overhead advisory committee, and they all did agree to move forward with this new model even those that are paying significantly more. And I think the benefit -- they certainly aren't happy about paying more, but I think the benefit they saw of the new model is its predictability and simplicity. And so moving forward, bureaus will be able to do a much better job of projecting over their five year forecasts what their overhead charges are going to be. The next table, which I won't go through but certainly you can look at, and if you have any questions, it shows the last five years of overhead charges, and you can see the wild swings that we get under the existing model. Bureaus will have a 20% increase one year followed by a 15% decrease the following year followed by a 15% increase the next year, and that makes it very, very hard particularly for the large rate bureaus to plan into the future and hold rates stable. The new model will be much more stable. We do give up some accuracy in terms of paying exactly for the services they're receiving, but as we analyzed it over time, those differences will -- I think most bureaus will end up paying about what they would have paid anyway. And I do think that when we look, and the advisory committee agreed with this, when you look at budget size and ftes, they are only two metrics but they are relatively correlated with the services that are used by the bureaus. And so again, over the long-term we'll see that correlation and we'll see those charges will be fair. The other thing that the budget note directed us

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to do, in addition to change the model – and so that is the model the overhead advisory committee recommends moving forward with. So also just look to see if anything else should be folded into the model. There are a number of interagency agreements that have formed over the years with overhead receiving bureaus, and the question is, are those more appropriately located within the model. The advisory committee looked at those and they are recommending changes to three. One would be to increase h.r.'s -- h.r. has an interagency right now for payroll support for a staff person that is helping with the ebs payroll support. That position is paid for by bureaus throughout the city. We would just move those interagency payments into the overhead model. Another one H.r. also has an interagency agreement with the police bureau for four positions that provide support to the police but also are providing support to other public safety agencies. It would move those positions from an interagency into the h.r. budget. And then finally, in the budget office and financial planning we have .4 position that provides mapping and performs management services, we would also fold that in. In order to keep these changes budget neutral, we are reducing the budgets of the bureaus that are currently paying for them to increase the budgets on the other side. So the best example here on the police - the i.a. that h.r. has with the police bureau for those four positions, since police will no longer be paying for them, we would remove that money from police's cal target, we would add it to HR's cal target and the general fund would be held harmless through that process. So again, what these changes do as part of this resolution would be adopted, is its simply taking things that are currently in IA, saying they belong more appropriately in the overhead model and then making the adjustments to hold the general fund harmless as a result.

**Fish:** One question if I could. Andrew I'm looking at our resolution and the accompanying report, and it says that cash transfers, contingency, and ending fund balance will continue to be excluded from the model. It also says that operating projects for two funds, including housing investment fund, will receive a 50% discount similar to capital projects. In light of that, would you just remind me why, in your exhibit 1, the hif goes from 73,000 to 231,000 on the online fund 213?

**Scott:** Yeah. Maybe Jeremy could talk a little bit about the specifics of that.

**Jeremy Patton, Office of Management and Finance:** Mostly, I mean, even with the 50% discount, the hif in the older model didn't use as many of the metrics, say council calendar items or number of transactions, where now it's mostly focused on budget 75%. So if you are looking at the hif is a rather large fund, so they are going to get a larger portion of that overhead cost, just because of their relative budget size. Compared to - under the old model, budget wasn't used as a large metric. Does that make –

**Fish:** Yes.

**Fritz:** Any other questions?

**Saltzman:** I just want to make sure I understand the basics. So the general fund overhead recovery will yield about \$25 million next fiscal year, under this new model, that goes to support the activities of omf, office of management and finance?

**Scott:** Well it's actually the activities of all overhead receiving bureaus. So it's a number of Omf services, council offices, city attorney's office, a significant portion of the auditor's office, anything that receives the overhead.

**Saltzman:** O.K. Thank you.

**Fish:** I move the resolution.

**Fritz:** Does anyone to testify on this issue?

**Moore-Love:** No one signed up.

**Fritz:** In that case I will entertain a motion to -

**Fish:** Move the resolution.

**Leonard:** Seconded.

**Fritz:** It's been moved and seconded. Please call the roll.

**Leonard:** I'm moved by your haiku. [laughter] aye.

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**Fish:** You know, Randy, based on today's presentation, you know that you're going to have to actually compose a haiku and read it at live wire, which is a tradition of the Cultural Trust so -

**Scott:** My staff are available for assistance. [laughter]

**Fish:** Andrew, I know a lot of work went into this, your team and the various bureau representatives, and there were council briefings. So, thank you as always for superb work. Aye.

**Saltzman:** I, too, appreciate the haiku. I think that was a good follow up to the previous presentation. But it looks like a lot of hard work went into this, and it looks like it is fair and equitable. And I'm pleased to support it. Aye.

**Fritz:** Thank you for your good work. The one note I had was that there wasn't any public involvement because it was an internal discussion within the city which has been the norm, so that's certainly understandable. I think that moving forward there would be some benefit in having perhaps some of our citizen budget advisors participate in those kinds of discussions, just to have some outside eyes verifying that what the bureaus come up with is a good thing. That said, it does look like this is a very good thing, and I'm pleased to support it. Aye. Gentlemen, we have a citizen testifier who was not able to be here right at 9:30 who would like to ask for our indulgence for three minutes. For those who are able to stay, please read the title again for item 1245.

**Item 1245.**

**Fritz:** Good morning. You just need to state your name for the record, and then you have three minutes and the clock in front of you will count down.

**Moses Wrosen:** Good morning. Thank you for your time. I was a resident across the street for well over a month, and I wanted to share just a few things with you. Namely I wanted to share with you -- well, I wanted to open with a poem in the spirit of today's activities, and it's a song by the Neville brothers called "sons and daughters," and it goes like this. You can't stop running water. You can't kill the fire that burns inside. The end of that song says, it's freedom of speech as long as you don't say too much, but sooner or later we're going to realize we're going to meet up with the truth face to face. So I want to talk about what I see as the gold that we discovered in the occupation, and that is the number 1 thing to me was it dramatically changed my view of the police officers in this town. We have a tremendously friendly police force in this town. You know, the last time I was here, I spoke about our tremendously bad accountability program, but the two are unrelated, and that is a piece of gold that I found at the occupation. Another piece of gold that I found at the occupation was that it was true democracy in action. People had a voice. People were empowered. It was beautiful. It was unlike anything I've ever experienced. Another nugget that I found at the occupation was that a group of volunteers with little more than a frying pan and a canister of gas were able to feed thousands and thousands of people day after day purely from the generosity of this community's heart. Another piece of gold that I discovered at the occupation was that, with very few rules, with free food, and a location across the street from the jail, we were able to provide a safe and hospitable environment for hundreds of Portland's least-served citizens, a miracle really. And despite the citations of violence and problems in the park, considering the number of people in that small area and the number of problems, it was a real miracle. Can I have 30 more seconds after this, please? Despite the police department's desire to find public health issues in the park, the public health department really couldn't cite issues. There weren't lice outbreaks there weren't scabies outbreaks. Anyway, the other piece of gold that I found at the occupation is that this movement is part of a spiritual, global awakening that's been happening for a while now, and these things are connected. The occupation is not going away. You cannot stop running water. The golden opportunity that I see that was missed was the wholly uncreative way that Portland solved the real problems that were across the street. You know, granted things need to change, and there were concerns from the community and concerns within the camp, but I think that Portland, the crew that planned that whole thing did a miserable job, and I know that the department of homeland and security had a lot to do with it, but I think you really missed a golden opportunity

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there, and I think the opportunity still exists because, like I said, you can't stop running water.

Thank you.

**Fritz:** Thank you for taking the time to come into city council chambers. If you want to talk to Karla about another opportunity, that would be fine. Thank you. With that we are adjourned then until 2:00 p.m.

At 12:07 p.m., Council recessed.

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**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.

**NOVEMBER 30, 2011      2:00 PM**

**Adams:** City council will come back to order from its recess, today is still Wednesday, November 30<sup>th</sup>, it is 2:00 p.m. Hi Karla, good lunch?

**Moore-Love:** Yes.

**Adams:** Great. Can you please call the roll?

**Adams:** We are continuing our consideration of items number 1287 and 1288. Could you please read the title of both?

**Item 1287 & Item 1288.**

**Adams:** All right. So we're just going to go right to the sign-up for those of you that I recognize as having been involved with the issues, organizations for a long time, I'm going to give you more time than the normal three minutes. Just to remind everyone, this is part of a three-week period of time, open record on these issues. And so I'd ask council to continue to take it in and either provide feedback today at the end of the hearing, or we'll make the rounds to council, prepare any changes, I can't guarantee that all the changes might get out beforehand, before we might consider this on the 8th, which is next week, but that's definitely our goal. But we're going to be looking for good ideas all the way up through that hearing. Council at that time will have the choice to vote or -- that's always council's prerogative in terms of voting that day, or because of changes that might be made that day, to actually vote the following week. We'll see how things go. With that, unless there's any other housekeeping procedures, how many people have signed up?

**Moore:** 12.

**Adams:** Great. So you'll be coming up in four. As always, if you represent an organization, you're authorized to act as a lobbyist for business organization or anyone else. Please include that as part of telling us who you are.

**Adams:** And these folks get five minutes. Would you -- you can live with three each?

**Dan Handelman:** We'll see how far it goes.

**Adams:** Very good. Mr. Handelman please begin.

**Handelman:** I would like five minutes, your honor.

**Adams:** Yes.

**Handelman:** Thank you. I'm Dan Handelman with Portland cop watch. At the November 16th hearing, we outlined our broad concerns about the mayor and chief and auditor's 90 pages of documents on police accountability issues. And because of the limited time to review so much information, we're focusing only on the specifics of the ordinance and recommending that council propose a resolution to supplement these existing documents that you're considering. We strongly support the idea of delaying your vote past the December 8th proposed date to ensure that Commissioner Leonard, who oversaw the police oversight stakeholder group can take part in this important discussion and vote. Notable that he's not here today. We have prepared a standalone list of the seven ordinance changes, and there were previously six, being proposed to independent police review division code. Analyzing those changes and pointing out at least 11 other ordinance changes proposed just by the stakeholder report plus one requiring the police review board. We have concerns about the Auditor's proposed language. While we generally support the administrative changes that she's proposing, we are opposed to the addition of the conference committee and -- because it needlessly lengthens and delays the process originally designed in the ordinance where city council should settle disagreements between the crc and the bureau. No

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community member asked for this change to the ordinance and council should not support it. The addition of a new subsection about sending information back for more investigation is not necessarily -- is not really necessary because in the stakeholder report Portland cop watch recommended a simpler fix by adding language to existing subsection where you would say the crc may send the case back for further investigation by ipr or iad and/or send back the case to reclassify allegations. And I would say, or add new allegations. The request for more evidence is part of the current process that crc uses where there's -- if they feel the bureau's findings are not supported by the evidence, they can either recommend other findings, or we believe send it back for investigation to reclassify allegations, because the findings are not supported by the evidence regardless of what the standard of review is. The change in the section about proposing new findings also the way it's proposed takes away the crc's responsibility to report their own recommendations and gives it to the director. So if it's going to remain in the ordinance, it should be -- there should be a directive for the crc chair to sign off on any communication about the crc's findings, just so it's not in the language of the ipr staff. The universally supported change to allow crc to make policy recommendations could be tightened up, at the very least it should be added that crc may make policy recommendations directly to the auditor and city council. The auditor has taken a step toward clarifying crc's role at city council hearings, and the stake holder group identified clearer language that should also be added. And we have a specific sentence that says; the committee shall present represent it's recommendation before council. We support the change to lengthen CRC member's terms. We also identified 11 other items related to the stakeholder report that should be added to the ordinance. The most illustrative of the need to make more changes is the one listed as stakeholder 2f and 2g, it's a conundrum that the crc can hear new evidence at their hearings, but not compel testimony while council can compel testimony but not hear new evidence. While we prefer crc be given the power to compel it would also be acceptable to delete the language specifying council may only review what is already in the record. As we mentioned last time, the ipr director explicitly stated she disagrees with the city attorney's interpretation of city code that crc can hear new evidence, currently. The fact that the language is so ambiguous on its face is enough reason to make more changes than those proposed by the auditor. As you heard for many quarters last time, council should also change the crc's standard of review, we sent you a document last April supporting changing the findings of the preponderance of the evidence. The city attorney has said there may be other less deferential standards that can be applied to crc and we're open to discussing those other ideas but we do agree with the committee members who think our citizen review board should be able to determine on their own whether an officer has violated policy. I've listed some of the other points ensuring ipr can review shootings and death in custody cases, give the auditor the ability to hire outside council, prohibit mediation for crc's use of force of cases, increase the size of the crc, provide crc has sufficient staffing and ensure ipr reports on certain data and a couple of others. I have the supporting document that's on the white paper, lists these out in great detail. We're also urging you to create a separate resolution that will outline city policies which would include we hope fixing the contract with the police union that says only officers can ask questions, and therefore ipr will be able to compel testimony if you change that section. There's also a section which actually says that ipr has no authority or responsibility relating to shooting death cases, which we know at this point they're in practice doing and we hope the union doesn't file a grievance over this, but unless that's changed they will have the ability to do that. Mr. Mayor can I run down these other ones real quickly? The other things we think could be included in the resolution would be directing the bureau to return to the nationally recognized four dispositions for complaints, having - directing the bureau and ipr to add additional notations of communication and equipment, the list of concerns that now include policy training and supervisory issues. They put those in place while the stakeholder group was still discussing that idea. Direct the bureau to refer to low level concerns as non-disciplinary complaints which is a much better term than service improvement opportunities. Direct the bureau to open task forces to the public for observation,

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which the auditor supports. Find a way to create an interagency agreement so documents can be made more easily available to public and finally, instruct ipr to conduct a survey of complainants about whether they prefer ipr or ia investigators and whether they prefer a full investigation or non-disciplinary complaints, just a survey, not to affect the outcome.

**Adams:** Thank you sir. Mam.

**Debbie Aiona:** In five minutes also? Thank you. I'm Debbie Aiona, representing the league of women voters of Portland. This is the first real opportunity the public has had to advocate for much-needed improvements to our oversight system since its creation 10 years ago. The league believes more time is needed to carefully consider the numerous ipr and police bureau-related recommendations that are on the table. The process also would be improved by grouping the recommendations into more manageable subsets, for example, by considering ipr improvements and police bureau policies separately. Furthermore, Commissioner Leonard, who organized and presided over the stakeholder group, is unable to fully participate in the scheduled council sessions.

The auditor's proposed changes to the ipr ordinance are a step forward in clarifying ambiguities, enshrining current practices, and adding improvements. Increasing crc members' terms, establishing crc authority to make policy recommendations directly to the bureau, and recommend further investigations in appeals are positive changes. Other needed improvements include change the definition of supported by the office so that the reasonable person's standard is replaced with a more suitable alternative. This issue was covered in detail at the last hearing, and is crc's top priority. The city attorney and crc should work together to resolve this. Crc members are carefully selected, well-trained, and take their responsibilities seriously. They deserve sufficient staff support to carry out their duties. In the staff and delegation section, add a provision requiring ipr to provide the crc with the staff needed to carry out its functions as defined by the ordinance. Appeal hearings benefit both the complainant and public. It is essential that the provisions governing their conduct are logical and clear. There are several items that merit your attention. In addition to giving crc the authority to recommend further investigation, the ability to reclassify allegations also should be added. There have been times when allegations were not an accurate reflection of the case or the related police policies and questions have arisen about whether or not crc had the authority to recommend reclassification. In section 3.21.160, the proposed language states, "when the crc challenges one or more of the bureau's recommended findings, and recommends a different finding, the director shall formally advise the bureau in writing of the committee recommendation." This should be revised to include that the crc must approve the written notification to ensure its accuracy.

The first ipr director instituted the conference committee without consulting the crc or the public. Before adding this to the code, the need for this step in the process should be thoroughly discussed.

When an appeal does go to city council, crc should take the lead in presenting its recommended findings since it is the body challenging them. Clarify the language by adding, the committee shall prevent its recommendations before council, as recommended by the stakeholder group. Finally there are a number of other issues that do not belong in the code, but should be addressed in a council resolution. Several examples include greater public involvement in development of police policies, a mechanism for a crc public review of cases that have not been appealed but illustrate questionable police responses or policy issues, returning to the appropriate findings in misconduct cases, making police reports available to complainants, the identification of types of cases appropriate for independent ipr investigations, and changes to the collective bargaining agreements to accommodate true civilian oversight. Thank you very much.

**Fritz:** May I ask a question? Could you just tell me a little more about your concerns about the conference committee? What it is and what you think needs to be fleshed out with it?

**Aiona:** The conference committee happens after the crc, hears an appeal, and it challenges, it says we recommend different findings than the one the bureau has come up with, then the bureau decides not to accept the crc's recommendation, then at a subsequent crc meeting, the bureau comes back and they have what they call a conference committee. And it's kind of a second round in the same

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discussion. And then after that, if there still is no agreement, then it goes to city council. Now, when the -- in the original -- as you know from seeing the existing ordinance, the way it's written -- before the, you know - without the changes that might be made, the crc is supposed to have its hearing, make the recommendations on the findings, and then if the bureau doesn't agree, then it just goes to city council. The discussion has already taken place at that hearing, and so to have a second hearing to talk about the same thing all over again, just sort of slows things down and in many of these cases it's been years since the event actually occurred. It takes a long time to investigate these things. So that's why it just seems like an unnecessary step.

**Fritz:** Thank you for explaining.

**Aiona:** Thank you.

**Adams:** Sir.

**James Kahan:** O.K. I'll probably take about four minutes. My name is James Kahan, and I am a resident of Portland and a policy analyst by profession. I've done policy analysis and research on public safety and was the director of research quality for six years at the European office of the Rand corporation. I currently serve on the advisory board of the police crisis intervention training unit, and on the steering committee of safer pdx. I was a member of the stakeholder group convened last year by Commissioner Leonard and a member of the subcommittee that actually drafted the recommendations that are presently under consideration. And my position on all of those recommendations is stated in the documentation of that group's work. Now while the immediate topic of today's council session is the ipr and the crc, the real larger topic is police accountability. Police accountability has two major components -- external oversight, and internal where I'm going to go to quality assurance. The external oversight in Portland is well structured with your oversight, the ipr, the crc, police audits by the city auditor, close oversight by elected officials and engagement by committed community stakeholders, such as these two people on my left here. That doesn't say it functions well, but the structure is there and the discussion about how to best implement and link those components of external oversight is highly productive. What is missing, however, is the internal piece. And that for me is quality assurance. QA is an objective, evidence based, systemic, blame-free approach to continuous quality improvement of an organization. And it is by definition internal. External oversight is thus not a substitute for q.a., nor is the internal affairs department q.a. Its primary mission is determining blame of individual officers. If in the course of a crc or iad investigation, policy and procedural issues are brought to light so much the better, but that's not their main purpose. Q.a. is, in the context of a police force, a method for identifying systemic deficiencies in police policies and procedures, especially those deficiencies that could have or have had serious consequences for the citizens served by the police. The most important feature of QA is the collection and analysis of meaningful, valid and comprehensive data that looks for any systemic deficiencies in policies and processes that are used to achieve the police objectives, especially in regard to interaction with citizens. To be meaningful, valid, and as complete as possible, these data must be collected in a blame-free atmosphere, where the goal is not to give demerits or words to misbehaving police members, but to track system functioning. Q.a. data comes not only from reports of negative events, but from near misses and successes as well, plus open self-reports of such events and anonymous reports by officers. Looking at the good and bad is essential to q.a. Not to calculate percentage of times with things went well, but instead to identify what caused things to actually go bad or come close to going bad. That involves a culture shift. It is not trivial. But I believe it is something that we need to embark on in this city. So in summary, I believe that QA which is an objective, evidence-based, blame-free approach to continuous quality improvement, needs to be designed and implemented within the Portland police bureau in a timely but deliberate manner. Thank you.

**Adams:** Thank you sir. Appreciate it. Mame.

**Sylvia Zingerser:** I'm Sylvia Zingerser, and I represent NAMI Multnomah national alliance on mental illness. I have also been on the crisis intervention training advisory board for a number of



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years now. And I was on the stakeholders group as well that Commissioner Leonard conducted. And I cannot tell you how important I feel it is to have a quality assurance program. I've worked under it for years as a medical technologist, I believe in it. I feel that it will help collect the data, make the measurements, and that we can take that data and we can use that data to help people with mental illnesses and possibly convince the public if you will, that we need to fund this and of course it has to be funded through taxation. So that's just -- just one of the issues that I feel that is really important. We need that information and we're not getting it. [no audio]

**Fish:** Dan this is directed to you, because I'm not sure we're going to have another chance to engage you today. So, on the question of standard of review, I guess at the heart of that is probably a more fundamental question. And so let me put it to you. Do you believe the role of the crc is to review and police the process, or to review the evidence?

**Handelman:** I think the role is to review the evidence. I think that in general people who file a complaint think that's what they're getting when they have a hearing.

**Fish:** And what do you want us to review in the proposed existing and proposed code language supports that position?

**Handelman:** What do I think you should do? Several of the items that are listed in here to make it so that, again, that they can --

**Fish:** Oh I understand what you want to do. I'm saying to me at the heart of what you're suggesting on the standard of review,

**Handelman:** Yes.

**Fish:** calls into question the role of the crc. Whether it is reviewing the process, or reviewing the evidence. I mean, I think shifting from reasonable person to preponderance of the evidence, what it effectively does is it changes the function and role of the crc. And what I want to give you an opportunity to do is just tell us where in the authorizing language or in a subsequent proposal there is support for that view of its role.

**Handelman:** Well certainly the difference, and this is the part of that conundrum I described, the difference between the crc's role at the hearing, the way it was written by whoever wrote the original ordinance which wasn't us, and the difference between what the city council is allowed to listen to, because the city council --

**Fish:** But, Dan, I appreciate that. And I - we don't have a lot of time.

**Handelman:** I understand, but you asked me to identify --

**Fish:** I understand that conundrum because you --

**Handelman:** No, no. I'm trying to point out the question you're asking me. The question you're asking me is what in the existing city code says that crc has more of a role than just reviewing the evidence that already exists. And the evidence is that in their section, it does not include the language that is included in the city council section, which says that the city council should only review the evidence that's in the record and no new evidence may be heard by city council. Whoever wrote that was saying, city council is doing what you're saying, is reviewing the process. They're the appeals body that hears only what's already been done. Whoever wrote that said, crc can hear anything. Anything that somebody wants to present to them they can be presented at their hearing. So that is the evidence that was intended in the original document.

**Fish:** So, just so I understand, because I mean you - we spent some time talking about this outside this forum and I want to give you a chance to make a record. Do you believe the crc has in effect then parallel discipline and parallel authority to review and determine discipline?

**Handelman:** No. I think that's one of the things we're recommending that you add to the ordinance, if they're going to compel testimony. But no, it has nothing to do with discipline. It's still a recommendation.

**Fish:** O.K. so I wanted to just make sure I understood that. You had previously talked about wanting dedicated staff, and as I read your testimony today, at page 5, it appears that you're

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proposing new language about just providing adequate staff, not dedicated staff. Am I correct in that?

**Handelman:** That through discussion we've had since that time I would -- I believe our organization would support that language going to the code.

**Fish:** That's new to me since yesterday. So I just wanted to clarify that. On the question of outside council, so let me just express to you a concern that I have about outside counsel generally. At the city we have an interest in having uniformity in the legal advice we get. And it becomes very complicated if we have different lawyers with different perspectives opining on what our duties and responsibilities are. So there is in my judgment a benefit of having a city attorney's office that gives us consistently good or bad advice, depending on how you -- no offense, counsel, I'm just saying, consistently gives us the advice, whether you agree or disagree with it, it's just at least consistent in terms of its source. And so I want to better understand why you believe we need to have new language authorizing the auditor to use outside counsel and what circumstance you believe would trigger the need to have someone other than the city attorney's office provide legal advice.

**Handelman:** Well, because we're talking about the only agency where your employees are putting their hands on or using weapons against citizens and could injure or kill them, that's why it's very different from any other agency in the city. And when the city of citizen review committee tried to hear a case about Mr. Jose Mejiapote who was beaten after he was taken off a bus by police in 2001 and two days later shot in a mental institution, the city attorney's office and the auditor's office and the ipr director at the time told them over our dead bodies. You're not going to hear that case. Sorry. But the crc said look, the authority here says we can hear an appeal. Somebody filed the appeal. And they said, well, we're not going to give you any assistance to this. We feel that, that was because the city attorney's office felt there was a conflict of interest between the city's interest in protecting itself from liability and Mr. Pote's death, Mr. Mejiapote's death and what the crc's purpose is which is to uncover the truth about whether the police committed a violation of their policies. That's as specific example as I can give you.

**Fish:** So just on that though, Dan, lets say that everybody in the city attorney's office has a conflict of interest because they were all either witnesses, participants or something. The current -- our current rule is what allow us to get outside counsel under those circumstances. So why does it have to be, I mean, presumably if you don't have a lawyer that doesn't have a conflict you'd have to find another lawyer. So what's the problem you're trying to correct with this language?

**Handelman:** Well I think the problem I just described, that it's highly unlikely that the city attorney's office, or it's possible I suppose, that the city attorney's office would not approve outside counsel in that case. That it would say, you know, sorry we're not going to give it to you, because we really have to protect ourselves. So the auditors, the section about the auditor now says in consultation with the city attorney. If you change the city code right now and just struck out the part about in consultation with the city attorney you could already improve her ability to get that counsel when she needs it.

**Fish:** So Dan, one other, one last question. I appreciate the Mayor's forbearance because I think it's useful to have this on the record and it's helpful to me.

**Adams:** Yep.

**Fish:** On the question of the suggestion that you shared with me yesterday, and you've raised again today about surveying people about whether they would prefer an ipr or an i.a. investigation, isn't there a risk if we do that of in a sense raising expectations around something that is likely not to happen, and therefore creating a false choice? And if so, doesn't that outweigh whatever speculative benefit you think there is of creating that survey? If it doesn't necessarily lead to a change in how your case is handled, I'm getting at, and you're dealing with members of the public, why offer that if it is in effect a false choice?

**Handelman:** The point is not to offer it. The point is to explain explicitly and clearly, this is not going to affect how your case is investigated.

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**Fish:** But which would you prefer handled it even though it has no effect?

**Handelman:** The point is that I think you'll find if you talk to most people in the community, that when they discover that their complaint is going to be turned over from what's called an independent police review agency to the police internal affairs to do the investigation of their case, most of them say, well then I'm not going to bother filing my complaint. So if you just -- find out from the public not just us, you heard it from us a hundred times. Find out from the public who actually engage in using this system what they would prefer, then maybe you could figure out how to redirect resources and make it so that there are more independent investigations --

**Fish:** That part I understand. I'm just sharing with you a concern that I have. If you say at a hearing, would you like Dan or Nick to decide your appeal? Ok, fine. You've - thank you for sharing that. But Dan is going to hear it. I just worry that we're creating in effect expectations and perhaps there's a way to gather that evidence independent of this. So I just - I want to make that note. Thank you, mayor.

**Adams:** Any other -- yeah you bet. Good discussion. Any other discussion with this panel? Thank you very much. I really appreciate it.

**Adams:** Thank you for being here. We really appreciate it. Would you like to begin, sir?

**Mark Kramer:** I'm number 8 but I'll be number 5.

**Adams:** Did you sit in number order?

**Fish:** We always start with distinguished graduates of northeastern law school. (laughter)

**Adams:** Is anyone else a distinguished graduate of northeastern law school? Well then you're it. I doesn't matter, you're all going to get a chance to speak.

**Kramer:** Good afternoon Mayor and members of the council. My name is Mark Kramer, I am a graduate of northeastern law school, proud graduate as commissioner Fish is. But today, though, I'm representing the national lawyer's guild. I was a part of Mayor Katz's task force in 2000 and I was member of the stakeholder group in 2010. In terms of historical perspective, I would ask you to recall in light of commissioner Fish's sort of framing the issue of what type of review body do we want, the majority opinion in the mayor Katz work group in 2000 was an independent police review body, citizen led, citizen staffed, independent investigators, with subpoena power and the power to recommend not impose discipline. So that was 2000, that was now 11 years ago, mayor Katz discarded that report and instead delegated to the auditor to come up with a new system and that's how we got ipr. So many of the groups that are here today that did the work in 2000 felt that was a slap in the face from what we had done in terms of a public deliberative body in coming up with what we thought the citizens wanted. So that was 2000. And so we worked as best we could with what we believed to be a largely ineffective system although one that was better than piiiac which was before 2000. So then we come to 2010, we have some ordinance changes and the promise by the council particularly commissioner Fish said we'll develop a stakeholder group and address your more fundamental concerns. And we did that. And we came up with 40-plus recommendations, most of them unanimous, the rest of them by large majorities with few exceptions. And now here we are today in which a tiny number of those recommendations are being acted upon, largely discarded like they were in 2000, and it leaves me, and I think I'll just say now, that unless the council is committed to demonstrating to the people of Portland we are looking for an independent review mechanism with the power to discipline that has the features of credibility, transparency, and effectiveness, I don't see any other choice but to ask the citizens of this city by independent initiative to do what the council seems to have been unable to do in the 2000 changes and the 2010 changes. Having said that, we are here today and the guild asks the council to delay a vote beyond next week so that further citizen comment can be solicited. It took me a while to get through the mayor's November 9th report, so it's not even 30 days that the citizens will have the opportunity to digest the mayor and the auditors and all the other recommendations and commissioner Leonard is not here. So we do support a delay in the vote. I don't think there's any crisis to do that next week. The national lawyer's guild supports the 11 changes proposed by cop watch and in particular the

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following changes. And all of the fundamental changes here, go to the principles of credibility, effectiveness and transparency, particularly credibility. Last week I spent a full week against two city attorneys and staff, there were two plaintiffs council, we were in federal court and we argued about a black man who is brutally beaten by police officers in 2007 in a crowd management incident. And -- I'm beginning to run out of time. The point was that the -- because the process wasn't critical -- credible, this African American felt then and felt now that he had no choice but to use his resources and city resources to take a week's of federal court time to litigate that case. In terms of the specific recommendations, the preponderance of the evidence standard is a widely accepted standard, if we're looking for a credible process to the public; we use preponderance of the evidence, that's what people understand. In terms of the catch-22 problem, either we are going to allow the crc to be a fact finding body with the power to compel testimony, and the power to recommend discipline, or we're going to give that to council. We either have to have one or the other or both, but right now we have neither. And I think it is critical in terms of the credibility pieced at another citizens member to the use of force committee, it is not credible to the public the way it is heavily weighted toward the police officers at this time, even with expanding it from one to two, I don't think the public in the city of Portland would consider that to be a credible representation of the citizens on the police review board, adding a citizen member to the proposed expansion would at least enhance that. Finally, just two further thoughts. In the mayor's report, there are repeated references to Graham V. Conner the United States Supreme Court decision that says we're going to consider police use of force and the totality of circumstances. That's what the Supreme Court says in terms of defining what's reasonable use of force, that is in no way a prohibition or restraint on this council setting policy for the Portland police bureau. It is a standard in civil rights cases; it is not a restraint on the council. And finally I would urge the council in the next round of bargaining with the police union that we consider what are the friction points between an effective transparent and credible review policy, and the collective bargaining agreement. I was very disappointed in --

**Adams:** You need to wrap up. I've given you five minutes.

**Kramer:** I was disappointed in the last bargaining session that these issues that are currently before us now, were not sufficiently addressed in that process including --

**Adams:** I got to wrap you up. I can't give you more than Dan Handleman, I will never hear the end of it.

**Kramer:** Thank you.

**Adams:** Thank you for your testimony, it's very useful. Sir, would you like to go next?

**Thomas R. Tilton:** My name is Thomas Tilton, I'm a concerned citizen. And I may not be at the right place, but I think I'm at the right time. I had the joyful bad experience of visiting the two, what I would refer to as overreactions by our city, to the occupy group. They brought back exciting memories of my experience at Kent state.

**Adams:** You need to make sure that your comments -- get closer to the mic.

**Tilton:** Sorry.

**Adams:** I need to make -- you can sign up to talk about anything you want at the beginning of the session, and there are five slots every day. To treat everyone the same I have to keep you on the topic of what's in front of you --

**Tilton:** That's ok.

**Adams:** I think you can make the connection I just need you to.

**Tilton:** No, no, no. That's ok. My thought was with the review board issue, is that you need a timely response for using what are not acceptable weapons against the citizenry in a more timely fashion than a review board, because I feel that our local police were inadequately trained or inadequately given the wrong procedures by which they are supposed to use such weaponry against the citizenry, and since there wasn't, I'll be honest, there was one piece of paper out there to sign up on, I signed up on the only one there was. So my thought there is that to use a chemical weapon

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against a citizen should be dealt with in a more timely fashion. And the protocol should be dealt with in a much more expedient manner, and that my concerns are, have we not progressed in the last 40 years? So that we now don't feel that we don't – well at least you didn't shoot them, which they did when I was there, which case that's I guess an improvement. My concern is that there's an inadequately training policy, I'm also concerned that the police in some cases were masked, so that their identities, even though there was a name on their shirt, was not visible.

**Adams:** I need you to relate it back to -- .

**Tilton:** I understand the point there. Like I said, there was no other place to sign up.

**Adams:** Right. There is another place to sign up and --

**Tilton:** There was?

**Adams:** There is, you go to the city council and you can sign up for three minutes every council session you can talk about anything you want.

**Tilton:** O.K. then I will do that and I'm sorry if I was inappropriate.

**Adams:** No you're not ---- you did a reasonable job of fashioning it to the issue in front of you. And I'm sorry but I have to treat everybody the same.

**Tilton:** That's O.K.

**Fritz:** And if you talk with the council clerk Karla after the hearing she'll tell you how to sign up in advance.

**Adams:** You just go to that door down there.

**Tilton:** That's fine – I just -

**Adams:** Ma'am, can I help you?

**Becky Straus:** Mayor Adams and commissioners, my name is Becky Straus, I'm the new legislative director with the aclu of Oregon. I'm here before you today in that capacity. As you know, our executive director David Fidanque testified on this issue in the first hearing, so I just want to take a few minutes to echo those comments and also lend my support for Portland cop watch, league of women voters, national lawyers guild, and the other members of the stakeholder committee that have testified today. I want to highlight two issues in particular that have come up again today. The first is the issue of the standard of review that the crc uses in their reviews. The current reasonable person standard is confusing and we think overly differential to i.a. The ordinance needs to make it clear that c.r.c. is independently reviewing the i.a. decisions and reviewing any additional evidence presented on appeal. So we do recommend, our preference is that c.r.c. adopt a de novo standard of review, recognizing that may not be the priority option, we would then in the alternative recommend that the council adopt the preponderance of the evidence standard from just the brief research that I've been doing to get up to speed on this issue, it seems that the preponderance of evidence standard is the common standard used for citizen review committees across the nation, for example, I've seen it at Rochester, New York's committee, San Francisco's citizen review committee, and several others use the preponderance of the evidence standard and actually in further research what I've been able to glean is that the national debate around best practices for these citizen review committees is more about a debate between preponderance of the evidence standard versus a more stringent clear and convincing evidence standard. So clearly that's not the debate we're having in Portland, but I just wanted to point out that most often the reasonable person standard isn't on the table. Second, I would urge the council to incorporate into the review process, the section two off of the stakeholder committee report, which is talking about the authority of the crc to compel testimony. I would echo Dan's characterization of this odd conundrum and I would just say that I don't think that the current structure even really makes sense. The crc can't compel testimony but it can hear new evidence and then above them, the council can compel testimony, but it cannot hear new evidence. So that just doesn't seem to make the most sense or be the most effective in being an independent review body. So we have discussed that independence is an essential piece of these citizen review committee systems, as such an independent citizen review board must be fully equipped to be that independent

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body and have the tools necessary which would necessarily include the authority to compel officer testimony. So again, I'll leave the rest to just echo the comments of the others in the stake holder committee and appreciate your time.

**Adams:** Thank you very much. Sir.

**Moses Wrosen:** Mr. Mayor, commissioners, thank you for your time. My name is Moses Wrosen.

This morning I spoke with the commissioners about some of the gold that I discovered at the occupation, and Mr. Mayor, one of those nuggets of gold that I discovered at the occupation is that Portland's police are overwhelmingly honorable, friendly, and genuinely real people. Yes, there are some bad apples with rank, and a chief who will use lies to slander a democratic political movement, and then use more dishonesty to justify his lies --

**Adams:** You've got to relate it to the item in front of you.

**Wrosen:** I am.

**Adams:** Well get there.

**Wrosen:** I'm talking about police accountability and a police chief who issues lies.

**Adams:** I need you to relate it to the matter in front of us.

**Wrosen:** I will. Please just give me my minute and 30 seconds. Yes, there are some bad apples with rank and a chief who will use lies to slander a democratic political movement and use more dishonesty to justify his lie during his quote unquote apology. But aside from that, and the actions of the Portland police officers association, in regards to police accountability, I believe that the police force is redeemable. Last summer sergeant Frederick King knock order my door and proceeded to enter my home unannounced and without warrant. His underlings did the same to my three house mates. I sat on a bucket outside and calmly read those officers the riot act while they ran our i.d. checks on all of us. They trampled over my basic and fundamental rights and left without issuing a citation or offering an apology. And the reason that I didn't file a complaint is the very same reason that I stepped down from the community stakeholders committee and is the very same reason my guess this room is primarily empty of the seasoned community activists who have been involved in this process. And that reason is that the independent police review board is anything but independent. We all know that the internal affairs, a.k.a. the police, and the Portland police officers association hold all of the power and most of the cards. What you have here is the fox watching the hen house. It's ludicrous, it's a travesty of justice, and it's within your power to change. It's broken. It's your job to fix it. Please do, now. The public's confidence and trust of the police and their systems of accountability are pillars of the safe peaceful society we wish to have. Right now we have crumbled pillars. Thank you.

**Adams:** Thank you for your testimony. Thank you all, appreciate it.

**Adams:** Hi. Welcome. Glad you're here. Would you like to begin?

**Mary Nichols:** Thank you. My name is Mary Nichols, and I run a citizens group gmo-free Portland, and I am an occupier. I realize this is not about budget, I'm tying this in. Ultimately it is about budget because we as voters decide the budget of police, or at least we should, police should hear that we have such bad faith that unless we see accountability, there will likely be no money provided indefinitely, because of the decadent appearance of riot gear, such a disproportional use of police resources on peaceful protestors. For that reason, allowing crc to do their job with the recommendations by cop watch and the support of the public is ultimately for the police as well. Cutting themselves off from citizen checks on use of force is not in the best interest of police. Creates a loss of faith by the public and could ultimately cripple important appropriate police function. The excessive use of force and intimidation of an over-reactive police presence endangers all citizens young and old, frail and strong, participants and bystanders through escalation. Also, in light of the apparent loss of autonomy by using the department of homeland security to coordinate or council as dhs has called it, national raids on protests, my concern is that the police may not need to take cues from the public and have no accountability locally, which is very troubling. Additionally, and these are all the reasons that I would like to see full listening to

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the crc today, to embrace it. Additionally the use of force and preparation for violence against police protests creates an us versus them sentiment with the public, and confirms fears of a police state and loss of American values set forth by the constitution. So please embrace the maximum citizen participation, including crc recommendations. Please withhold pay from police who are on film as abusing authority, so we don't encourage bad behavior with what are perceived as paid vacations. Please do not increase the strength of chemical weapons that can damage nerves and senses, do not use them as bug spray against people. Do not allow a baton to be used on a person on the ground. If it looks like these are committed, remove badges. My suggestion is that because police may not have any funding by the public, if corrections are not made for which crc will guide you toward inappropriate actions, you prepare to auction some riot gear. The ridiculous, decadent, dangerous storm trooper gestapo terminator 2 gear, so police are returned to human beings in the public's eye, and rejoin our community. The inhuman appearance --

**Adams:** I need to you wrap up.

**Nichols:** O.K. Let me see, I have only two cards. The inhuman appearance influence of dhs, which is likely to turn Portland overwhelmingly against the police, I am saying this because the Portland community has overwhelmingly denied dhs their offer to step in instead of the police in emergency. So we know that we do not want dhs involvement, and this accountability --

**Adams:** I really do need to you wrap up. So, thank you. I appreciate your testimony.

**Nichols:** We only have three or four minutes with only 12 people. May I just finish my card?

**Adams:** I need you to wrap up.

**Nichols:** O.K. This is my wrap-up. The lack of accountability for which we're here to rectify by asking for real review of citizens through the crc would actually change these problems we're facing right now and I would just like everyone to embrace this.

**Adams:** Thank you for your testimony. Sir. Welcome.

**Jeremy Graber:** Mr. Mayor, a question, may I have an extra 30 seconds on top of the three minutes?

**Adams:** Yes.

**Graber:** Thank you very much sir. First I would like to say that I missed getting a chance to speak with you at Jamison square. I really did want to get a chance to at least shake your hand. I'm relatively new to your city, I'm a transplant from Philadelphia. I didn't, unfortunately I didn't get a chance to read through all this, it's a lot of information to digest all at once. I am an occupier; I am one of the medics and a peacekeeper for safety and a police liaison, and a number of other things that really I would like to be able to tie into this. I have a couple of concerns that I have read in here. One of which is when we talk about reasons why we're disagreeing with things, one of which was in terms of making crc review documents public record and under that it says it would violate the confidentiality of records pertaining to personnel actions. I believe that as a public official and a public officer that would violate the idea of public scrutiny when it comes to looking at individual's and actions individuals have taken. I would like to at least just make note of that and remind you that public officials including police officers who are public servants are not above public scrutiny. They must be able to be held accountable for their actions. On page 10 we have item a, under section 1, repair community distrust with the use of force investigations. And it says that efforts are under way. My question would be how. We have officers that are still inappropriately using the wrong level of force, there are officers who also have a history of use of force violations that are still out there. So if we're talking about repairing our public view of police officers and how we're running our investigations on public use of force, how are you going to repair that when you still have officers doing things like aiming their firearms at me as a protestor when I'm not doing anything, and I was in a very small group, I caught that on film and put it in a blog. And his name tape is very visible. If you would like, I can give you a copy of that. Under part d, ensure that ipr has the authority to compel officer testimony and directly interview officers. When it says disagree, it's an unnecessary practice and violates labor agreements. I'm not sure why

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labor agreements should protect officers that have forsaken their duties as a public servant. Your job as an officer is to protect and serve the public; it has nothing to do with protecting and serving the person standing next to you if they've done something wrong. You should be able to compel testimony for people that don't want to talk about something when it's going to help serve the public interest. Now, on to some of my experiences here in Portland, first of all, I served in the army, as an infantryman, your guys riot gear is more gear than I ever had. I'm just going to straight out tell you, police officers, their riot gear, you couldn't attack them with a 50 caliber machine gun. Some of the stuff they wear is ridiculous. One of the line of the budget, I see that you guys are bringing in saber red, which is a type of pepper spray which I understand was already in the contract and already put forward, my question is if you have officers that are unable to appropriately use levels of force why would you want to give them something that is stronger that can cause more damage than they already have? I don't really see why I would want to hand them something that they can hurt people with when they don't have the proper training to deploy it in the first place. The use of force policy needs improvement. I can honestly say I treated people at the n-17 day action for injuries received by police officers including an 81-year-old male who was shoved to the concrete and had a hip injury. I packaged him myself and sent him to the hospital. We had Liz, who was sprayed in the face with pepper spray, who was dragged by her hair behind the line. There's no reason for that. We're talking about police review; we need to ensure that there's no conflicts of interest. And right now from what I've seen and heard from a lot of other people in here, there is a conflict of interest. The public standard when we talk about reasonable uses of forces, reasonable use is defined by the public standard and the public value. That's what laws are. Laws are in a sense a reflection of public values. And I would like to make sure that is upheld by this.

**Adams:** Thank you, sir. Appreciate your testimony. Hi.

**Roger David Hardesty:** Hi. Roger David Hardesty, and I have a paragraph on that outside counsel, that wasn't in my prepared notes. How many Portland officers have recently been arrested when beyond city limits? Isn't it odd that other jurisdictions cite such misconduct but so little illegal activity is unearthed here in town? I submit this reporting is a symptom of the city's failure to detect how often officers wield power unjustly. Aren't you glad tri-met rules the buses? It's embarrassing to discover how many riders complain about those public servants. It is significant to this discussion to note that it is very difficult for your constituents to make managers aware of unacceptable behavior. We are here to say that not only bus drivers mistreat us, members of the Portland police bureau for whom you are responsible are abusing us as well. And we want redress. You have from these steamed stake holder's dozens of well thought out action items. Heed them. Give the citizen review committee the right to compel testimony. Amend 3.21.090a, good governance relies on acknowledging reality, thus informed the people in whom all power is ultimately to rest will accurately and appropriately respond to lapses in bureau performance. I was present last June when attorney general Tom Perez announced an investigation into systemic abuses of our civil rights. Abuses fostered not only upon the people behind me, but upon people who are so far removed from power that they don't even know who's responsible for the injustice they suffer. Victims the stakeholders spoke for humbled before a national audience our police commissioner and our police chief portrayed a federal investigation as a quote, opportunity to improve services. Well the people can help you with that. If you temper police misconduct with the rule of law imposed by civilian oversight, all observers will see a reduction in ineffective and unwanted practices. Tell the DOJ that Portlanders have the capacity to identify bad behavior within the police bureau, even if we do nothing about bus drivers. These 41 points are cogent and well designed. Implement these changes before we must fund the next 1.6 million dollar payout for employee misconduct. Give the community the tools we need to gain accurate knowledge. Thus informed we will find our way toward a more just society. We stand before you today attempting to offer checks and balances to hold our police accountable for their actions. The time is ripe for this. You recently shook hands with the joint terrorism task force. With outside agencies replete with black



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budgets, secret courts, gag orders, and ultimately serving a government to condone secret prisons and detention without trial. Now with the other hand, I encourage you to sign off on civilian oversight of police forces within your authority.

**Adams:** Thank you Mr. Hardesty. Thank you all for your testimony. A lets see, Mary Beth? You wanted to have few minutes to – and we wanted a few minutes with you to sort of hear what you have to say in response to some of the issues that were raised.

**Mary Beth Baptista, Office of City Auditor:** Sure, and if I could ask for city attorney David Woboril to join me --

**Adams:** Mr. Woboril, would you please come forward? I kept track of -- .

**Baptista:** I was waiting for the mayor to --

**Adams:** I thought I was running this meeting.

**\*\*\*\*\*:** I jumped the gun.

**Adams:** Yes you did. So I've made a list of some of the issues raised. I think have you too and maybe if you could -- and others on council might have, maybe could you go down the notes that you've made. We might ask questions today, though we're mostly listening and absorbing.

**Baptista:** O.K. I am Mary Beth Baptista, I'm the director of the Portland city auditor's independent police review division. I have been in this position since May of 2008. Just for folks in the room, this is our second round here, that we brought to council in March of 2010, significant changes in the city code that strengthened the role of police oversight in the city. In fact, there's -- the role of ipr has significantly increased in investigations, and I think – And I know that we're only scheduled for an hour and we're two minutes over here, but if you could just indulge me for just one moment, because I think the problem I'm hearing with some of the testimony is that it's really not reflective of what our current system is. And I think that there might be folks who don't trust the system because they don't necessarily understand the strength of our authority and the role that we play. And I think one of the major concepts that I've heard, you know, throughout this afternoon and throughout the hearing last week was that it's -- the standard of review is over differential to the police bureau. Internal affairs makes the decision. Ipr just has to go along with what internal affairs says. That is absolutely not the case. And I think it's important to note that in the March of 2010 changes that you all unanimously voted in, significantly changed our role in investigations. And before the findings ever get to crc, two -- up to two separate bodies are fact finders. So it's not like the days where there was one commander sitting in a room looking at an investigation that was or wasn't done by internal affairs and had no checks and balances on it and made a decision, and that's what we gave to the complainant. It is no longer that is the case. Right now every investigator – first of all, every ipr investigator investigates a complaint that comes in. We don't just say, oh this is the person's name and phone number and we send it over to internal affairs. We do a significant investigation at the front end. We get the complainant's information, we get all of the police reports, we get medical reports if they're necessary, we get witness names, we interview witnesses, we get any photographs, we do a comprehensive investigation to begin with. Then we -- as everyone will remind you, although we do have the authority to do an independent investigation, the reality is that ia has the resources and the expertise to do those investigations. So we do send them over to internal affairs, but ipr is involved from the first minute on those investigations. And in fact, we -- it's now policy at ipr that anyone who is captain or higher we are involved in investigations. I have sat in as we all know there is some high-profile investigations going on right now. I've sat in on those investigations. I've been able to ask questions of those high-ranking officers, as well as other investigations that are of community concern. And an investigation cannot be sent to a commander for him or her to make a finding or recommendation for discipline unless me or my assistant director signs off that it's thoroughfare and impartial. If we do not believe that it is complete we do not allow that investigation to go for findings. If the bureau refuses, then we can do our own independent investigation, beyond that, when the commander makes the recommended findings and recommended discipline that is not where it stops. It then goes to the assistant chief;

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he or she makes those same recommended findings. Then it goes to the internal affairs, he or she makes recommended findings and the ipr director or assistant director, and we make our recommended findings, all independent of each other. If any of the four of us disagree, then on either finding or discipline, which was a huge change in 2010, then it goes to a police review board where we also made significant changes to that board. There's a community member now as there always had been, but the community member now is no longer just chosen by the chief in a vacuum. The auditor does a comprehensive community outreach, and then recommends to council for council to appoint that community member. Myself or an assistant director also is a voting member on that board, another significant change. We have also reduced the amount of police bureau members that are on that board. There used to be three assistant chiefs now there's only one.

And beyond that, there now is a public report that details who is at the board, what the majority voted and why, and what the minority voted and why, and it gives recommendation and explains why the recommendation was made. And the chief has also agreed to give some explanation of the times where he or she has not followed that recommendation. So the idea that it's over deferential to the police bureau, I don't think is entirely accurate. I think that the -- there are two fact finding bodies that review these investigations thoroughly, and then if and when the complainant isn't satisfied then they have a right to appeal to the citizen body. And at that point it's have these individuals made a reasonable decision? I think the last thing that the system needs is a third fact finding body and then leave it to the council for you all to decide, which is what would ultimately end up happening if you change the standard of review. So that's the first issue on that but beyond just the reality of how the system works, I think Mr. Cramer, you know, his testimony actually put it best. They want a new system. They want an independent citizen body to make the decisions. That's the system that they want. In effect, that is the system that would result if we change the standard of review. And to that I would leave it to Mr. Woboril to explain the intricacies of that.

**Adams:** The difference between standard of review and preponderance of the evidence.

**David Woboril, Deputy City Attorney:** If you make the proposed change to the standard of review, you would fundamentally change the system that you have. I'm David Woboril with the city attorney's office. You would fundamentally change the system that you decided on, council decided on, back in 2002. I can speak briefly about the standards and how the decision-maker thinks when applying the standards and then try to illustrate how the system would change. In a preponderance of evidence evaluation, the decision maker is trying to decide something about the evidence. It's really an evaluation of the evidence, what it supports. And it's a binary decision. It supports a certain conclusion or it does not. So it's --

**Adams:** Binary means one or the other.

**Woboril:** One or the other. It's either the prepond -- there's a preponderance of evidence supporting one view, one conclusion, or not. Again, it's a focus on the evidence, not on the decision making process. When you ask a decision-maker as you've asked crc to do these last years, to apply a test of reasonableness, you're asking them to evaluate the behavior of your employee, which is the function that you've created for crc essentially, you've had crc monitor this new system in which you've placed your employees. The decision-maker then determines not whether -- and it's quite explicit in the code -- whether the decision-maker agrees with the substance of the conclusion, but whether or not the new decision-maker finds that the original decision-maker was within the bounds of reason. There may be a number of reasonable conclusions that spring from a certain body of evidence. Whereas with preponderance you got the binary situation. What you've done in 2002 is to have again, crc determine whether essentially your system is operating within the fog lines. It is a quality - I've heard some testimony earlier about quality control. You've put them in a supervisory or quality control oversight position, to determine if your decision makers are within the fog lines. If you give crc a standard of review of preponderance they will be looking directly at the evidence itself if you give crc the ability to bring in new evidence, and do investigations, you will have created a new investigating tribunal, which has fact finding function in your system. Up

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to this point, as I've said, you've had crc reviewing how your system is working. Your city employees are working. Your city employees are trying to generate a city action; all of this culminates eventually in a disciplined decision by the chief of police, which you have to defend as fair, thorough, and compliant with due process. That is a very difficult thing to do, and a lot of the complexity and resource intense elements of your system are designed to get to that point, so that you can defend your discipline results in grievances and in other forums. If crc is to do this, you can't simply change the standard of review; you have to essentially bring them inside the city. I know that there's a movement to be independent of the city, the difficulty when the lawyers look at this is that they're generating an investigation and findings that eventually have to become city action. So you would essentially have parallel systems all working to the same end, a city action.

**Fish:** So if I may Mayor. Can I - may I just use a kind of a homey example to make sure we understand what you've just said?

**Woboril:** Sure.

**Fish:** So, we're all familiar with the difference, or most of us are familiar with the difference between a trial court and an appellate court. A trial court takes evidence, makes findings, reaches a conclusion, the appellate court reviews the record to make sure that the process below was fair and people's rights were generally followed the basic rules, and in some very rare instances, can ask that the trial court do a redo. So right now listening to the way you've described it, the system we set up is more like an appellate court. It reviews the findings and makes sure that the process was fair. What we've heard though, is some testimony saying we'd like it more to be like the trial court. We'd like to be able to have that – another bite of the apple where we make the facts, we create the record and we have some independent staff and council to make that happen. That's a - certainly an honorable position to have, and people are - that is a view that someone can have. But it is a different vision for what has been created. So far so good?

**Woboril:** Yes.

**Fish:** And so when we hear arguments that the standard of review is too deferential or not clear, that may be the case, but the change that's proposed to be fair, would quite fundamentally change the process we have. Now that may be a good thing or bad thing, I'm not putting a value on it. But I'm just trying to be clear that the standard of review change would effectively change the whole game. It isn't just designed to tighten the bolt, so it's a little clearer.

**Woboril:** It is not an adjustment it's a fundamental structural change, yes.

**Fish:** So fair enough. I mean that's -

**Woboril:** If you want to make a policy choice its --

**Fish:** That is before us but it is not just clarifying the standard so it's easier to apply, it's in essence a different system.

**Woboril:** Absolutely.

**Adams:** What about the – there was a comment from the aclu that San Francisco and Rochester uses preponderance of the evidence?

**Baptista:** I did some -- I looked through Eilene Luna Firebaugh's example, and you know she - I don't recall mentioning them, but I – you know, I could do further investigation on that, but what I will tell you that I am confident that I can tell you is that what we have here in Portland is far -- the crc's current authority and access to the bureaus materials and the authority to make decisions and reco -- decisions upon open investigation sets them apart. I have been at several national conferences, I do not hear that the standard of review is this national discourse in oversight that is not something that's not one of the issues that we have discussed as any of these panels. So that was actually a surprise to me to hear that part of the national discussion about best practices, but I will tell you that the ability for a citizen body to look at investigations that are ongoing is what sets apart the crc here in Portland from the majority of the country.

**Adams:** Sets us apart in that we have --

**Baptista:** That they have far more authority –

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**Adams:** We have far more authority?

**Baptista:** Yes, the crc has far more authority. And I do want to make another comment on this over-deferential standard. The crc in the last year and a half has sent back -- has recommended that the bureau change their findings, I believe three times, but for sure twice. And so -- and in one of those was an incredibly high-profile case. And it was a very significant allegation, and the bureau accepted it. So it has been done very recently, and can be done, obviously.

**Fritz:** So the crc now, and in the proposal, can say you should have considered more evidence go back and rethink your conclusion.

**Baptista:** Absolutely. I mean that is what they do. They review under the standard of review that they have which is the reasonable person standard, and at least two times in the last year and a half of the appeals that they've had and they will tell you they haven't had very many, so it was a significant chunk of those that they've had, have sent the case back, recommended to the chief of police that, the first time it was chief sizer, the second time it was chief Reese. That the recommendation be changed. And in one very high-profile case it went from -- it went to a sustained. And that actually leads me into the conference hearing that was discussed. The conference hearing you asked questions about, and how no one in the public has asked for the conference hearing and cop watch said it was an unnecessary step. I think it's the second one on his blue sheet that I'm looking at. My understanding is that it is correct, that what Mr. Handelman said, it was a creation of Richard Rosenthal and that the reason was that if the crc voted to make these changes, to make a change to the recommended findings, that the parties should get together before they just go ahead and launch a hearing in front of city council based on, you know, your alls time and the involvement of it would be to have a city council hearing to make sure that the parties got back together. So the crc and the leadership of the bureau meet in what's called a conference hearing. And they discuss the recommendations, which this -- that happened, in this high profile case that we were talking about. Where they discuss whether their reasoning for making the recommendation that the bureau make the change, and the bureau discusses their reasoning for why they shouldn't make the change or they agree with the crc that they should make the change. So it's a conversation that's had between the two. And it was a contract, there was really no authority for it anywhere, it was something that Richard Rosenthal created but it has been going on since the beginning. And when it came time to make these changes I actually did consult with crc before I wrote it in. I talked to the chair, and its vice chair, and we had a public meeting on this at the crc meeting before we started all of this and Jamie Troy, the chair, said, you know, I talked to Mary Beth about this, I talked to Michael Bigham about this, we've been doing this, this has been the practice, it seems to work. This is what I asked her to do, did anyone have any objections? And no one objected. So, true, in the beginning no one really asked anyone, but I did before I put it into code. In fact, Jamie, Mr. Troy the crc chair, pointed out some areas that I should strengthen what I had originally written and that's what you have in front of you. So it wasn't just that I wrote it, he actually collaborated and helped me strengthen it before I gave it to you.

**Fritz:** Thank you. One of the things that would be helpful for me before we make a decision is for you to go through all of the testimony, list out what the points were made and what your response is on things like that.

**Baptista:** O.K.

**Fritz:** Because I think you --

**Adams:** In writing.

**Fritz:** In writing so that we can all review it.

**Baptista:** O.K.

**Fritz:** Again, not right now.

**Baptista:** I'm like, O.K. I'm going to -

**Fritz:** That's very diligent of you to say yes I can do that -

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**Adams:** Are there any others that you want to have discussion with us verbally before you do that in writing?

**Baptista:** I think the one last piece that we should discuss, and I think that that goes with what commissioner Fish was just talking about, how the appellate court versus the trial court. And the criticism of that argument is going to be that, well crc can hear no new evidence, so they're not like an appellate court, they're different. And I think there's a fundamental disagreement about whether or not crc can hear new evidence. Not between the ipr and the city attorney, which is what's been portrayed. I joked earlier, you know, you get three lawyers in a room, we're all going to maybe agree, but we're going to find different reasons why we agree. So there - we've all interpreted it maybe differently but the answer is still the same. We disagree that the crc can hear new evidence. And again, I'll turn that over to the city attorney's office.

**Woboril:** No one in the city, other than council, has subpoena power, unless delegated authority has subpoena power, not by the council. But there have been delegations to various through ordinances and code changes and what not. But it has to be explicitly delegated. And there has, of course, been no explicit delegation of subpoena power to crc. So I read the code, the crc code with that in mind. Unless it's explicitly stated that it doesn't exist. It's also important when people are wondering about some confusion between the two paragraphs about witnesses and compelling witnesses; some difference in language, the thing that ties them together is the purpose of what they're doing. And they are to review investigations essentially. They have a limited scope of review. There's in position of the scope of review in the language, their scope of review is not to explicitly to investigate further and to add new evidence. Again, what you set up when you look at the entire statutory scheme here, and it's explicit in the purpose of the statutory scheme, is a system in which crc reviews the performance of other decision makers, of city decision makers. And nowhere have you explicitly stated, and I can't find any evidence that you intended to create this, nowhere did you explicitly state that you wanted an independent investigation capability. Importantly you didn't give them the tools to do that. You have a question, yes?

**Fritz:** Well I do. I understand that point that you're making, that the crc doesn't have the authority to subpoena or compel evidence, but they do currently take more comments from witnesses. Is that correct?

**Woboril:** It's interesting; in the code you say that they take - you allow them to take statements from various people. Again, what is the purpose of that when you look at, as you start to come out from focusing on those small clauses in the code to larger purposes evidenced in the language of the code, you see the purpose of that is to review the investigation. So the purpose that we see in taking statements from the public and in council using its subpoena power in its review is to determine whether or not the review was conducted properly, again whether it was within the fog lines, whether it's competent, whether it was well done, and whether the findings are reasonable given the evidence. Council's decision when council finally hears a case, is again to determine whether a reasonable decision-maker could have come to the conclusion, could have come to the finding. It is not whether or not the evidence in council's mind leads to that same conclusion.

**Fritz:** What we're trying to find out is, what happened. So if a witness provides a statement to crc that gives additional evidence, would it not be helpful then for crc to refer it back to ipr to say why don't you consider this additional evidence?

**Woboril:** Impossible.

**Baptista:** And that's exactly right. So that's the confusion I think, and I think there was a little of that confusion at the last hearing. If new evidence does come in, or becomes available, we have a perfect example going on right now. There is a case file review that just happened, where the crc reviewed an investigation to determine whether it was complete, thorough, accurate, and at the hearing there was the civil attorney for the complainant said I have photographs, internal affairs never asked me for these photographs, ok? So the interpretation should not be, ok, well hand them over to the nine of you, and we will look at them on our own and we will make a decision what

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these photographs mean to this investigation. The decision of crc at that time is to say, okay, we think that these photographs are material to what we're looking for; we think they should have been part of the investigation and we're going to vote to recommend that ipr or internal affairs conduct further investigation. And specifically they asked to get those photographs. Now the danger would be if you just were able to look at these photographs in isolation, without doing further investigation, because unlike a trial court, there are no rules of evidence, there's no confrontation rights, there's no criminal procedures, you need to ensure that there's safeguards to protect the voracity of what you are looking at and to put it into context --

**Fish:** We have plenty of experience with what you've just described, because in certain land use hearings we don't take new evidence.

**Baptista:** Exactly.

**Fish:** But if someone says, by way of evidence, that there was a fundamental defect in something below, and makes a proffer, we'll take that and then we have the tool to say, well, we're going to keep the record open, or we're going to go back and have that looked at or we're going to get people a chance to respond. But it's still safety valve. It's not trial court.

**Baptista:** Exactly.

**Fish:** It's still - you can make a statement in aid of what you believe was the procedural irregularity, but it's not -- now I want to tell a different story of what happened.

**Baptista:** It'd make a different decision.

**Fish:** If someone does say they have a different story, or the photographs - you get to make the judgment but then you send it back to another body to do the investigation, right?

**Baptista:** Exactly.

**Adams:** Can I ask a question on that, though? Is the -- I would be concerned with folks that without the rules in place and maybe folks without the expertise, that I don't, you know, I don't necessarily know the outcomes of that, but do you think that there are un-useful to the charge of being the appellant court is what -- are witnesses or what is before the crc un-usefully, unnecessarily constrained, or when you say witness statement, does that mean a written witness statement?

**Baptista:** No.

**Adams:** They can come in, and do you shut them up like we - on land use we're required to deal with folks that come in and go off -- like the state law -- go off in a different direction. We have ways to sort of reel that back and make sure that we're keeping everyone's rights and responsibilities sort of balanced. So is it unnecessarily constrained?

**Baptista:** In my opinion no. And in fact when I first came on to the crc, or to the ipr and I was it -- took me about a year and a half before there was first an appeal. And the first appeal I sat through was a person who clearly had mental illness issues, she was -- the person was homeless, I mean she - the person absolutely did not have support or resources to get through this appeal. And it bothered me. It bothered me tremendously. It bothered - and Captain Famous has said how much it has bothered him. And we spent quite a bit of time in the last year and a half working on making sure that there is a support person available, called the appeals process advisor. And in fact, under Mr. Troy's leadership, they have just revised the entire protocol for the apa, that we've and with the bureau's agreement, now the apa can review the file just like the crc members, and actually assist the appellant --

**Adams:** Apa?

**Baptista:** I'm sorry, the appeal process advisor, thank you. Now has access to the file which they previously did not, they can speak in the hearing which they previously were not able to do. I know that the changes that the crc adopted weren't entirely what some members of the community wanted, but they also made some significant changes to the protocol that I think got closer to what members of the community wanted. So we've completely increased the support available. In fact I've also -- there is folks from the national lawyers guild that approached me about a year and a half ago and or it could have been more now, time is moving slowly, quickly, depending. But a fair

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amount of time ago the national lawyers guild approached ipr and asked whether or not we would consider allowing volunteers from the mlg to be advocates for the appellants. I agreed to that. We put it in our letters that you can have support from the mlg or you could have support from apa -- when we weren't getting enough appeals someone suggested, well maybe people aren't appealing because they don't feel like they're going to get support. So I moved that information that you would have support to the front end, so as soon as they're advised that they are going to have an appeal, they are told that if you chose to appeal that there will be support available to you. So I feel like I've really worked hard to make sure. You know I used to do domestic violence work. I know how hard it was for people who, you know, I walk in this building I walked in the courthouse every day. And it was normal to me. I talked to judges, in the street, in the coffee shop, I mean it was normal. But for most people walking into the courthouse and most people walking into city hall is an incredibly scary experience. I've talked to you all, probably too long tonight, and how many other times before. It's comfortable for me. It's not comfortable for a member of the public to go and speak to nine strangers. So I really worked to make sure they have that ability to do so.

**Adams:** So one thing I want to dig into a little deeper is sort of the who and what is allowable or expected and sort of -- and what are the mileposts for the process review? So you've outlined that to me sort of in a process way, I'm actually interested in more substantively, you helped -- and your comments today have helped in terms of folks that might be vulnerable to the machinations of an institution and a bureaucracy and maybe not want to pursue the process. But I just would like to know more about what would be considered -- where is the line between evidence and process right now in terms of the review at the crc level?

**Baptista:** Well, in my experience with appeals, and granted the time before I arrived there was far more appeals than there are now. But my experience with appeals is that while the chair runs the appeal, not ipr, we are just there. The chair runs the appeal, the chair allows the community member to speak, the chair will now allow the apa to speak on the community member's part. They allegedly have, I think, a time constraint, but I have -- trust me, we've been there until 10:00 -- 11:00 at night and we don't usually enforce it. If they produce information in the discussion of the appeal, one appeal in particular I remember, well, you know, my cousin or my brother, I can't remember, a family member was actually home and he was actually in a room of the house, but that family member doesn't want to speak to Police and didn't speak to police and doesn't want to -- but could provide information for you. So this was presented at the appeal. And so we -- that and a few other items that came up about there being a discrepancy between what the eye witness saw, whether it was a marked car or not marked car, we didn't have -- we weren't able to verify in the computer record which one it was. So this information came up in the course of the appeal and so at that point the crc voted to send it back for further, to recommend that we -- they -- that we conduct further investigation. IPR took on the piece of having the conversation with the family member because they made it clear that they don't want to speak to the police. So we did that as a civilian rather than have IA do it. IA took on the piece of getting the documentation in regarding the vehicle.

**Fish:** By the way, in that example, by the way, it occurs to me that there may be a reason that person doesn't want to speak to the crc either. And it might actually -- the kind of customized outreach that you're capable of doing might actually be more beneficial in terms of getting the evidence than saying, you know, come to a proper proceeding.

**Adams:** So, but is -

**Baptista:** So am I answering your question? I'm sorry I feel like I --

**Adams:** Well it, and we're running out of time, but maybe I can summarize what I think I understand and you can tell me how accurate it is.

**Baptista:** Mm.

**Adams:** That an appellant through whatever -- through whatever point of the process can say, present, whatever they want.

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**Baptista:** Mmhm. Yeah, we've received --

**Adams:** And --

**Baptista:** tabbed books --

**Adams:** Yes --

**Baptista:** Sorry.

**Adams:** Right, and that includes all the way up to, in front of, the citizen review.

**Baptista:** Mmhm

**Adams:** The crc

**Baptista:** Yes.

**Adams:** The crc can hear all that. And it's making the point as an appellate body, based on that, some of which could be brand new to you, them, police officers sitting in the room, anybody, might be new -- it just might have come to them that night. Whatever. Crc can take that, determine whether, let's say new information is compelling to them and if it is, they can say this needs to go back through the process, correct?

**Baptista:** Yes, they can recommend that. They cannot order ipr or ia to do that, but they can recommend that we do further investigation, yes. That is one of their explicit findings.

**Adams:** Right. So although they are limited in an appeals function, in terms of evidence presented to them why the investigation was bad, they're not limited at any point in the process, which is different than our -- which is different in certain types of land use

**Baptista:** Mmhm.

**Adams:** back to those of you who keep track of those things. All right. Is there any other discussion from council? So what I'd like from council and the public is to get to us and everyone to continue to give input to my office, Clay Neal is the person that's sort of handling the logistics on this with the public safety team. Additional questions, but also at this point in the process, any suggested changes or amendments, I appreciate Mr. Handelman and the league of offering me some specific changes in wording today. That's very helpful. I appreciate others to do the same.

**Fish:** Mayor could I just ask a scheduling question?

**Adams:** Yes.

**Fish:** Is it now your intention then to resume this matter sometime in January?

**Adams:** No it's my intention to have another hearing at 2:00 o'clock on --

**Moore-Love:** December 8th.

**Adams:** On December 8<sup>th</sup>. I doubt that we will get to any sort of conclusion then, but I would like to at least air out sort of the sense of council and air out -- give another opportunity for more conversation with the public.

**Fish:** When will we get your materials, Mary Beth?

**Baptista:** Well one I want to confirm that you did get my materials on November 22<sup>nd</sup> about the proposed amendment to that one portion of the code? Ok. And --

**Fritz:** Before you answer that question, I have some further requests for information that I want.

**Fish:** Can I just establish when the information -- if we're coming back on the eighth, then we'd have to have materials in response to what we're creating a record on by -- by the --

**Baptista:** I don't know the rules.

**Adams:** So let me suggest that we will have another hearing on the eighth that will mark the third hearing. Lets - Our expectation is we will not be making a decision at the eighth but we will continue to air out specific changes that council will vote on in terms of amendments. And we'll take testimony again. And then we will set a date for decision making based on the eighth and based on sort of where we're at. It could come as soon as the following week or it could be set over further out. And just for those of you who don't follow city work, the care that we give this issue is noted in the fact that we are having these multiple hearings. There isn't another -- there are very few -- only the issues that we feel of the most critical concern and the heightened sensitivity sort of



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get this kind of airing out, I think it's very important and I appreciate you being part of the process.

**Fritz:** Thank you, mayor. And I appreciate your diligence and willingness to put the time into this and everybody's participation, indeed. It is remarkable to me that when we met in March of 2010, the first hearing, everybody said hurry up and approve this and three of us said we need a little more time and that time proved very beneficial into getting to a result that was not appealed and had only one issue going to bargaining. So I think it's really important that we do a similarly diligent process and I appreciate the mayor being willing to do that. So when you do the memo summarizing what you've heard, what's helpful to me in land use issues, particularly because I was on the planning commission where staff would go through and list maybe 3 or 4 people each asked for the same - mentioned the same concern but listing that so that everybody knows that their concern or their request was heard. Who asked for it, and then what your response to that request is. For instance, several people have said there's 60 - some recommendations and we're only doing a very small quantity. I know that was addressed in your first power point. If you could remind me of the response on that and how many - what happened to each of the multiple request - suggestions from the stakeholder group. That would be one thing. But then another column, I'd like you to confer with h.r. and give and also the city attorney's office, to give me some advice on which of the requests would require bargaining.

**Baptista:** Well, I'm sorry to interrupt you at that point but that's - I mean, I think that's a pretty significant - I mean I think it's a nuanced significant argument that I don't know if we could get to the bottom of in short order.

**Fritz:** I don't know that, that's obviously not your area of expertise, or but that with advise from the city attorney and HR and it's not necessarily a definitive - absolutely yes absolutely not, but this is a significant issue that would be of concern and clearly we would want information from the police officers and from the police union as to whether -- what their opinions are. Just so that I have more information on which to make a decision about what can move forward quickly and what maybe needs some more time to flesh out.

**Baptista:** So what happened to the remaining recommendations and the bargaining issues?

**Fritz:** Well, all everything that's been brought up in these two hears, I would like to see that in a matrix so that there's a response from ipr.

**Adams:** The difference between land use and this is that we don't have the staff. But we'll give it our best effort.

**Baptista:** Yeah, I mean, again we've submitted multiple documents that addressed each and every recommendation that has been made by the stake holders that were made by crc. So, I'm not quite sure --

**Fritz:** Maybe ask staff in one of the other offices has been able to pull all this together, but it seems like we each have to --

**Adams:** We'll sit down with you and your staff and review what we have and see what we need to provide you what's left. How's that? They've actually done a fair amount of that, it's because we're taking a longer period of time, I just want to make sure that everyone has had a chance to review all of that. And whatever is left to answer, we will seek to get you an answer.

**Baptista:** And there is copies for people in the gallery who haven't seen it, right over there.

**Adams:** So the - it in - your original submission included and we'll take feedback that some things weren't - we didn't answer, so we'll take that feedback, but the original submission did include what happened with everything and so what did we miss?

**Fritz:** Well, I just have an increasing large binder of information that people have requested more -

**Adams:** Well, that's going to continue -- we'll do our best to stay on top of it.

**Fritz:** Thank you.

**Adams:** I don't know what else to say. I did get Mr. Handelman and our friends at the league to get it down to a total of four pages and it was very useful it gave concrete language and so I -- you

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might not have had a chance to review their stuff today and so well also there's some other concrete suggestions out of this hearing and so I think we can get that back to you.

**Fritz:** If I could get a written response maybe to cop watch and league of women voters that would be helpful.

**Adams:** Yep. We can do that.

**Baptista:** Yes.

**Adams:** Alright, thank you all for staying a little longer; we're adjourned for the week. [gavel pounded]

Item 1287 continued to December 8, 2011 at 2:00 p.m. TC

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At 3:39 p.m., Council adjourned.