



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF DECEMBER, 2011 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz and Saltzman, 4. Mayor Adams left at 10:30 a.m. and Commissioner Fritz presided.

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

Items No. 1315 and 1316 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1289 Request of Michael D. Krupp to address Council regarding ideas for future municipal economic progress (Communication)	PLACED ON FILE
1290 Request of Erica Askin to address Council regarding the Bureau of Transportation (Communication)	PLACED ON FILE
1291 Request of David Delk to address Council regarding ending corporate personhood and a City Council referral to the voters (Communication)	PLACED ON FILE
1292 Request of Mike Houck to address Council regarding Wild in the City: Exploring The Intertwine (Communication)	PLACED ON FILE
1293 Request of Bob Sallinger to address Council regarding Wild in the City: Exploring The Intertwine (Communication)	PLACED ON FILE
TIMES CERTAIN	
1294 TIME CERTAIN: 9:30 AM – Recognize Pat Wagner recipient of the 2011 Steve Lowenstein Trust Award (Presentation introduced by Commissioner Fish) 30 minutes requested	PLACED ON FILE
1295 TIME CERTAIN: 10:00 AM – Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33 rd Ave and Pardee St Local Improvement District (Previous Agenda 1204; Resolution introduced by Mayor Adams; C-10042) 5 minutes requested	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION

December 7, 2011

<p>1296 TIME CERTAIN: 10:30 AM – Accept report of Portland State University Capstone class films about local solutions to global issues (Report introduced by Mayor Adams) 15 minutes requested (Y-3; Adams absent)</p>	<p>ACCEPTED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>1297 Appoint Steven Brown to the Portland Commission on Disability for a term to expire September 30, 2014 (Report introduced by Mayor Adams and Commissioner Fritz) (Y-4)</p>	<p>CONFIRMED</p>
<p>Mayor Sam Adams</p>	
<p>1298 Reappoint Thomas Stringfield to the Floating Structures Board of Appeal for a term to expire October 31, 2014 (Report) (Y-4)</p>	<p>CONFIRMED</p>
<p>1299 Reappoint Justin Delaney to the Fire and Police Disability and Retirement Board of Trustees for a term to expire December 31, 2014 (Resolution) (Y-4)</p>	<p>36890</p>
<p>Bureau of Planning & Sustainability</p>	
<p>*1300 Amend contract with Neal Johnson, Sound Resource Economics in the amount of \$30,000 to provide additional services analyzing and setting rates for the Solid Waste and Recycling program (Ordinance; amend Contract No. 37287) (Y-4)</p>	<p>185026</p>
<p>*1301 Authorize application to IBM Smarter Cities Challenge for a grant to provide professional services to help the City deliver a more effective strategy to better address equity in the delivery of city services and public spending (Ordinance) (Y-4)</p>	<p>185027</p>
<p>Bureau of Police</p>	
<p>*1302 Add the Boys & Girls Clubs of Portland Metropolitan Area to the list of organizations eligible to use the voluntary payroll deduction system (Ordinance; amend Code Section 5.08.140) (Y-4)</p>	<p>185028</p>
<p>*1303 Amend an Intergovernmental Agreement with the Multnomah County District Attorney to reimburse the Police Bureau for overtime costs of officers assigned to the District Attorney's Office as investigators (Ordinance; amend Contract No. 52562) (Y-4)</p>	<p>185029</p>
<p>*1304 Authorize contract with BR McCaffrey Associates, LLC for staff and management leadership workshop training services (Ordinance) (Y-4)</p>	<p>185030</p>
<p>Bureau of Transportation</p>	

December 7, 2011

<p>*1305 Accept a grant in the amount of \$148,000 from Oregon Department of Transportation for the purchase and installation of traffic signal priority equipment at intersections throughout the City (Ordinance) (Y-4)</p>	<p>185031</p>
<p>*1306 Amend Ground Lease Agreement with Portland Development Commission for SW Moody Ave Project and modify to allow TriMet access to construction staging area for Portland-Milwaukie Light Rail Project (Ordinance; amend Contract No. 30001865) (Y-4)</p>	<p>185032</p>
<p>*1307 Authorize Third Addendum to Lease Agreement between the City and Robert C. Hunt, Lessee, to renew the Lease for vehicle parking space for an additional 5 years (Ordinance; amend Contract No. 50613) (Y-4)</p>	<p>185033</p>
<p>1308 Amend contract with CMTS, Inc. to add contractual spending authority and extend termination date for street construction inspection and engineering technician personnel (Ordinance; amend Contract No. 30001969)</p>	<p>PASSED TO SECOND READING DECEMBER 14, 2011 AT 9:30 AM</p>
<p>1309 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 (Second Reading Agenda 1255) (Y-4)</p>	<p>185035</p>
<p>1310 Extend the date of the privileges for regular disabled parking permits (Second Reading 1256; amend Code Section 16.20.640) (Y-4)</p>	<p>185036</p>
<p>Office of Management and Finance</p>	
<p>*1311 Change the salary range for the Nonrepresented classification of Emergency Communications Program Manager (Ordinance) (Y-4)</p>	<p>185037</p>
<p>*1312 Change the salary ranges for the Nonrepresented classifications of Risk Manager and Risk Supervisor (Ordinance) (Y-4)</p>	<p>185038</p>
<p>*1313 Create a new Nonrepresented classification of State Government Relations Manager and establish compensation rate for this classification (Ordinance) (Y-4)</p>	<p>185039</p>
<p>*1314 Amend contract with Bainbridge Corporation to increase contract amount by an additional \$16,075 to provide additional design and space planning services for the 12th floor Portland Building remodel project (Ordinance; amend Contract No. 30001310) (Y-4)</p>	<p>185040</p>

December 7, 2011

<p>*1315 Amend contract with Symphony Management Consulting, LLC in the amount of \$200,000 to provide additional SAP ERP System Post Implementation Support, HCM option services (Ordinance; amend Contract No. 30000608)</p>	<p>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>	
<p>*1316 Amend contract with EPI-USE America, Inc. in the amount of \$500,000 to provide additional SAP ERP System Post Implementation Support, HCM option services (Ordinance; amend Contract No. 30000719)</p>	<p>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>	
<p style="text-align: center;">Commissioner Amanda Fritz Position No. 1</p> <p>*1317 Amend the FY 2010-11 Budget to transfer funds and positions to the Office of Equity and Human Rights, establish the Office of Equity Director position and create new positions (Ordinance) (Y-4)</p>		<p style="text-align: center;">185041</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Housing Bureau</p> <p>*1318 Authorize subrecipient contract with the Housing Development Center in the amount of \$150,000 for technical services to nonprofit entities for capacity building and affordable housing development and provide for payment (Ordinance) (Y-4)</p>		<p style="text-align: center;">185042</p>
<p>*1319 Amend City Code to reflect Portland Housing Bureau administration of Limited Tax Exemption programs and make technical corrections (Ordinance; amend Code Chapters 3.101-3.104) (Y-4)</p>	<p style="text-align: center;">185043</p>	
<p style="text-align: center;">Portland Parks & Recreation</p> <p>*1320 Authorize Procurement Services to enter into a contract for construction and payment of The Fields Neighborhood Park (Ordinance) (Y-4)</p>		<p style="text-align: center;">185044</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>1321 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 (Second Reading Agenda 1262) (Y-4)</p>		<p style="text-align: center;">185045</p>

Office for Community Technology		
1322	Extend term of a franchise granted to AT&T long-distance to build and operate telecommunication facilities within City streets (Second Reading Agenda 1266; amend Ordinance No. 162822) (Y-4)	185046
1323	Extend term of Chevron USA franchise to transport petroleum products by pipeline (Second Reading Agenda 1267; amend Ordinance No. 164748) (Y-4)	185047
1324	Extend term of Kinder Morgan Cochin LLC franchise to transport petroleum products by pipeline (Second Reading Agenda 1268; amend Ordinance No. 164747) (Y-4)	185048
1325	Extend term of a franchise granted to Level 3 Communications, LLC to build and operate telecommunication facilities within City streets (Second Reading Agenda 1269; amend Ordinance No. 173930) (Y-4)	185049
1326	Extend term of Olympic Pipe Line Company franchise to transport petroleum products by pipeline (Second Reading Agenda 1270; amend Ordinance No. 162012) (Y-4)	185050
1327	Extend term of a franchise granted to MCI Communications Services, Inc. to build and operate telecommunication facilities within City streets (Second Reading Agenda 1271; amend Ordinance No. 170954) (Y-4)	185051
1328	Extend term of a telecommunications franchise granted to Qwest Communications Corporation to build and operate telecommunications facilities within City streets (Second Reading Agenda 1272; amend Ordinance No. 171914) (Y-4)	185052
1329	Extend the term of a temporary revocable permit granted to Qwest Corporation to build and operate telecommunications facilities in City streets (Second Reading Agenda 1273; amend Ordinance No. 175757) (Y-4)	185053
1330	Extend term of Southern Pacific Pipe Lines franchise to transport petroleum products by pipeline (Second Reading Agenda 1274; amend Ordinance No. 155742) (Y-4)	185054
1331	Extend term of a franchise granted to Sprint Communications Company, LP to build and operate telecommunication facilities within City streets (Second Reading Agenda 1275; amend Ordinance No. 172141) (Y-4)	185055

<p>1332 Extend term of a revocable permit granted to TCG Oregon to build and operate telecommunication facilities within City streets (Second Reading Agenda 1276; amend Ordinance No. 173990) (Y-4)</p>	<p>185056</p>
<p>1333 Extend term of a franchise granted to WCI Cable to build and operate telecommunication facilities within City streets (Second Reading Agenda 1277; amend Ordinance No. 172750) (Y-4)</p>	<p>185057</p>
<p>REGULAR AGENDA</p> <p>Mayor Sam Adams</p> <p>Bureau of Planning & Sustainability</p> <p>*1334 Authorize the City to execute a Contract-Specific Procurement agreement to purchase electricity from an Energy Service Supplier, if in the City's best interest (Ordinance)</p>	
<p style="text-align: center;">Office of Management and Finance</p> <p>1335 Transmit FY 2012-13 General Fund Five-Year Financial Forecast (Report) 30 minutes requested</p> <p>Motion to accept the report: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-3; Adams Absent)</p>	<p style="text-align: center;">ACCEPTED</p>
<p>1336 Accept Guaranteed Maximum Price of \$31,552,701 from Advanced American Construction, Inc. for the construction of the Bull Run Dam 2 Tower Improvements Project (Procurement Report- RFP No. 110465) 20 minutes requested</p>	<p style="text-align: center;">RESCHEDULED TO DECEMBER 14, 2011 AT 9:30 AM</p>
<p>Commissioner Randy Leonard Position No. 4</p> <p>Water Bureau</p> <p>1337 Amend contract with Black & Veatch Corporation to increase compensation and scope of work for Bull Run Dam No. 2 Tower Improvements (Ordinance; amend Contract No. 37587) 15 minutes requested</p>	
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Office for Community Technology</p>	

December 7, 2011

<p>*1338 Amend grant agreement with Portland Community Media (Ordinance; amend Contract No. 52904) (Y-4)</p>	<p>185058</p>
<p>*1339 Provide authority for adoption of rules, procedures and policies by Office for Community Technology for purposes of orderly administration (Ordinance; amend Code Section 3.114.050) (Y-4)</p>	<p>185059</p>

At 11:02 a.m., Council recessed.

December 7, 2011

WEDNESDAY, 2:00 PM, DECEMBER 7, 2011

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

December 8, 2011

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF DECEMBER, 2011 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish and Fritz, 3. Commissioner Fritz left at 3:05 p.m. Having lost the quorum, the meeting continued as an open forum to hear testimony.

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

1340 TIME CERTAIN: 2:00 PM – Accept Report on Recommendations Regarding the Portland Police Bureau (Previous Agenda 1287; Report introduced by Mayor Adams) 1 hour requested for items 1340 and 1341.	Disposition: CONTINUED TO DECEMBER 14, 2011 AT 2PM
1341 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 1288; Ordinance introduced by Auditor Griffin-Valade; amend Code Chapter 3.21)	CONTINUED TO DECEMBER 14, 2011 AT 2PM
1342 TIME CERTAIN: 2:05 PM – Consider the proposal of Safeway, Inc. and the recommendation from the Hearings Officer for approval with conditions, of a Comprehensive Plan Map, Zoning Map Amendment and adjustment to replace the existing 21,665 square foot building with a new 62,925 square foot, 2-story grocery store at 8039 SW Capitol Hill Road and 8145 SW Barbur Blvd (Hearing; LU 11-103310 CP ZC AD) 2 hours requested for items 1342 and 1343	RESCHEDULED TO JANUARY 26, 2012 AT 2:00 PM TIME CERTAIN
*1343 Amend the Comprehensive Plan Map designation and change zoning of two lots in the vicinity of 8039 SW Capitol Hill Road and 8145 SW Barbur Blvd at the request of Diane Phillips of Safeway, Inc. (Ordinance; LU 11-103310 CP ZC AD)	RESCHEDULED TO JANUARY 26, 2012 AT 2:00 PM TIME CERTAIN

At 3:35 p.m., the meeting 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.

December 7, 2011

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.

DECEMBER 7, 2011

9:30 AM

Adams: Good morning everybody today is Wednesday December 7th, 2011, its 9:30 a.m. and the city council will come to order. Just the usual announcements at the beginning of our day, if you want to testify on a council item, please sign up at - on one of the sheets that are outside on the table. We only - when you come forward you'll be called by council clerk Karla, when you are called you just give your name. We don't want your address, we don't want your phone number, we do not want your email address, we do not want that as part of your introduction, just your first and last name. You will have 3 minutes and the clock in front of that big piece of wood there will count you down from 3 minutes. If you are here testifying on your own volition, then you just need to give us your name. If you are here testifying on behalf of a business or a non profit or you are lobbying on behalf of some organization, then you have to tell us by local law, who you are lobbying, who you are representing. And we're going to go through the agenda communications, time certain and I have to leave at 10:30 to attend a funeral for Gloria Wiggins who we lost to cancer last week. She was active in the Latino Hispanic community and so I'm going to represent the city at that and the president of council, President Fritz will take over. Our first item of business is a proclamation. Commissioner Amanda Fritz.

Fritz: Thank you, mayor. The proclamation is regarding human rights day. Whereas the residents of the city of Portland recognize the inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice and peace. And whereas the universal declaration of human rights which was adopted by the United Nations on December 10th, 1948 is a source of inspiration for national and international efforts to promote and protect human rights and fundamental freedoms and whereas the city of Portland has created city codes designed to follow the universal declaration of human rights and strives to eliminate all forms of discrimination and whereas Thomas Jefferson author of the declaration of independence declared the care of human life and happiness, and not their destruction, is the first and only legitimate object of good government. And whereas, an essential element of the protection of human rights is widespread knowledge and understanding among people of what their rights are and how they can be defended and whereas today we pay tribute to the extraordinary vision of the declaration's drafters and to the many human rights defenders around the world who have struggled to make their vision a reality. Now therefore Sam Adams, the mayor of the city of Portland, Oregon, the city of roses does hereby proclaim December 10th, 2011, to be human rights day in Portland and encourages all residents to observe this day. We have the chair of our human rights commission, Allan Lazo, here to speak with us just briefly.

Allan Lazo: Good morning, mayor and commissioners. Thank you for that, Commissioner Fritz. As I prepared my comments for this morning, I was reflecting back on this past week and realized that it was one of the weeks that we all have. My wife and I compared our schedules and realized that we probably wouldn't have dinner together again until the weekend. Monday evening, it was the north Williams community forum, Tuesday evening it was testifying about the equity framework for the Portland plan, Thursday evening it was the McKenzie river gathering about the

December 7, 2011

– event – about the occupy movement and the intersection of race and class. All week we watched the debate unfold across our state over governor Kitzhaber’s decision to halt executions. And we observed the lowering of the flag for Julio Marquez, a young man caught up in youth violence, and mourned the passing of Rob Ingram who worked so tirelessly to help those same young men. As I reflected on those events of the past week, I’m reminded that while the work can be daunting, this little blue book is as relevant on a day-to-day basis in our community, from the streets to the state house from our school hallways to city hall as it was 63 years ago when the 30 articles of the universal declaration of human rights were adopted. So whether our attention is called to understanding how to right the wrongs of historic discrimination, finding equity and inclusion in the public involvement and planning process or striving to hold up the human rights issues underlying a ground swell popular movement or the fairness of the death penalty, with the basic human rights each of us are endowed also comes the responsibility to uphold those basic human rights for all. We thank you for your continued support of our city's human rights commission and I’m sure we all look forward to the days when our work is done, and we can all go home, and have dinner in peace with our families. Thank you.

Adams: Thank you.

Fritz: Thank you, very much, Alan, and I also want to give credit to the staff of the community program of the office of equity and human relations; Muna Idow, Polo Catalani, and Koffi Dessou. Judith Mowry in the office of neighborhood involvement has also been involved in planning this week's events and our community partners; Project Grow, Care and New Seasons and also thanks to Dora Perry and Sara Hussein in my office.

Adams: Thank you all very much for your service for your attention and passion to this very important issue. Karla, can you please read the title for communications item number 1289?

Moore-Love: Should we do a roll call?

Adams: Oh, yes, I guess that’s kind of required by law isn’t it? Please call the roll. [roll call]

Adams: A quorum is present. [gavel pounded] we now can proceed. Can you please read the title for communications item number 1289?

Item 1289.

Moore-Love: He called and is not able to make it.

Adams: Okay, can you please read the title for communications item number 1290?

Item 1290.

Adams: Ms. Askin, please come forward. Welcome.

Erica Askin: Thank you. Good morning, council. My name is Erica Askin, a staff member with laborers' local 483. I have been asked to give testimony from our executive board, one of whom is here today. He is the vice president of our local union, his name is Kevin Stampflee. And he is a worker with the bureau of transportation. Also, just because of the proclamation right before this, I also am a board member of peace for gays international, usa, which is a human rights organization. The right to organize is of course in a labor union is of course a human right. Last month, 50 of our members attended your council meeting to declare an emergency. We asked you to work with our union to implement portions of the cities emergency transition services programs, program, sorry. If it's true that budget cuts are imminent before approval of the next fiscal year budget. We haven't heard from the bureau of human resources regarding our appeal as of yet. We see the city of Portland is at a critical junction and we commend Mayor Adams for showing interest in a sustainable local economy and the movement against corporate personhood as a stance against economic inequality at a national level. Laborers local 483 believes that the city must also be socially responsible in its own funding practices. In the city of Portland, statement of net assets as of June 30th, 2010, a balance of \$110,186,791 is listed as unrestricted internal service funds? And

December 7, 2011

our understanding is that unrestricted internal service funds are made up of charges to the bureau that would otherwise be used for services and that charges reflect actual expenses and for this reason, we hear that a responsible practice for the city is to keep the internal service funds tending towards zero. With city reserves and other funding in good shape, we urge council to not go overboard in its accounting for the sake of high-end investors. At this time of unemployment and underemployment, we reiterate, that policy decisions in favor of the 1% cannot be made at the expense of city services which ensure that the well being of the 99% of the public and again, we call on city council to recognize the emergency of the situation here in Portland. In the long term, local 483 commits to advocating for new funding models for bureaus that operate on unsustainable revenues like the gas tax. And as a stopgap measure, we suggest a holiday on the internal service charges. We see the \$110 million internal service fund balance as a sign that the city of Portland has substantial resources that can be used to provide support to operating budgets like the bureau of transportation and other public facilities that desperately need to provide services and to get people to work with living wage jobs. We're eager for publication of the city's net assets in the 2011 CAFR reports. We view those assets as an opportunity again for city council to ensure services like transportation and education and public safety are accessible and provided by dedicated frontline employees --

Adams: I need you to wrap up, you're over your time.

Askin: This statement again is given by the executive board and they believe that responsible governance requires council to examine its internal service funds to prevent cuts to city services.

Adams: Thanks very much. And can you email me the, I got lost in following you on the 1% investment sort of thing. So if you could email that information, that would be great.

Askin: Sure, it's a -

Adams: Can you please -- we're done. Can you please call the -- can you please read the title for item number 1291?

Item 1291.

Adams: Hi, welcome back.

David Delk: Yeah. Thank you. So my name is David Delk. Thank you for allowing me a few minutes to address the concerns which people have regarding corporate personhood and the doctrine that money is equal to speech. The U.S. Supreme court once again acted to increase corporate power over the democratic aspirations of we the people, when it issued its citizens united versus FEC decision. It once again erroneously declared that corporations are people with the human rights of people. That decision has unleashed a torrent of corporate money into the political system. We shall see the affects of that on democracy in full force in the coming year. While the American people have struggled for 200 plus years to increase the number of peoples covered by the bill of rights, corporations have gone to the courts system and had human rights given to them by a judicial declarations. At the founding of our nation corporations were subject to great restrictions. They had obligations and responsibilities. Today they have only one obligation and responsibility, increasing shareholder value. The U.S. Supreme court has granted corporate -- corporations' rights to free speech, due process and equal protection of the law. The court has also said that they cannot be subject to takings, searches and seizures, random inspections or double jeopardy and have a right to trial by jury in both criminal and civil cases. All of these rights are rights of the people which have been given to corporations by the courts. In the court decision in citizens united, it was only the first declaration - decision to give first amendment -- was not the first decision to give first amendment rights to corporations. In the '70s, they disallowed restrictions on corporate funding in election campaigns in the Buckley versus Vallejo as well as the First National Bank of Boston versus Bellotti decisions. Because the courts have granted

December 7, 2011

corporations more and more of our rights, we must amend the constitution not only to overturn citizens' united but also to overturn all the other court decisions giving our rights away. The alliance for democracy and move to amend Portland, asks that the Portland city council refer this measure to Portland voters in November of '12. And it reads; resolved the people of the city of Portland, Oregon, call for amending the U.S. Constitution to establish that, 1. Only human beings, not corporations are entitled to constitutional rights and, 2. Money is not speech. And, therefore, regulating political contributions and spending is not equivalent to limiting political speech. Note that similar language has already been approved by voters in Madison, Wisconsin, by an 84% majority. In Colorado, by a 75% majority, excuse me, that's Boulder, Colorado, and in Missoula, Montana, also by a 75% majority. Just yesterday, the city council in Los Angeles approved a resolution with the same purpose. Thank you for your consideration.

Adams: Thank you very much, we really appreciate it. Can you please read the title for communications item number 1292?

Item 1292.

Adams: Mr. Houck. And the -- unless there's objections, I'll also call the next person.

Item 1293.

Adams: Welcome, gentlemen. Welcome back.

Bob Sallinger: Good morning, my name is Bob Sallinger; I'm the conservation director for the Portland Audubon society. We just wanted to come before you this morning and present you with a copy of "wild in the city, exploring the intertwine" which is our new publication and express our thanks to the city and the city council for the support on this project. This was two years in the making. And the city played a big role. Staff in some cases helped and BES and Portland parks helped write some of the sections, gave their own time as well. So we greatly appreciate the support on this. Wild in the city was originally published 10 years ago and we believe it's one of the most effective tools we've ever produced to engage people in our natural systems in the city. Two years ago, we sat down, Mike Houck, myself, MJ Cody, Bob Wilson, Rafael Gutierrez, and Martha Gannet was members of the original team, to look at updating the book. And what we realized is that there was an amazing amount of progress that has been made as we thought about just sort of amending it and updating it and adding a few sections, we realized, you really couldn't do that, it had to be a complete rewrite and it really speaks to how far we've come over the last decade and this book reflects the incredible investments we've made in our parks system, in green infrastructure also the rise in importance and recognition of the importance of access to nature and active transportation and so those kinds of themes run throughout it. Over 100 people contributed to this book. It's really a, you know, a work of love in terms of a -- a labor of love in terms of the people that wrote it are the people that have given their hearts and souls to protecting these places and integrating these concepts into our city. So with that, I want to turn over to Mike but we wanted to present this to you today and express our thanks and hope that it will be a really powerful tool for the city in moving these issues forward.

Mike Houck: Mike Houck, director of the urban green spaces institute. And in the event that anybody watching on cable or in council chambers wonders about the specific relevance of this book to the city's work, just yesterday in the Oregonian, there were two very interesting juxtaposed articles, one was a woman's observation looking deeper into Portland's water variance and she correctly pointed it out that the reason that the city of Portland will not be paying \$100 million for a water treatment plant is that there was foresight many years ago in setting aside bull run to protect Portland's water supply and the interesting thing is, she went into great detail about a concept that is coming to the fore in policymaking and I think, I would hope and it's one of the things we're trying to do with the book, in the public's mind as well, and that is the concept of

December 7, 2011

ecosystem services; the fact that the natural systems that are out there that we can harness and protect actually saves us money and we know that for example this is one example, the Tabor to the river project that the bureau of environmental services is engaged in, they've done the calculations on what it would cost if the Bureau of Environmental Services simply put a bunch more pipes in the ground versus using the gray infrastructure of the pipes and the green infrastructure and the cost savings to the rate payers is \$80 million. And one of the differences in this edition of "wild in the city," is that we have a whole chapter on green infrastructure. And again, a number of the folks in the Bureau of Environmental Services contributed information. At the same time yesterday, a lawsuit seeks to curb spending by utility bureaus on projects and the irony of this of course is that what they're complaining about in this presumed law suit is the city of Portland is actually spending money on things comparable to the protection of Bull Run watershed. To harness natural systems that actually saves ratepayers money over time, so we're hopeful that some other folks will read the book and come to understand the value of the investments that you all have been making in green infrastructure in the city of Portland. And we appreciate your support. And congratulate your work. Thank you.

Adams: Thank you. Are they signed?

Houck: Signed yes. And by the way --

Adams: Yeah?

Houck: Opb's "think out loud" this morning, there was a poll that they released. The number one environmental concern that folks in the Pacific Northwest have, Oregon, Washington and Idaho, is water quality.

Adams: I saw that. Congratulations, and congratulations to the parks commissioner as well.

Fish: Well and Mayor, if I could just say, that we're a proud partner, the city of Portland is a proud partner in intertwine and Mike, you and Bob have a lot to do with the conception of intertwine. And the goal is very simple, a world class system of regional system of parks, trails and natural areas. To be able to walk from downtown Portland to Mount Hood, on trails that have common signage to brand and market this wonderful system we have and frankly as a region to find ways to sustain it, and particularly the natural areas and you guys have done so much and the auditor's report came out the other day on the community survey, 85% of Portlanders feel very strongly about parks and the services they're receiving. The bureau and its employees won the gold medal this year and intertwine is our star. That's where we're headed going forward and you guys are in the front lines so thank you very much for your great work.

Houck: Thank you.

Adams: Where might somebody if they were, you know, going to give a holiday president - present -- not president -- where would they go to procure this?

Sallinger: The Audubon of Portland bookstore. Should be available other places as well, but we advise the Audubon Society.

Houck: It's the staff pick at Powell's bookstore as well by the way.

Fritz: I also want to mention since our laborers are still here that we greatly value all of our employees who help maintain our parks and natural areas. Thank you.

Adams: Hear, hear. Thank you all. All right, that gets us to the consent agenda. Are there any items to pull from the consent agenda? Hearing none --

Moore-Love: We do, Sorry, we have items 1315 and 1316.

Adams: Oh good. They go back to my office?

Moore-Love: Yes, we should read those titles.

Adams: Please.

Moore-Love: Okay.

December 7, 2011

Item 1315 and Item 1316.

Adams: I don't support these and they're going back to my office to be killed. [gavel pounded] unless there's objection. [laughter]

Saltzman: [inaudible]

Adams: They got into the hopper before I could stop it. Now, are there any other items to pull from the consent agenda? All right. Please call the vote on the consent agenda.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Adams:** Aye.

Adams: [gavel pounded] Consent agenda's approved. We'll move on to the 9:30 time certain. Can – it is a presentation. Can you please read the title for item number 1294.

Item 1294.

Adams: Commissioner Nick Fish.

Fish: Thank you, mayor. Mayor and colleagues, for the past three years, I've had the honor of introducing the Steve Lowenstein trust award. The award is named for attorney, author and civil rights activist, Steve Lowenstein, as all of my colleagues know, Steve was the founding director of Oregon legal services, a peace corps volunteer and an advocate for social justice. He wrote that the recipient of the trust award, quote, shall be that person who demonstrated the greatest contribution to assisting the poor and underprivileged in the city of Portland, Oregon. This year, the board has selected Linnton resident and activist Pat Wagner for her tireless work in support of the Linnton community center and frankly many other worthy endeavors. Here to tell us about this year's honoree is Michelle Harper. Michelle welcome.

Michelle Harper: Good morning. Michelle Harper board chair of the Steve Lowenstein trust. It gives me great pleasure to come before you this morning. I never run out of words to describe what this means to our board and to Steve's family, he was an extraordinary human being and as a testament to what the power of one person can do. We have come before you in the past, 20 times and presented 20 extraordinary recipients and this will be the 21st this morning, which is Miss Wagner. I would like to just introduce our board; I don't do this work alone. We're very passionate about this work. We give of our time endlessly and our money to support Steve's work and to carry on his legacy. The board members are Sandra Haefker, she is Steve's widow. Would you please stand? David Thornburgh, Margie Harris, Paul Kelly, Jamaal Folsom, Charlie Williamson, Art Alexander, Ron Paul, Joe Hertzberg and Mike Lindberg. So that's our board. [applause]

Harper: It gives me great honor to introduce Pat to you. Some of you probably know her, because she's been a person who has advocated strongly for the Linnton community and Linnton is a community that is very passionate, has a variety of needs, but sometimes I think the community has been off our radar screen and Pat has made sure that we are aware of what's going on in Linnton and what the needs are of the community and try to leverage as many resources as possible to support this growing community. By profession, Pat is a licensed nurse and she has served on community projects that she's been very passionate about. Her legacy is Linnton but there are many organizations that she's been involved with. The board of directors of neighborhood associations, volunteer at Lincoln high school, Skyline school, Open meadows high school, she's a recipient of the 2002 NW Examiner community service award, the Linnton land use committee member as well and I became acquainted with Pat some time ago when she came to advocate through parks and recreation and funding for the Linnton community center. She is definitely an extraordinary community organizer. Since 1999 she started with helping pull the Linnton community center out of the ashes of a unfortunate financial situation. Her fellow volunteers have worked to make the Linnton community center a place that enriches life, builds character and strives to develop a community consciousness for the benefit of all persons who live and work in the Linnton community. In the course of her efforts she has breathed life back into this community

December 7, 2011

in the community center it was hit by a very tragic death of a child near the center. She and community volunteers worked together to get traffic lights and crosswalks installed after this fatal intersection. Thanks to her leadership, the work of many others in the neighborhood, the center has reopened has grown by leaps and bounds. There are thousands of dollars worth of contributions and volunteer labor that have been invested into the renovation of the facility. It has been given a new lease on life. It's almost as if it's the phoenix that has arisen out of the ashes. The scope of service of the center has grown tremendously. There are many, many programs that enrich the lives of children and families in the community, programs that serve the most vulnerable. A bilingual preschool and a food bank have opened. The food bank, which opened in 2006 has served over 55 hundred people. They have not had to turn families away for the inability to pay. It is the only service provider for people in the Linnton and the surrounding neighborhoods. Every night the gym is bustling with activities, with Aztec dancers and rehearsing and open gym with teams and adults who play basketball. They have set up a program to reach out to Latino families and make it more comfortable for them to come and host their traditional events at the community center. It is the dedicated to the areas homeless, underserved and low income families that has been the catalyst for Pat. She is the social change agent and she has given her life's work to helping others. She gives selfishly of herself to help out seniors and other people, providing pot-lucks and providing a host of resources to a variety of people in the community. She is a person who is very -- as I said before who is very passionate about this community. Its people like her who make our city great and it gives me a great honor and pleasure to honor her and respectfully present her as our candidate and recipient for this year 2011 for the Steve Lowenstein Trust award. I know that Steve is smiling down on us this morning and is very glad with the choice that we've made this morning.

Adams: A round of applause. [applause]

Pat Wagner: Thank you. I'd like to introduce the -- some people that are in the trenches making things work. So can you all stand up? We know who you are, I can see all your names. Come on. Everybody. Don't be shy. Anyway, Ken -- and Ken Catery, who has actually nominated me and been a real advocate for us. Some of you aren't standing up but -- thank you. [applause] please sit down sit down please, here. [laughter] not to be bossy, but Vicka has been in this since the beginning she has fought every battle that's been fought right along with all of us. And you know, we were losing kids in Linnton, and then we realized it wasn't just Linnton, it was the whole city but we figured we can't fix the city, we can't fix the world, but we can fix Linnton so we start working on it and we have made a decision and when I say we, I mean these people and many others that children in Linnton are going to graduate from high school. They're not going to go to school hungry. They're going to be -- know that they're cared for and we've done research, Daniel Fastnetty who is my co-director now of the Linnton community center, stand up, Daniel, works tirelessly with the kids. And I want to just thank this city for having a way for just average normal people to really make a difference in where they live. So we really appreciate it. Thank you. And the office of neighborhood involvement too, for facilitating it, and all of you for helping us out. And especially Sam Adams who helped with making our Linnton community safe for the kids, Nick Fish for helping our community center, and Dan Saltzman, you also, you started it with the community center. And Amanda Fritz has been there whenever we've needed her. And I appreciate it all. Anyway, thank you. [applause]

Adams: Yay [applause]

*****: [inaudible] [applause]

Fritz: So Mayor, if I might make a comment. The Linnton community center is an example of what some might call a pet project, it's something that we fund and we make sure that we provide

December 7, 2011

the resources for the all the good work that the volunteers do, although most of the funding comes from the Linnton community and from the users. But I just wanted folks to know that the city has invested money there and that in my mind its not a, well maybe it's a pet project but it's all of our pet projects and that we want to make sure that the Linnton community continues to do the good work that you do. And thank you, Pat, for your work, and for your volunteer work. My notes say that you volunteer more than 40 hours a week often and so we greatly appreciate everything that you do and thanks also to the board for all of the diligence in reviewing the different applications and the work that you do.

Fish: And Mayor, if I could also just acknowledge that Michelle Harper dedicated her professional life to the city, to our parks bureau, and she has left very big shoes to fill and now she's enjoying retirement but she continues to lead this effort. It's one of the highlights of our year to have you come before us with the recipient of the Lowenstein Trust award. And we are all connected somehow to this Lowenstein Trust award and I just - since Charlie is here, I'll just also acknowledge that, long before I even moved to Oregon, I found myself living two blocks from his mother who talked about Oregon and when I came here, I joined a law firm and Charlie was talking about Steve Lowenstein, and then someone gave me a copy of the book that he wrote, the "Jews of Oregon "and on and on, and we are all connected somehow to this marvelous human being. And today you give us a chance to honor his legacy through the work of someone in our community and thank you, Michelle and to all the board members for your great work.

Adams: Thank you. Unfortunately, because of time, four people have signed up, but unfortunately because of time and I have to leave, I'm not going to be able to hear – we're not going to be able to hear the testimony of those that signed up. But rest assured, you are loved and congratulations. You're welcome to stay. We also are not offended if you need to get up and leave. So can you please read the title for emergency ordinance Item number 1334.

Item 1334.

Adams: Do we have oh there we go great. What are we looking at here very quickly?

Dave Tooze, Bureau of Planning and Sustainability: Good morning, Mayor, council members. I'm Dave Tooze with the bureau of planning and sustainability. Thanks for allowing me to speak this morning. What you have before you is an ordinance that allows large city bureaus to shop for electricity on the competitive marketplace, utilizing a broker that the industry calls an electricity service supplier. It's not unlike the way that we buy gasoline and diesel for our fleet services, utilizing competitive marketplaces to get a better price.

Adams: Is there any possible reason we would oppose this?

Fritz: Yeah, actually this is the one I would like to vote on next week.

Adams: Okay. So and again, thank you for that initial description. I have to push this along.

Tooze: That's fine.

Adams: This will be continued unless there's objections, this will be continued until next week.

Tooze: Very good. Thank you.

Adams: So ordered. [gavel pounded] Alright, can you please read the title for emergency ordinance item number 1338?

Item 1338.

Adams: Commissioner Dan Saltzman.

Saltzman: Thank you, mayor. In response to recent financial issues involving Portland community media, I bring forward this amendment to their grant agreement with the city of Portland. The main components of the amended agreement include the following: Prompt retention of an outside expert, financial consultant to analyze Portland community media financial issues. The filing of a report within 45 days, and an implementation of recommendations by February 9th, 2012. The

December 7, 2011

other amendment is an acknowledgment by Portland community media that due to ongoing unresolved concerns regarding the expenditure of restricted capital funds the city may sequester such funds until such time as the financial consultant recommendations have been fully implemented. In addition to these amendments, the city and the Mount Hood cable regulatory commission will promptly undertake an audit of Portland community media's financial records for the last two fiscal years and Portland community media is committed to negotiations to address remaining critical issues in any Portland community media city renewal contract. I appreciate the pcm board's cooperation and agreement to these amendments and look forward to ensuring that these matters are concluded successfully so the services provided by pcm to the community can continue without interruption on a transparent and fully responsible basis, and I urge adoption.

Adams: Any discussion from council, pretty straight forward?

Fish: I have a question Mayor -

Adams: Yup.

Fish: for the sponsor. Dan, the question I have is what is the rationale for limiting the scope of the review to the past two years? And the reason I ask is that my understanding is that there's been a substantial turnover in the board and a new group of board members have come forward and that some of the issues which have been identified in press accounts and else where, predate this board. And so my question is, is the scope of the review that you're proposing sufficient if it only goes back two years?

Saltzman: Well the reason we're going back two years -- and it's also not just the past two years, it's also on a going forward basis. But we have not received a independent audit from Portland community media for the last two fiscal years and so that is why we're going back two years. And they're required to provide that to the Mount Hood cable regulatory commission and by -- and to us. And that has not been done.

Fish: Is it your intention, that if, after receiving that audit, there are issues raised that predate the two year period, is it your intention to come back to council and have that discussion as to whether we need to go back further to determine whether funds were properly expended?

Saltzman: I would certainly be happy to do that. I'm just - at this point, I want to just get the audits for the last two years that have not been supplied to us. But yeah, if those identify issues even further back, we'll go back.

Adams: Anyone wish to testify on this matter?

Moore-Love: We have one person signed up. Marc Farrar.

Adams: Hi.

Marc Farrar: Good morning, mayor, members of the commission, Marc Farrar with Comcast. I just wanted to offer a few comments, in support of the action that's being taken. We're obviously very concerned about the recent reports of the funds, potentially misspent or unaccounted for and we certainly want to encourage the city to get to the bottom of it and take these steps to ensure that we don't get into this situation in the future. We're obviously happy to have recently concluded our franchise negotiations and we're going to be with that contract for the next 10 years so I think this is certainly taking the positive step to not only make sure things are fully accounted for from the past franchise but also going forward that we're getting started on the right foot relative to funding that comes from Comcast cable subscribers. So thank you very much.

Adams: Thank you, sir. Anybody else wish to testify? Unless there's additional council discussion, Karla, can you please call the vote on emergency ordinance item number 1338.

Fritz: I appreciate Comcast's support and their ongoing work with us on this, there's been great communication throughout the last three years that I've been on the council with Comcast and the former office of cable communications and franchise management and now the office for

December 7, 2011

community technology. We did do a forensic audit when the challenges were discovered and under my administration encouraged the change in the board members and increased oversight by the mount hood regulatory commission, I greatly appreciate their participation in this and also the new leadership at Portland community media, that is steering the organization and the volunteers in the right direction. Aye.

Fish: Aye.

Saltzman: Aye.

Adams: Thank you, commissioners. Aye. [gavel pounded] 1338 is approved. Can you please read the title for emergency ordinance item number 1339.

Item 1339.

Adams: Commissioner Dan Saltzman.

Saltzman: Thank you, mayor. Under our current city code, the office for community technology has jurisdiction over all city franchises and utility licensees. To better carry out its duties, this will allow the office for community technology to adopt rules, procedures and written policies to carry out its responsibilities. These code amendments will provide for a rules adoption policy consistent with policies of other city bureaus. Upon council passage of these amendments, I will direct the bureau to promptly proceed with one early rule-making task; to address and improve the format, agenda and criteria for pre-application meetings for wireless attachments to utility poles. Recent experience with such meetings called for needed improvements to benefit citizens and all involved parties. The bureau director David Olson is here if there are any questions and I would urge adoption.

Fritz: Are there any questions? The, mayor, I think is still here. So we can --

Saltzman: Yeah he's right over there.

Fritz: Please call the role.

Saltzman: Testimony?

Fritz: I'm sorry, does anyone want to testify on this. Thank you for that nudge. Please call the roll -- the vote.

Fish: Aye. **Saltzman:** Aye. **Adams:** Aye.

Fritz: I understand the need to provide the flexibility and authority to the office for community technology to take immediate action for administrative details, I'm always slightly apprehensive about allowing bureaus rule-making authority as this often bypasses city council, however, in this instance and with this bureau, we're dealing with application of relatively few public processes and mostly dealing with highly legalistic and defined work with contracts and franchise agreements and implementation of those administrative rules so I believe this granted authority will enable the office to continue to do a splendid job in a more efficient and effective manner. I would like to be involved in discussions regarding this important public review process having initiated it and established it in 2009 and I appreciate your partnership with that, commissioner Saltzman. Aye.

Adams: Approved. [gavel pounded] that gets us to, can you please read the title for item number 1295.

Item 1295.

Adams: Unless there's objection, this is being referred back to my office and will not be pursued. [gavel pounded] all right. That gets us to -- can you please read the title for 1335? Did I surprise you, Karla? Sorry, I didn't mean to.

Item 1335.

Moore-Love: I lost my item.

Adams: Administrative -- chief administrative officer Jack Graham.

December 7, 2011

Jack Graham, Office of Management and Finance: Good morning, mayor and commissioners. I'm Jack Graham Chief Administrative Officer for the city of Portland. We're here today to actually present the December five-year financial forecast. As you know, this financial forecast is what we use to guide us through the budget process but we wanted to let you know that it's still preliminary in nature. There are several key pieces of information that over the next several months is going to be added to this forecast, before we come back to you in April, to present the final 2012-2013 budget forecast. As you know, in early October, we actually had guidance working with you, sent out to all the general fund bureaus to plan for 4, 6 and 8 percent budget cut scenarios. Based upon the potential for certain factors coming in light, that's why we gave that guidance and we worked with you on giving those guidance out. When we look at what we have in front of us today, and as the final true forecast, we're not recommending any changes in the budget cut scenarios. What we're going to do now is going to have Josh, who is our economist, to actually go over in detail, this preliminary forecast. Today, I have also in front of me -- in front of you is Rich Bauer, who is our chief financial officer for the city and also Andrew Scott, who is the actual budget manager for the city. So with that I'm going to turn it over to Josh unless you have some direct questions for me.

Adams: Thank you, sir. Josh.

Josh Harwood, Office of Management and Finance: Thank you Mayor thanks Jack. Again Josh Harwood city economist for the city of Portland. As Jack mention, there were several things that we based the budget guidance on and several factors that we're waiting to get answers to over the course of the year. We have the answers to some of those now, but not all of them. And so I'm just going to briefly kind of discuss where we're at. After looking at property tax data over the summer and spending a little more time and doing it in a little bit of alternative methods of looking at it, we realized or at least we had an inkling that we had some exposure to the falling houses prices, that we had yet to experience, under measures 5 and 50, we hadn't gone through this sort of pattern under our current property tax system. So we had an inkling that we had some exposure there and the decline in real market values were approaching levels where by the city could realize significantly slower property tax growth than was previously forecast. As always and for what would undoubtedly become obvious reasons I'll avoid getting into the details regarding property tax compression but that's -- the result -- is what has happened essentially. Our fears were realized and it looks like it's playing itself out. And so that component of the forecast, because property taxes are about half of general fund discretionary revenue, the change in that forecast yields large numbers and that accounts for about \$11 million of the \$17.4 million in cuts that this forecast calls for. The remainder of the cuts are given primarily by 11-12 adopted budget notes that incorporated costs, about \$3 million in costs into 12-13 and higher than expected near term inflation. Inflation is something we know something about but not all of it. We'll get inflation figures that will factor into the cost of living adjustments in February. Another factor in forming the budget guidance in October was the general shakiness of the economy and how it might influence business license taxes, as you -- we discussed before, and as you all know that's clearly our most volatile revenue source. We have not changed that forecast at all right now. Essentially, we're seeing the economic sort of winds ebb and flow as we have over the last eighteen months to two years. We're growing but we're not growing fast enough. We're susceptible and at risk to outside shocks, like Europe. And so - but at this point, based on what we have in the door now, which is only about 15% of what we expect to get, we're not in a position where we can change -- where we can rationalize changing that forecast material. We will get most of that in revenue in March and April and we'll have a cleaner version of that -- or a cleaner look at that come our final budget forecast. What I will say is, it appears based on what's in the door so far this year and what we're seeing in general

December 7, 2011

in the economic outlook, that there is probably a little bit of upside risk on -- to the good for business license taxes, at least in the near term. And finally, a potentially large factor that we do not know the outcome of is how Multnomah County will decide to fund its libraries beginning next year. The current local option property tax levy expires at the end of this fiscal year and they will have to go to voters in May with a proposal to either renew the existing levy, albeit at likely a higher rate than what is currently there. Or ask voters to establish a permanent taxing district. It's the second outcome that would result in a loss of general fund property taxes, again through property tax compression. Ultimately any impact would depend on what rate they chose. A larger rate, we experience larger compression losses. Based on an analysis they did back in February, and given some assumption about what the rate would be, they would yield between \$5 million and \$6 million of a loss in our property taxes, beginning next year. So that's another 1.5%.

Adams: Can you restate that? You -- can -- you're talking about our potential impact or their potential impact?

Harwood: Our potential - the impact to our property taxes. We would see a general fund property tax loss. Based on their analysis back in February, beginning next year, between \$5 million and \$6 million dollars.

Adams: Ongoing or one time?

Harwood: Ongoing. Which would add about 1.5% to the budget cut scenarios that are present in this forecast and that we've talked about before. We don't know what that proposal will look like, we should know in about the next month. To the extent that they opt to renew the existing levy, even if it's at a higher rate, we won't see a general fund impact. To the extent that they establish a district, the impacts associated with that, will be dependent on what rate they choose and we have talked with the county and they will share their analysis of whatever rate they choose when they make a decision but we don't have that information today and to the extent they go for a district we won't know the outcome of the election until May. So, we've got a lot of moving parts that will dictate sort of where we end up. The document you have in front of you begins with the bottom line as I said 4.7% cuts, which were called for in this forecast. All else being equal, that would leave approximately \$11.6 million available for one-time spending. The document goes on to discuss general fund revenue and expenses as well as some selective economic data. At this point, I know you're trying to get out of here and so I will be brief and answer any questions you might have.

Adams: Well, just to maybe summarize for the viewing audience, this council has chosen to cut in a manner that does not -- that leaves the general reserves held harmless. We have not touched our general reserves. We also have managed our budgets in a fashion, cutting more, perhaps sometimes than we would have to strictly to balance, so that we can fund programs and services for those that are getting hit hardest by this recession and also to make investments to make our underlying economy stronger and more resilient. So I appreciate the good work that you all have done in that endeavor and it sounds like in terms of the council's initial direction to bureaus of the tiered packages, that those cuts still - that approach -- that approach still makes a lot of sense.

Fish: Mayor if I could, thank you for the presentation and for the documents we got. We're going to start getting a lot of communications from the public about proposed cuts that are coming out of our bureau advisory committee and budget advisory committee processes. I just want to once again clarify that what we agreed to do as a council was to get ahead of the curve and identify the potential 4%, 6%, and 8% cut packages. When people actually see what an 8% cut looks like, for a general fund dependant bureau they're going to be, I think, surprised. But I think it's important that people understand that because of these moving pieces that you've identified we have agreed to go through this exercise as painful as it is, it does not mean that we'll accept any of those cuts. But it

December 7, 2011

does mean that we have to do the hard work of thinking about the sort of doomsday scenarios. If we ever had to cut 8% or God forbid more. And so we've charged our advisory groups with that task and I think people are going to be surprised by some of the recommendations, but you can't cut 8% ongoing out of the parks bureau for example without getting at programs people like. The second thing is, you've described the impact of compression and I think probably we would all benefit from a little primer on compression since this issues going to get hot not just with the library special district but there's talk at a metro level, of thinking about a special district – all of these special districts create preferential status, which impact compression differently. And I think once upon a time, Andrew, you gave us a little primer, can we get that again. It just - a written primer that explains -

Scott: I was just going to say I think one of the things that would probably – because we've been getting a lot more questions about that, is if Josh put together, you know, a two-pager, sort of on compression at a high level and then of course we could follow up with more details.

Fish: With a couple of examples, of you know, and why it is that if it's just the levy versus a special district. And the third point I just wanted to make is, just to be clear, if -- if the assumptions we're operating under don't change dramatically and we are going to do the 4-6 and 8% cut packages, for purposes of our debate, we're assuming in our budget decisions that public safety would be treated differently than other general fund bureaus, correct?

Scott: The budget guidance is that public safety will also submit 4-6 and 8% budget packages.

Fish: But in your - when – My recollection is –

Scott: That's the Mayor's proposed budget, so the answer is yes.

Fish: So in past years what we've done is we've gone through this exercise but we've held public safety to a different cut than other general fund bureaus, which means that they get cut a little more to allow public safety to be cut a little less is that conceptually right?

Scott: That is conceptually how it's been done in the past for the Mayor and council.

Fish: Thank you.

Saltzman: Josh, I mean, we do have the local option levy, the children's levy, could you - if you have that at your finger tips just describe the relative impacts to the \$12 million a year generated by either a library district or a library levy.

Scott: Yeah, I can try, at least broadly speaking. The -- for sense of scale, our general fund property taxes are compressed by about 5%. The childrens levy is about 40% because of the way compression works. That functionally limits the amount of compression that they can then tack on above that. It's sort of a declining marginal return thing based on the levy rate that the library does. They will experience some additional compression should the library rate go up.

Saltzman: For a renewed --

Harwood: Even for a renewed local option levy. Although probably not dramatically. To the extent it becomes a district, there's a little bit greater compression loss because they're absorbing some of the compression loss that right now they're splitting with the local library levy.

Saltzman: Right.

Harwood: So I don't have numbers in front of me. That will be part of the analysis we get from the county and like last year, I'm happy to sit down with you and your staff to go over the details of that.

Saltzman: And so just so I can understand the property tax, you say property tax is about 50% of our general fund. And you're saying that the property tax is forecast to be available for the next fiscal year --

Fish: For discretionary general fund.

December 7, 2011

Saltzman: Discretionary general fund is going to be lower on a dollar basis or just a lower rate of growth of property tax revenue is it - ?

Harwood: That's a good distinction Commissioner; it's a lower rate of growth. Property taxes historically have been sort of an autopilot 3% plus sort of thing and where we saw it a little bit last year and that sort of begat more research but this year we're looking at closer to 1% growth and I expect that that will happen for at least two years, we're not seeing any spark that the housing market is really going to turn and jump up. Longer term, it doesn't make our property tax system – our property tax collection is simply more volatile, to the extent that we do get a big jump in rev – in values, we can experience 4%, 5%, 6% growth in property taxes. So it sort of is something that we're working our way through and trying to understand it as best we can and model as best we can, because compression is on an individual property basis, it makes it a little more difficult.

Saltzman: I just have one more.

Adams: Yeah go ahead.

Saltzman: My final question is, you said that business license fees, or business license revenues are at 15%. I think -- I just want to make sure, for the record, I think you might create the impression that they're only 15% of what they were a year ago. What you mean to say is you we only collected 15% at this point in time but we will get 100% of revenues.

Harwood: Absolutely. I'm sorry I misspoke. Typically business license taxes are very heavily weighted towards the second half of the year and that makes it difficult to come up with massive or even significant revenue forecast changes for this particular forecast. That's not the case in April.

Adams: Just remind me -- or help me remember correctly. Is it possible that one of the reasons that the growth in property tax revenues has slowed is improvements on properties have slowed and that is the only way that local governments get increased property value, the cash for increased property values?

Harwood: Yeah, Mayor, that's true to some extent, although in the grand scheme of things, it's not dramatic. I think looking at – I was looking at it just this morning, and looking at changes in real market value from last year to this year, almost all of it is accounted for in simply residential improved property values dropping, so housing prices dropping. But yes, no, that is true, to the extent we do see a boom in property construction, that will only benefit our tax rolls.

Adams: All right any other -

Fish: If I be can just clarify one thing, about the primer on compression. You know, there's some talk of -- of a number of potential levies, bond measures, kinds of things, I mean you're hearing talk about things for the arts, renewal of the children's levy, potentially, bond for parks. A school bond measure. I mean, there's -- there's I can -- there's probably five or six things that are out there in the ether. And we may not have a lot of control over what goes to the voters on what sequence. We have some influence, but we don't actually have control over most of those. But I would say that it would be useful information for us to run some scenarios in your primer about the impact of some of those things on our general fund. Because I think we need to start engaging in the environment of compression, we need to be thinking about these things in terms of how it impacts our bottom line in and other jurisdiction bottom line, special districts and other governmental bodies, that has to be part of our conversation particularly if there's a choice between going special district or just renewing a levy.

Fritz: Gentleman I just want to interrupt and ask the city attorney, may I allow the mayor to vote and then we can continue this conversation?

Adams: Or are you done?

Fritz: Well I have some questions too.

Adams: Okay.

December 7, 2011

Fritz: Am I allowed to do that?

Ben Walters, Chief Deputy City Attorney: [inaudible] on an item and then you move on to the next item.

Fritz: Can we suspend the rules to allow the mayor to vote now?

Fish: Can you send your questions by email?

Fritz: Well I think I should get a turn to talk since I didn't –

Fish: Well he's going to a funeral.

Fritz: I understand that.

Adams: So if I was to vote, I would vote for the report.

Fritz: Thank you, mayor. We definitely need a button system so that we take it in turns to have our questions asked. I'm working on that. Thank you very much for the information that you've provided, the \$17.4 million ongoing cut is listed for '12-13 in the forecast. What is the assumption of the ongoing cut for this year, '11-12?

Scott: Yeah, actually there is -- so if you look -- it's page four of the forecast if you have it in front of you. We sort of go through the revenue categories for both '11-'12 and '12-'13, there is some property tax decline in the current year in total when we look at all the revenue sources of what we know right now, there's probably about a \$4 million decline in expected revenues in '11-12, however, it is still -- there's a couple of things there. It's a relatively small amount, it's about 1% of the overall general fund and so it's still relatively small amount. We have business license taxes to come in, which could offset a little bit of that. And so from our perspective, we're not recommending any action in '11-12, again we make some certain assumptions about ending fund balance and depending on how bureau expenditures go throughout the year on these revenues, we will adjust those ending fund balances when we come back to you in April or May for the forecast. So again, we can absorb a cut of that magnitude. If it doesn't grow any larger through simply just you know, adjusting ending fund balance and essentially making those reductions in '12-13 and beyond if - and we will continue to monitor closer though, if that were to grow much larger than \$4 million dollars, we may be coming back to council with a recommendation for mid year cuts.

Fritz: Do you have at this point a recommendation for or a thought as to whether we're going to be looking at four or six or eight?

Scott: Well again right now, with everything we know, 4.7% is the ongoing cut necessary to balance and again there are a lot of changes that might occur between now and April, by policy, we forecast on a relatively conservative basis so there's probably a little bit more you know good side risk than there is downside risk, but with that said, there are a lot of external things that could impact us negatively, so –

Fritz: Thank you. And let me just go back to the previous discussion on --

Scott: Actually I'm sorry Commissioner, I just want to clarify, 4.7% ongoing does not include a library special district. It goes up to between 6.1 and 6.5% with the library district.

Fritz: Right and your previous memo to us was very helpful in laying out the scenarios. So just to go back to the compression issue. And I know - I appreciate that we're going to get a primer on it. But in a nutshell, it's that the pie doesn't get any bigger, and so the voters will be choosing if there is a library levy they will be choosing between library and services to children.

Harwood: Yeah, Commissioner Fritz, that's true for properties that are in compression. For properties that aren't, which is most of NE Portland largely, they will see an increase in taxes should they go through a special district. And we won't see a loss. Our loss is concentrated on those individual properties that are in compression. But to the extent that they're in compression yes you are correct.

December 7, 2011

Fritz: It was remarkable to me that my home and one of my staff's home, which is about a mile apart, my property taxes went down and his went up this year, and the whole measure 54750 scenario doesn't make any sense in terms of fairness or equity or predictability so I think that's the challenge for the state legislature and the voters of Oregon to take up again. Because clearly, we're now seeing the challenges, both in the school funding and in city funding regarding the inequities that were created there. Thank you very much for this.

Fish: Just one other point. Andrew, in your five-year forecast, you have no available one-time in 13 to 17. Obviously, there would be available one-time if we cut deeper into ongoing to create it. But you're saying in terms of starting the fiscal year, two fiscal years from now we would start with a zero balance and no one-time to cover the shadow?

Scott: All else equal, yes. There is, and Josh can talk a little bit about this. There is a little bit of functionality in terms of the way the model works that we will generally – there will be some one-time that does show up but it's not forecast one time. So we are forecasting the one-time in '12-'13 based on some of the actions council took, to set aside some reserve and you know and plan for next year. Generally, when we look back over all of our forecasts, one-time does show up but it's been something that structurally in the model isn't forecast, but I think you're overall point, and so again Josh can talk about the specifics, but your overall point is right though. This forecast does show the one-time going you know to a much lower level than what we've had in the past.

Fish: Which means that while we in past years have been able to put the -- cobble the money together to handle the shadow budget, which disproportionately covers the safety net services and things like that at the city, and some public safety back-fill. We're coming to a point where that may not be possible, and we have to find – and that we're truly no longer sustainable in terms of funding the shadow budget.

Scott: Yeah, and I would – yes that strategy would certainly be at risk. Which is again why we define it as one-time revenue because of the uncertainty going forward that it will be there.

Fish: And at the same time, we don't have the ability to convert any of this to ongoing.

Scott: Without deeper ongoing cuts that's how it would be converted.

Fish: Thank you.

Fritz: Any further discussion from council? Thank you, gentlemen. Does anyone want to testify on this issue?

Moore-Love: No one sign up.

Fritz: Seeing nobody, please call the vote.

Moore-Love: Do you want a motion to accept the report?

Saltzman: I move to adopt the report.

Fish: Second.

Fritz: Thank you.

Fish: Aye. **Saltzman:** Aye.

Fritz: Aye. Thank you very much for your work. We now have a time certain, please read the title for 1296.

Item 1296.

Fritz: This is an item introduced by Mayor Adams so I am hoping that you -

Phil Busse: I can wing it.

Fritz: Alright, very good.

Busse: Commissioners how are you? So I'm pleased today to introduce two Portland state seniors as you're hopefully all aware, Portland state has a remarkable program, the capstone program.

Fritz: Could you introduce yourself first?

December 7, 2011

Busse: I'm Phil Busse, nice to be here this morning. It's funny, that's one of first things that I tell my students on presentations, is tell your name, so I just a -

*****: Embarrassing - -

Busse: Take a few demerit points. Portland state has a remarkable program, the Capstone program, graduating seniors are all required to have a semester long class with a -- learn about civic engagement, work with nonprofits and the class that I taught this semester was producing documentaries for local solutions to global issues. One of the first steps was to solicit some ideas about what is happening in Portland and all of your offices were kind to present some ideas of what students should make films about. In fact we were overwhelmed and Amanda, Commissioner Fritz, thank you so much. There was an email that came about 10:00 p.m., one night, she must have been working late, with a list of an incredible number of programs. The students then chose from this list, programs that they wanted to highlight on and perhaps not surprisingly, three of the four films that were made were about homeless issues. And the fourth film, which we'll see today, was made about inequality of wireless services and so these are all local solutions to global issues. I'm pleased to present two graduating seniors.

Daryl James: Hi, my name is Daryl James. And we'll get to the movies in just one second. I just want to say a quick word about why we chose to work with the subject that we did. So we -- we actually chose to do -- that's myself and my teammates back there, Gabe and Gabriel Guard and Perry Ockmaudie. We worked with the circus project which is run by Jan Cohen, you may have seen a story on it in the "Willamette week" just a couple weeks ago. In a nut shell, Jen uses her expertise as a circus arts instructor to bring about societal reintegration of homeless youth. We chose to work with her for a number of reasons. Not the least -- we sensed the program was more than the sum of its parts. And as you'll see, she pushes her kids really hard and holds them to very high standards of work and the program itself is exemplary in that it really engages the participant's own creativity as a source of motivation and ultimately of change as well. So the students that she works with, they really gain much more than you know, new physical abilities or habits or ways of interacting with others. There are all these intangibles like confidence and responsibility and insight that we felt the medium of film could really highlight. So no further ado, this is Circ-odyssey, which is a name we poached from the final performance that they put on last week.

Busse: Just to quickly provide a little context, the students produced four films, we're showing two that they selected to introduce to city council. Each are about five minutes long. And while the hourglass goes, I should actually apropos give a thank you to Portland community media, which Portland state was very happy to partner with. We had a very good opportunity for them to provide equipment and access so we were pleased with our interaction with them. Technical difficulties?

James: Yes the hourglass still --

Busse: Greg why don't you take this opportunity just to introduce your film and we can just show them back to back then.

Greg Kelly: Okay Sure, my name is Greg Kelly, we worked -- me and my team Ian and Sean, worked on the Personal Telco documentary, and it's basically just discussing the inequality in broad band internet access across the united states and some possible solutions that maybe the city of Portland could implement.

Busse: Why don't we -- grab the video to make that --

Kelly: Yeah, it froze, but I'll redo this one.

Fritz: I think there's a jinx in city hall. Because even our office of community technology had a problem with showing their videos, so don't feel bad. (laughter)

December 7, 2011

Fish: While we're waiting I should probably announce that the Portland marathon yesterday gave us a check for \$4,000 towards our restore our historic parks fund and they -- they end their event at Lownsdale and Chapman and they gave us \$4,000 and we're almost at the halfway mark, between Umpqua, the Portland marathon, and individual contributions, halfway to covering the costs, the forecast costs of restoring them and we were very pleased to accept them.

Fritz: Well I'm sending a link to that donation site to the 400 plus folks who sent us the petition over the weekend. So hopefully we'll get some more donations from that.

*****: Oh There we go.

*****: The video is -- it's not pulling any audio. Oh, here we go:

*****: Thanks for bearing with us. ¶¶

Video Audio: The first night I had to sleep outside was under the burnside bridge and it was so horrible. Loud. Uncomfortable. It was miserable. I realized, shit, i'm really homeless right now. Wake up and feel like having blacked out. So I was -- I realized, I needed to get sober and figure out what I was doing.

Video Audio: I [inaudible] -- come out here on my season, so have to take care of myself.

Video Audio: And so I started looking for a way out. And I was already [inaudible] -- turned out I was auditioning and called me and in the circus project.

Video Audio: Taking a break from the circus to become a therapist and -- more thorough background in psychology. [inaudible]

Video Audio: I've been active my whole life, i've never done acrobatic. It's not just jan pushing us. We have to push ourselves. It's a very permissive lifestyle. You don't push yourself to do anything -- a whole routine for when I eat, when I work out, when I go to class, what I do in class, how many times I do those things in class.

Video Audio: It's a very demanding thing. [inaudible] the way we support art and being here and the work we do, that's all on us.

Video Audio: We're holding them -- [inaudible] ¶¶

Video Audio: [inaudible] special and have something spiritual about them that pulls them forward.

Video Audio: You're competing with yourself to be better.

Video Audio: I wrap my leg around and have to bend backwards [inaudible]

Video Audio: Sometimes it's the kind of thing I think I can do for them. Because somebody has to care. ¶¶

Video Audio: Really excited. ¶¶

Video Audio: I was thinking how weird it was that kids used to run away to the circus because they weren't accepted in society and had to physically leave. And the circus project, we're taking kids who ran away and using the circus to help to reis simulate.

Video Audio: I don't know. It is kind of like -- it is daunting that it's just going to be over.

Video Audio: So much of the lifestyle now, i'm definitely a changed person. Put forth the effort, to really be a circus person. I may think I have a future in this, and they're going to help. What I have is a wonderful opportunity to be what I want to be, so why not? Doing backpacking across the country -- showers are nice. [applause and laughter]

Fritz: That's really good.

Busse: The second film is -- the students also made films about Street Roots and as well as the My Voice Music, which is about a school that teaches music skills and rock 'n roll for helping recovering addicts and homeless kids and the fourth film was about some of the inequalities the digital divide.

*****: You have to click on the title.

December 7, 2011

*****: I just click on the actual word --

*****: Really?

*****: Yeah.

Busse: So I think, one of the wonderful things was the opportunity to introduce students to a lot of the great solutions that Portland is putting forth, that small nonprofits are doing. Whether it's working with homeless youth or trying to help get some internet connections. ¶¶

Video Audio: The personal telco project started in about 2000. [inaudible]

Video Audio: Personal telco actually was instrumental in creating an interest in broadband. One of the first in Portland [inaudible] the importance. So I think -- it's time where people can connect to the internet for free.

Video Audio: We were going to build neighborhood networks that people can connect to --

Busse: The students have -- one of the important parts -- one of the important parts -- [inaudible] [laughter]

*****: We should Get a synthesizer and use this.

Busse: The students are looking to distribute the films and help get their messages out. I'll make sure that the students forward a copy or a youtube link to you.

Video Audio: They've left us behind the other countries and break-in, like a right, a freedom. Are you curious to see where the u.s. Ranks world wide? Japan comes in first, at 61-megabytes. And fin lan their with 11 and the u.s. Comes in at 16 with a measly 4.8. The telecommunications act of 1996 force companies like at&t to share their network, but not enforces by the fcc and ignored by the service providers. In 2005, the supreme court cited them stating they didn't have to share their network because they weren't classified as telecommunications services. The regulations are set up to make telecommunications companies rich and it's hurting the country because it's stifling the ability of the citizens to participate in a vibrant economic platform, which is the internet. The unclear framework of the 1996 act made the market for broadband service what it is today, but there are solutions. As of 2011, over 50 cities offer some sort of city-sponsored wi-fi and hundreds more are planning or constructing broadband networks.

Video Audio: History shows that when something is critical for people's well-being, the government steps in.

Video Audio: Because the feds are unlikely to make this better, the closer you get to the local community, the more likely you are to find [inaudible]

Video Audio: If you would like to learn more or get involved, go to www.personaltelco.net.

Busse: Thank you for the opportunity for the students to show these and share these and just to underscore, really fast what Russell from Personal Telco just said at the end there. It was really encouraging. There's obviously a lot of issues that are facing people right now, inequality and financial issues and any number of them and it is really fantastic to see the number of solutions that individual Portlanders are working on out there. Thanks for the opportunity to share those.

Saltzman: Thank you.

Fritz: Thank you for being here. Does anyone want to testify on this report? If not, I'll entertain a motion to approve.

Saltzman: Move to accept the report.

Fish: Second.

Fritz: Karla, please call the vote.

Fish: Aye.

Saltzman: Well thank you all very much those are good capstone projects. Aye.

Busse: Thank you so much.

December 7, 2011

Fritz: Thank you for bearing with our technological challenges and for producing the videos, very good work. Aye. I believe the last two items are deferred until next week. But we need to read the title, is that correct?

Moore-Love: Yes we do.

Fritz: Please read the title for 1336.

Item 1336.

Fritz: At the request of the commissioner in charge, Randy Leonard, this is moved to next week. Please read the title for 1337.

Item 1337. And this is likewise moved to next week. Do we all agree that we've gone through the agenda for the morning? That was quite the back and forth. Thank you. The council is adjourned until tomorrow at 2:00 p.m.

At 11:02 a.m., Council recessed.

December 8, 2011
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.

DECEMBER 8, 2011 2:00 PM

Adams: Welcome to the Portland city council chambers, we're glad that you are here; let me go through the protocols for this chamber. They are the same announcements that I make at most all beginnings of all council proceedings. How many of you are here for the first time? All right, we're glad that you are here. If you want to testify, you need to sign up outside and we call testimony in the order it was received. Testimony is in increments of two or three minutes. When you approach the table, your name is called, we call them four at a time, we 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, just your first and last name. If you are here as a lobbyist for an organization or you have the ability to speak on behalf of an organization, local law asks that you report that you are a lobbyist. In terms of this council chambers, we work very hard to make people feel comfortable in presenting all points of view, including points of view that might be contrary to other people in the room. So, there is no noise. There is no clapping, there is no hooting, there is no hollering, there is nothing in terms of auditory response. If you like something, you can do this. It's good exercise. If you don't like something, you can do this. We have updated it. You have updated it further. And then we are not hearing 1342 today. It's being postponed until January 26th. And we're going to call the roll, we're going to read those two items first. There are actually no votes today, just taking testimony. So, Karla, good afternoon, how are you?

Moore-Love: I'm fine, good.

Adams: Can you please call the roll. [roll call].

Adams: Can you please read the titles, 1342, items number 1342 and 1343.

Adams: So unless there are objections, items number 1342 and 1343 are postponed until January 26th, 2012, at 2:00 p.m., time certain. You have a -- just an announcement about your time this afternoon.

Fritz: Yes, I need to leave as soon as we have expeditiously completed today's work. My good friend and supporter, Norm Stoll passed away recently and his funeral starts at 2:30. Norm was a wonderful person who is a community -- a beloved person in the northeast community and I would like to be able to go to honor him at his ceremony.

Adams: So, is commissioner Saltzman out on an absence. And Commissioner Leonard is on an absence. Okay, well we will stay and listen to whatever testimony is signed up. Are we allowed to do that?

Moore-Love: We don't have a quorum.

Adams: I know when they leave --

Fritz: I won't leave I just -- if we could be expeditious --

Adams: How many people have signed up?

Moore-Love: About 30.

Adams: Okay. You will get two minutes each and we will call you in the order that you are called. You have to testify on the items on the agenda. If you want to testify on any other issues, then you sign up for that at the city clerk's -- sorry -- city clerk's office in the office of the auditor,

December 8, 2011

and there are five slots for that every month. Let's begin. 1340, and 1341 if you could please read the titles.

Adams: Okay, we will hear from the first four people.

Adams: Welcome to city council. Glad you're here. Find yourselves a mic. Who a - Mr. Bridges. Are you Mr. Bridges?

Justin James Bridges: Yes, I am.

Adams: Please begin.

Bridges: My name is Justin James Bridges and I am a victim of police brutality and misconduct. Before the incident on November 13th, I was fully mobile, made my living as a blues guitarist and singer. I was also a volunteer American Sign Language interpreter for occupy Portland. It has been more than three weeks since the incident and I am still in a wheelchair. I still have loss of feeling and movement in my right arm and right leg. I'm also experiencing severe back spasms, excruciating – that are excruciating and painful.

Adams: And I need you to speak to the ordinances - the resolutions.

Bridges: The Portland police bureau has demonstrated that they lack good judgment necessary to interact properly with peaceful nonviolent protesters who are exercising their first amendment rights. Allowing the police more flexibility in these situations would be a disgrace to Portland and everything the city stands for. Further more, allowing the police department to be in charge of those police -- those police misconduct cases allows little to no accountability for those officers under investigation. All people, including police, politicians, ceo's of corporations, individuals in the military, and civilians should all be held accountable for their own actions. I have a bill here for \$22,127.26 that was given to me -- I received today from the hospital as a result of what your officers did to me. Everybody has to be held accountable for their actions.

Adams: And have you filed a complaint yet?

Bridges: Yes, I have.

Adams: Great. If you want to leave copies with the clerk, I would welcome you to do that.

Thank you for being here. Sir.

Adam Smith: Adam Smith. About three months ago I was living in city of Seattle, Washington, where a background check came back stating that I had warrants here in the state of Oregon. I called up and stated I want to take care of them and how do I do so? They replied that I must physically be present here in the state of Oregon. I flat out stated to them the only way that is possible for me to do so is to physically sleep outside on the concrete to be present here. They highly suggest I did so. Now, I have not experienced any harm from anyone until they found out I was actually affiliated with occupy is when one officer actually stated to me, if I am to be found sleeping outside in the city of Portland, I will be arrested for camping. That's all I have.

Adams: Thank you for your testimony. Hi, welcome.

Jackie Miller: My name is Jackie Miller, I'm a volunteer with elk legal collective, which formed to address the needs of occupy Portland protesters that have been arrested in acts of civil disobedience, who have been victims of police brutality and misconduct. On the detailed policy proposals, I defer to Portland cop watch who has been studying these policies for longer than I have. I want to speak more generally to the topics of granting flexibility to police in use of force and questions of review. Portland police have amply demonstrated in the last month that they do not possess the restraint and judgment to use appropriate force when policing even peaceful protesters. A young woman had a baton held to her throat in a choke hold, and was pepper sprayed in the face, an 81 year old World War II veteran was thrown down and his head bashed repeatedly into the concrete. Justin James Bridges was one of at least 3 protestors who left Chapman square in an ambulance, another suffered a severe concussion, and one arrestees hand

December 8, 2011

was twisted by an officer until the tendons ripped. These are just some of the more egregious examples of police brutality we've witnessed in the last month. But for each of these there are dozens of reports of excessive use of force against peaceful protesters resulting in injuries. In the face of this response to peaceful protestors the request for more flexibility in use of force is patently absurd. We should be moving in the other direction, holding the police more accountable for the inappropriate use of force many have already been exerting. We should be talking about ending the use of pepper spray, and tear gas by police, not enabling them to use even more potent pepper spray. Some of the cruel injuries we have seen may be the result of casual sadistic tendencies on the part of individual officers, but there also appears to be a calculated cruelty more broadly directed at occupy Portland protestors where officers as a group seem to feel empowered to administer random baton strikes and pepper spray to exert excessive force when taking protesters into custody who aren't resisting and to leave arrestees in excessively tight zip tie cuffs for many hours. Last weekend we saw that protesters are being arrested in parks in the daytime with barely any pretense of legal justification, these are clearly political arrests. And these arrestees are then subjected to excessive force and brutality, I've seen these wounds with my own eyes. How do we hold police as well as other city officials accountable for these kinds of political decisions which are obviously intended to put a chill on protestors efforts --

Adams: I need you to wrap up.

Miller: - constitutional rights. So when we're talking about accountability and review, we certainly don't have confidence in police to police themselves as demonstrated by their media campaigns and given the political nature of this policing we have to question the impartiality of city officials to meaningful citizen participation and review is indispensable. Thank you.

Adams: Thank you for your testimony. Welcome back Ms. Hardesty.

Jo Ann Hardesty: Thank you Mayor, city council members. For the record, I am Jo Ann Hardesty, and I was a member of the stakeholders group that spent four months developing the very detailed list of recommendations that are under your consideration right now. I was in Chapman square on Saturday when the police came and decided to clear Chapman square. I was actually one of the people that were on the front row with the cops. I observed officers starting to push people before the police had given people directions as to what they wanted them to do, and so they surrounded us and started pushing people back. There was an officer that actually took his baton and was pushing me in my chest with his baton. I was fortunate that there was a smarter officer two officers over that said, hey, if you tell people what to do and they're doing it, don't push them, just let them do it. And so what we're hearing today are people's real-life experiences. So I ask you, if the changes that we're making are going to make it easier for people to be able to file complaints and feel like they've been heard, and -- I don't think that we are going far enough in making the changes that need to be made so that community members feel like when they have these kind of situations, that there is a process that will independently review Portland police officers. I will come back with the name of the officer that was the voice of reason, because I want to publicly thank that officer and I neglected to bring his name today. But I think, you know, there is some good lights in there, but the sad part is that when you have that kind of confrontation, you have junior officers who have no experience in how to engage people in meaningful dialogue. And they see it as an opportunity to just get their adrenaline pumping up and then just start pushing people around. It is not right. It is not acceptable, and that is not the kind of city we want to live in.

Adams: Thank you. Thank you all very much. The next four.

Adams: Mr. Handelman, welcome back.

December 8, 2011

Dan Handelman: Good afternoon, your honor. I will try to do what I can in two minutes. I'm Dan Handelman with Portland cop watch, I'm testifying before you today for the third time, partly because I have the distinction of being the person who has attended the most crc meetings on the planet.

Adams: You have worked on these issues so many years you can have five minutes.

Handelman: Thank you your honor, I appreciate that. And thank you Commissioner Fritz you're your patience. So last night the mayor and deputy city attorney Woboril, sat down with me and ms. Iona from the league and went over some of the proposed changes, and we discovered that some of the issues have to do with language problems, differences between how lawyers read language and how the community reads language. I'm going to get to those in a second. Generally speaking, we were told that we should wait to see in some cases how ipr system works before we look for more changes to crc, the citizen review committee. We were told last March there were no changes being made to crc, because they were making only changes to ipr, and then we would get our chance later to change the crc. This is that time. We don't want to wait anymore. We have been waiting for 10 years. So this is the time to do that. I have a lot more details in my prepared testimony, so – but skipping forward to the legal term issues, the standard of review, which you have been hearing a lot about, we have been reminded many times the reasonable person standard means that the citizen review committee has to defer to the bureaus commander if a reasonable person can look at the evidence and come to the same finding. But the ordinance actually refers to the CRC deciding whether findings are supported by the evidence.

In legal circles I guess that means automatically the people, that it's an appeals body to a person in the public, when it says supported by the evidence, it sounds to us like they are deciding by a preponderance of the evidence. And we didn't know that that language had any special meaning and we also feel that because their appeals body said hear denovo cases from the beginning, from scratch, that it's not appropriate to say crc cannot have the preponderance standard. And also as I mentioned in my last testimony, they're only making a recommendation. The city also seems concerned that crc's powers would then be equal to those of the ipr. I don't even know if that - why that would be a problem. And it doesn't seem to be that different from the way things work now. And also there was some concern on the part of the city about holding public hearings, where these disagreements between the ipr and crc would come out in public, and the whole idea I thought of this system was to have transparency. So, for any concerns about public hearings, the only thing I can think of is the identity of the officers, which are used officer a and officer b all of the time at crc hearings anyway. So they have the right to not use their names as does the appellant. And your Honor, you might notice that I have provided you with a strike out version of the other document.

Adams: Ah you warm my heart.

Handelman: Alright so number two, hearing new evidence and information at appeals. We found out through our discussion that when we're talking about crc being able to hear new evidence at the hearings, that we were using the wrong word. Evidence -- has a very specific legal meaning, and apparently nobody disagrees that the crc should be able to hear new information at their hearings. That is great news. Because we thought that you were disagreeing with us that somebody could say something that hadn't been entered in the record. However, as we talked about in our meeting with the mayor at the city council hearing, it doesn't say it restricts council's purview to the evidence in the record. It lists the documents that are already in the file as what the council would review. It doesn't say council will review information that came forward at the crc hearing. So we're hoping you will add a sentence that makes that clear that council can review what happened at the crc hearing. That would partially satisfy the concern we

December 8, 2011

have about that conundrum I talked about last time. Policy changes, somehow and I still - we had a long discussion about this. Somehow it seems like somebody in the city was worried that by recommending that crc can make its policy recommendations not only to the chief of police and the ipr director, but also to the city council, or the auditor that somehow it would make them more subject to open meetings law than they already are. But we pointed out crc's work groups currently only have less than a quorum. So that they don't have to have - they're not subject to public meetings laws. They do that on purpose. They let the public in anyway, which is great, and we will hope they keep doing that. But if there's any concern about that, they can always say, you know, it's not a quorum, so it's not an open meeting. It's not about the public trying to get more access to classified ia files which is what I heard what the concern was. Re-categorizing allegations, we mentioned that we thought this was a good idea both at the hearings, for crc to be able to say you didn't get all of the allegations right or also to have a limited window at the beginning where they could come in the office, review a file, and say no this is what the allegation should be in this case. I don't -- I disagree strongly with the assertion that crc is not trained well enough to be able to make such recommendations. They have been trained in police policy. They hear - have public hearings on police - on public concerns, which the police review board does not, and they look and audit these case files on a regular basis. The conference committee I talked about last time, too, seems to be a second bite of the apple for the police bureau to come back and ask crc to reconsider their decision. In 1982, when the first review board, PIAC, was set up, it was set up to be Portland city council -- can I finish this thought Mayor? It was set up to be Portland city council. So in other words, the beauty of our current system is that when our citizens and the bureau disagree with each other, ultimately all five of our city elected commissioners make a decision, and that we hope that the system will continue to allow you to do that from time to time.

Adams: Thank you sir. Ma'am.

Debbie Aiona: My name is Debbie Aiona, representing the league of women voters of Portland. I submitted a longer item and I will just go through a couple of the points I've made on it. First the standard of review, the auditor's proposed code language states that the crc can challenge bureau's findings and recommend different findings if it determines the bureau recommended findings are not supported by the evidence. The crc reaches its determination by considering the investigative file, information presented at the appeal hearing, and any additional investigation. City staff members state that the crc's job is solely to evaluate the investigation and process. We have observed over the years, however, that the crc reviews the information gathered by ipr and ia and the applicable bureau policies, and then determines if the bureau's findings are appropriate. If they are not, it recommends different findings as required by the ordinance. Regardless of the standard of review, the crc has the ability to recommend different findings if it determines the evidence does not support the bureau recommended findings. Changing the standard of review would improve the process by giving crc the ability after weighing the evidence to determine whether it is more likely than not that the officer was out of policy and whether it should recommend a different finding to the bureau. Conference committee. The conference committee is the extra step added by the first ipr director, giving the bureau an additional opportunity to discuss with the crc a disagreement over a recommendation for a changed finding. Remember that bureau representatives are present at the hearings and are able to share their concerns at that time. Some believe the conference committee is an important step because council time and resources should be protected from an inordinate number of appeals. Keep in mind that crc has not held an appeal hearing in over a year. And in the 10-year history of ipr, only one case has come before council. Can I just -- okay. It is hard to believe you would be swamped with

December 8, 2011

appeals if the conference committee were eliminated. Further more, it is extremely important for council to hear a case from time to time. It would promote transparency and give you and the public the opportunity to get a closer look at police actions, policies, management, and investigations, and see how the ipr and ia work together to investigate and resolve cases. Thank you.

Adams: And I want to thank you both personally, not only for the time that you have taken over the years to stay on top of these issues, and you've made a huge contribution to the changes in the past three, four years, but also last night's -- the hours that you spent with me and my staff. And I really appreciate it. We're not -- in the next couple of days, we will be able to -- I will be able to get back to you with a substantive reply on some of the issues that we talked about. And thank you for investing the time. Sir.

Justin Kertson: My name is Justin Kertson I was in all three parks, Jamison park, Chapman park and Shemanski park when they were evicted. I was witness to a number of instances of police brutality. In Jamison park and Chapman park I was personally shoved multiple times with police batons while following police orders to back up towards the outside of the park. I witnessed a number of other people receive the same treatment. In chapman square when we were told to move to the sidewalk, those of us who moved we were then proceeded to be shoved and hit by police officers. Some of us were forced into the street. Some of us were pinned against cars, some of us were pulled back into the park, dragged around and thrown and arrested after following orders to leave the park. Finally, in Shemanski park I decided to sit down and I got arrested. And watching the way the police handled not only the people who remained in the park, but those who peacefully remained and chose to be arrested was appalling -- I've watched police officers overhand swing billy clubs and beat people who literally just stood there and took it. Didn't move, didn't call the police officers names, did not fight back. Just sat there and took it. And frankly, I'm a little bit frightened and appalled, not only that anyone would be asking for more flexibility in these matters for police officers, but that when these instances do come to review and investigation that they're going to be investigated by the police bureau, or by police officers themselves. I don't understand how that's independent. I don't understand how that's accountability and I really, really hope that this does not happen.

Adams: Were you -- you say asking for more flexibility, what are you referring to?

Kertson: As far as I have heard is that -- there are requests for more flexibility in the use of police force in the instances dealing with occupy Portland.

Adams: No.

Kertson: Well, okay -

Adams: Hi, welcome --

Kertson: I don't believe that but okay.

Adams: I didn't expect you to, but as the police commissioner, I can tell you that no such decision has been made --

Kertson: Yeah well, I don't have any faith in you as our police commissioner, sir.

Adams: I'm not surprised by that --

Kertson: Frankly I think you owe us an apology for the police brutality that has happened in this city.

Adams: I don't expect you to say anything else. But no order has been given. Hi -

Franke A Zydowicz: Can I get clearance on the ordinance that we're actually discussing in so I can better make my point? So, you know, I don't want to ramble on about something I shouldn't be rambling on about. Can I have the ordinance repeated that we're discussing here or?

December 8, 2011

Adams: I you're welcome to come back. She has the title. You can look at it and you can come back in line. I have a lot of people that are waiting to testify.

Zydowicz: That's fine.

Fritz: And thank you very much. I appreciate you testifying on the ordinance. I'm very willing to hear the concerns about events at another time. I really need to ask you all to focus on your comments on the ordinance. And we're not voting on it today, so if you need more time to look at what it is that is being proposed and then to come back to another hearing or to sending comments or to meet with me, I would be more than happy to do that. I -- I can't stay to listen to concerns other than on the ordinance today.

Adams: Karla, can you please call the next four?

Adams: Welcome back, Mr. Johnson.

Michael Johnson: Hello.

Adams: Please proceed.

Johnson: My name is Michael Johnson, citizen, born and raised Portland, Oregon. I want to speak to the -- about the crc and the meetings and so forth that you're having with them and the progress that's being - work with that organization and that community, I should say. I think it is very important that one should come up and support what they're doing because of the hard work and the long hours that you guys are both spending together. We know that the Portland police bureau is not 100% correct in everything that we do. We know there's incidents and problems that happen within the bureau. But we know that 98% is not all bad when it comes to the bureau. We have changes that are being made from top level on down. And I believe that as a citizen that we also have changes made when it comes to the crc and the proposals that they make bring forth to the commu ipa or ipr I should say. And that they should be able to have more power in reviewing documents and so forth. I believe they're very professional very upstanding and they represent the citizens of Portland when it comes to that part of our life and life-style and so forth. I believe that we should not be able to get stagnated. Because we are leading the nation with this kind of work and this forum that we are having. And I believe that we should continue to move forward in doing so. As I see occupy Portland sitting behind me, I understand their frustration and so forth. But I believe that this community has a major role in this process that we go forth and move as a city. Thank you.

Fritz: Thank you.

Adams: Thank you, Mr. Johnson. Hi. Welcome.

Jan Friedman: Hi I'm Jan Friedman, I'm an attorney with Disability rights Oregon, Disability Rights Oregon is also part of the Albina ministerial alliance. And we've also been part of the Portland police bureau crisis intervention team advisory board since its inception. Since I have two minutes I do have some written testimony I will turn over. But let's see. First on AMA's 1.11, use of tasers shall be limited as outlined by parc. And the response as to Portland police bureau needing to be flexible in evolving situations does not make sense for citizen safety and rights. Our concern is that the police executive research forum, as well as the usgoj have partnered in a 2011 report on taser guidelines and we're not complying with those guidelines. In particular, tasers should only be used against people who are exhibiting active aggression or who are actively resisting in a manner that in the officer's judgment is likely to result in injuries.

A warning should be given to the person with whom the police are interacting. There should be one standard cycle of five seconds and then an evaluation, and they know that up to 15 seconds, either at one time or in consecutive tasing increases -- may increase the risk of death or serious injury. Another thing that should happen is all people have been exposed to taser applications should receive medical evaluation by emergency medical. And these are usdoj, who as you know

December 8, 2011

are investigating the Portland police right now, these are their recommendations in conjunction with -- we believe that the bureau's training on the use of force, with the de-escalation taught to all officers -- I'm sorry, that the bureau should reconcile the training on use of force with de-escalation training. And what I see happening from being on the CIT advisory board, is that they do a good job of helping police know how to interact with people with various disabilities, however, there is not the use of force continuum brought into any of those scenarios that we've looked at and we've asked to look at all of them. The other thing is that we're not able to even see what the materials are for that group. So it's really hard to provide advice on something that's like -- in terms of the us and them kind of mentality, I mean we're trying to be present and be helpful and be part of a process for positive change and it's very difficult when we don't have the materials to look at.

Adams: I need you to submit the rest of your testimony. I appreciate your interaction with us and your advice in our effort to always improve. For those of you that might not know the background, Commissioner Dan Saltzman, who's not here today, and myself, with the support of the council, a year and a half ago, invited the civil rights division of the U.S. Department of Justice to come in and do an investigation of the police force. And that -- the results of that are due in the next month or so, and, thank you. Sir, welcome back.

Jeremy (Remi) Grabber: Thank you, sir. My name is Remi, I'm a medic at occupy Portland. If possible, can I have an extra minute to give --

Adams: Yeah, because you were here last time, yes, you get an extra minute.

Grabber: Thank you sir. I apologize, I still haven't got a chance to read through the entire thing. This was finals week. So, a little busy, yes.

Adams: Good luck.

Grabber: On page 5, item 3, talks about the request for a review of medical intervention into items that need EMS requirements a sorry EMS interventions of use of force and it says that there is already a policy in place for that. When I read through it as a medical professional in multiple states, there are other reasons besides what looks to be without eminent death to have a medical intervention, that would be things like use of tasers, use of less lethal methods. Because there are things you can't see that are going on, and things that the average police officer and people who are untrained in emergency medical situations beyond the basic level, a they would not be able to identify that. So, that was my first point. My bigger one is last time I was here, I touched on the police attempt to and the city's attempt to improve trust in the community after use of force incidents. As I was saying last time, this -- I -- I have to ask what we're doing to improve the trust in the community because of the way I see it and the way -- some of the things I have heard are being proposed don't seem to line up with that -- in this we have a -- we're trying to improve the flexibility of use of force in police situations. My question is, we also include retraining in the use of force continuum, because those are things that I don't feel are being enforced in the police department as seen in some of the incidents at Chapman square, as seen at Jameson square and at Shemanski park. On Saturday, I actually was there for that. The park was closed early due to emergency closure. I personally put my hands on six individuals that were injured. Four were abdominal strikes, one of which led to a spontaneous asthma attack. There's a severe hand injury, and then one at one point a 15-year-old was hit in the face with a baton. Shortly afterwards a Police sergeant Simpson issued a statement practically denying that it happened.

Adams: Did you see that happen?

Grabber: I did.

Adams: So if you could stick around, you would be the -- we need witnesses for that.

December 8, 2011

Grabber: Okay. Other options -- and I feel that there are other options that were available that were not taken -- that were not exercised, and I feel that one of the solutions that needs to be addressed in this is the exercising of alternative options and just being judicious and prudent in your decisions as an officer on the street and as a public official asking the officers to take an action against a group of people. We need to make sure that the actions taken are within measure of the actions that are occurring at that time. Since there was no violence going on at the time to be met with violence was a little bit extreme.

Adams: Someone who was here last time and can observe -- so, when the police bureau asked people to clear out, did you hear that order?

Grabber: I did hear the order clear out, and on - to that note, there was a group of people that cleared out. With that said, there were people there that did not clear out. What I'm saying is there were other options other than closing the park early and then ordering people out of the park. Other options such as it is \$100 ticket, it's a \$100 fine for having a tent in the park. There were only a minimal number of people that actually brought tents. Fines could have been issued. If you wanted to use riot police they could have stepped forward, secured the -

Adams: I need you to - I need to move on to the others. Thanks for being back. I appreciate the conversation. Sir.

Jessie Sponberg: I'll keep it short today, to make up for his many. My name is Jessie Sponberg and I would first just like to say for the record how personally insulted I am that commissioner Saltzman and Commissioner Leonard couldn't be here today. And I understand that they might have a good reason, but the reason I'm here today is not to discuss policy so much as the play on your sensibilities of the reality of the situation. There's a lot of people who can talk calmly today about policy.

Adams: I need you to stick to the resolutions in front of us.

Sonberg: I am. I am sticking to the resolutions. I am just pleading with you guys to take this very seriously, more seriously than I think it is being taken. I have seen a progressive worsening of the situation, and it doesn't take a real genius to see up the road that one of these nice people behind me is going to get killed. Okay, the longer we ignore this -- you know this is Portland, Oregon. This isn't some crazy city that's overwhelmed with bad apples. These are all great people who show up to defend our civil liberties --

Adams: Related to the resolutions.

Sponberg: Related to the resolution. Somebody is going to die if you do not take this very seriously. I came all the way across town and I put on a tie so that hopefully you would take me very seriously before one of these great people dies -- [applause]

Adams: So those of you that arrived late in this I will - all right. We're going to take a recess.

Sponberg: Sorry, sir.

Adams: We're going to lose our quorum. When I say no clapping, I mean no clapping. You might not like what you're hearing, you might not like the rules, but the rules exist to give everyone a fair opportunity and to feel comfortable testifying. We're going to lose our quorum, which means this hearing will end. She has to go to a funeral. Our colleagues up here didn't know you were going to be here. And this is the third hearing on this issue.

*****: this is bullshit. (audience out of control)

Sponberg: I'm sorry, hold on now --

*****: Not going to have a quorum --

Adams: Well -- she didn't get to choose when the funeral was scheduled for. These two other folks had pre-existing absences, nobody -- just a second.

*****: No

December 8, 2011

Adams: Yes, we did not know folks were going to show up for this particular hearing -- we're in -- we did not know -- listen: We did not know -- this is the third hearing on this topic. We have had two other hearings. And we will have another hearing. We didn't know that you were all coming on this particular time and date. How did we know? These have preexisting absences, so, if you are going to listen to me. Listen to me. Listen to me or I will just -- we will just end the hearing. I don't think -- very good. Ma'am, we didn't know you were going to be here. These folks had pre-existing absences. She didn't get to choose when someone was going to have a funeral. Okay. So -- and we are hear to listen to you and we are hear to and are listening to you. She has to go to a funeral. We are going to do that. She just noticed that she had -- to me, she has to leave. I am happy to stay. I don't know if Commissioner Fish can stay. We're not voting today. So the official quorum ends. But we will stay. The broadcast will continue. And we will continue to record it. I have to notify you all we are losing our quorum.

Fritz: Thank you, mayor. May I just ask if there is anybody here who's specifically here to make comments on the specifics of the ordinance? Not at -- because the mayor just said that he will stay and listen to concerns about police behavior. What I am hear for and why I didn't break the quorum before is that I need to know the specifics of what do you like, what do you not like about this particular ordinance? If you are not familiar with the particular ordinance, we're not voting on it today.

Adams: We call you in the order you sign up, sir. You will have to wait until your turn. So please return to your seat. As in right now. Return to your seat. You have all testified. Thank you, you can return to your seats.

Fritz: So I - If there are those who have comments, because sometimes it is -- often it is really helpful to see your face to my face and to listen to you in person rather than reading your comments. Although many of you know that I do read all of my emails and so I -- and I do respond to them. So if you are here to talk about the specifics of the ordinance, so that I might have a question to ask you what did you mean by that, I will stay for that, and I will miss the funeral of my friend. I can't stay to listen to the other concerns because there are other opportunities for you to do that. There isn't another opportunity to go to my funeral.

Adams: So has anyone who has signed up, who has - before we lose commissioner Fritz, who has specific comments on items number 1340, and 1341. I will stay and listen to those. Please come forward. Sir, now please come forward. Is there anybody else? Ma'am in the blue shirt that was yelling at me, did you have on this specific ordinance, these resolutions? Or are you hear to talk about other issues?

*****: I'm hear to discuss police brutality.

Adams: Okay, so you'll wait for the rest. Anybody else on these specific resolutions? Sir, would you like begin.

David Burgess: Yes. My name is David Burgess and I would like to say hello to everyone, hello Mr. Mayor, hello Ms. Fritz --

Fish: David could you move a little closer so we can hear you?

Burgess: Sure. Can you hear me? Yes my name is David Burgess and a hello to everyone. On November the 2nd, I was the only person arrested. I was protesting peacefully. And on that same night, there were several people that were struck the same way that I was by police officers and their bicycles, ramming them into their ribs, ramming into the lower area, ramming them into their knees, and I was arrested and pretty much the police officers were very professional. There were some officers that were also using foul language and also there were several different people that got hit by motorcycle police officers. And me as a deep military family, I have talked to several different of my friends that went to high school with me that are right now in Afghanistan,

December 8, 2011

and I told them about this situation, and they cannot believe that this is going on in the united states of America. So what I would like to s – have this done Mr. Mayor, is you do an investigation, on what happened, not only that night, but the several different instances --

Adams: Sir –

Burgess: Yes.

Adams: The folks I called up here before we lose Commissioner Fritz were on these resolutions which relate to police issues.

Burgess: Yes.

Adams: I need the rest of you your comments to relate to these resolutions. I will stay after that and listen to everyone else who signed up.

Burgess: Yes. So am I off the topic – what you're saying? Okay, well that's what I wanted to say. I thank you all, and have a nice day.

Adams: Thank you, sir. Ma'am.

Sally Joughin: Sally Joughin, I was on the stakeholder committee. Since I know that you want to increase community faith that the oversight system is independent fair, appropriate, and worthwhile, I think that you should accept most of the 41 recommendations that the stakeholder committee spent many months putting together. And I thought I would just mention a couple of specifics that I wish that you would carefully consider. For the sake of repairing the relationship between the citizenry and the police, it is a good idea to collect survey data from complainants, about; one - whether they would prefer an internal affairs investigation or one done by the ipr, and, two, whether they prefer a full investigation or a non-disciplinary complaint treatment. This would inform the city government about what processes the people want and trust. The stakeholder group was explicit, that the complainant would not be making an actual choice but would be supplying important data via this survey that you could use in the future. Secondly, in judging whether a police officer's behavior was in or out of policy, I think it is important to say whether there is insufficient evidence or whether the complaint is unfounded. These categories are not the same and should not be rolled together into the current unproven, simply because with either finding there is no discipline for the officer. The complainant and the public want to and deserve to know how the police behavior was evaluated and the third one I'll mention is I believe you should replace the term service improvement opportunity with the term non-disciplinary complaint. Because even though service improvement opportunity sounds like the intention is to make improvement in public safety service it would be much clearer to the complainant why the officer – even if the allegation is true, would not face disciplinary action and I don't think they would understand that by – I think they would feel it was false to call it service improvement opportunity. So -

Fritz: Thank you for your testimony. I do have your question. How would somebody who has not been through the process before know whether they wanted one process or another?

Joughin: I hope that they would get some advice before they -- and they wouldn't just be making a complaint and not speak to anybody about the possible ways that the complaint could be addressed. So I guess along with doing the survey, there should be some education to any complainant about the possible ways that it could be dealt with. So I suppose that they -- the recommendation should state that as well that they would be given the proper information so that they could fill out the survey.

Fritz: Okay. Thank you.

Adams: Thank you. Sir.

Barry Joe Stull: My name is Barry Joe Stull. I have had plenty of run-ins with the Portland police and with very few and notable exceptions they have all been not good for me -- I can speak

December 8, 2011

to my frustration as somebody who has never had a break from the ongoing illegal activities and the repercussions of those. I sit here today in the clothes that I own. The rest were destroyed by the Portland police following my getting into an ambulance across the street here at Chapman square. Before I got into that ambulance, I pressed into sergeant Bacigalupi's hand the same statute that I informed Commissioner Fritz of, which was the requirement to hold my property. The question is for me, as a person - that having founded 3 camp David W Crowther -- in august of 2010, to draw attention to the fact that we have a horrendous history of corrupt Portland police officers -- officer Crowther was killed while he was planting drugs after a cook search warrant at the time -- Portland police were as corrupt then as they are now. My issue is, that when I had a restraining order to protect me, and it was violated, and Paris Collins punched me in the mouth the responding police officers arrested me and took me into custody. My tooth still hurts. When I made a complaint regarding the officers response and subsequent testimony in their effort to prosecute me that ipr said that my injuries, which were referenced in the booking materials that the Multnomah county sheriff prepared, were a result of an attack on me at Lewis and Clark college which happened to me a couple of days earlier. So I personally know that when the facts are presented, here's me going into custody on the Lewis and Clark arrest, which was bogus, and then following that the arrest where Paris Collins assaulted me, when I was protected on the restraining order, and that was bogus, the fact that I had a fat lip from the second incident -- got conflated to be from the first incident. So I personally don't have any faith in any of you. I wish I could. I wish I didn't have a housing commissioner who knew that thousands of people were sleeping outside that I have to have a vigil out front to pray for all of you to have some lick of common sense, some common decency and finally taking action to stop these corrupt police that you're going to hear about day in and day out as long as you are able to listen.

Adams: So thank you for your testimony Barry. Sir.

Stull: It's Barry Joe, sir. My name's Barry Joe, I was named Barry Joe before I was born.

Adams: Thank you Barry Joe.

Cameron Whitten: I will be very brief, so Amanda can attend her funeral. And thank you for your compassion for the people of the city. I just want to say that I endorse --

Adams: You just need to give us your first and last name.

Whitten: Cameron Whitten.

Adams: Thank you.

Whitten: I just want to endorse the CRC and its changes and I implore that council takes very seriously. Portland police they have a very long track record of killing dogs, mentally affected people, minorities of color and I believe that increased oversight of the Portland police bureau needs to happen through any manner necessary. It's been needed for some time now. Thank you.

Adams: Thank you for your testimony, I appreciate it. Alright the next four.

Fritz: Does anybody else want to testify on this ordinance? You come forward if you are hear to speak on the ordinance. I really -- and I appreciate your compassion as well.

Adams: Alright, Sir, would you like to begin? You just need to give us your name again, sorry.

Frank Zydowicz: Roger. My name is Frank Zydowicz. I have not had much time to read over the ordinance. And again, thank you, Commissioner Fritz for being here in light of personal issues, thank you Mayor Adams for at least listening to us and Commissioner Fish for listening to us. I read the Portland police bureaus policy on using less than lethals, and it entails that Portland police utilizing less than -- does it -- well basically they use it after they have determined that they're facing a violent suspect or group of suspects or -- I could read it, but the - - this is 1.8, Portland police -- this is paragraph 3 of 1.8 the police bureau does not instruct officers

December 8, 2011

to use less lethal weapons on people who are fatally injured. This tactic has been used rarely in cases where officers have used deadly force on an armed suspect, who is down, either on top of, or in very close proximity to a firearm. Less lethal weapons are used in such situations to ensure that the suspect is incapacitated prior to the officer's approach. It is important to note that this is usually done in a situation where officers have had a violent encounter with an armed person, who has already demonstrated their willingness to use deadly force against officers and our members of the community. A subsequent evaluation of whether the use of force is within policy includes a careful review of the totality of circumstances as they are known by the officers at the time. An administrative investigation into a deadly force incident would look at the reasonableness of all force used during incidents, including post shooting deployment of less lethal weapons. And what that is under -- 1.8, is all less lethal weaponry should be re-evaluated for effectiveness, potential dangers and appropriateness for use against civilians including tasers, bean bags, shotguns, and pepper spray. This review shall include this serving policy of these weapons against suspects who are fatally wounded and -- it says agree current practices a current practice and also one other thing I would like to make a recommendation that I also noticed that the federal bureau of investigation is already involved in some type of investigation with the Portland police bureau.

Adams: At our request --

Zydowicz: That's been requested?

Adams: We requested it. It is underway.

Zydowicz: Okay, it's underway? The investigation is currently underway?

Adams: Yeah.

Zydowicz: I would make a recommendation that -- national security agency be included as well just because I have, being an operation iraqi freedom veteran, I have witnessed violations of the united states constitution and being as someone who has sworn to support and defend --

Adams: Thank for your service and thanks for coming by. Ma'am.

Jennifer Alexander: My name is Jennifer Alexander, I'm a mom of four boys, and I was never camping down at the camps, but I came down under multiple altercations and my testimony is regarding the same point that he just discussed, 1.8. My children came with me multiple times early on in the occupation. They were completely safe and loved and respected by all, everybody there. They were fed, they were played with, everything was fine. On the eviction night, I did not bring them because I figured that was unpredictable. However, everything went fine on eviction night and I was very impressed and I went home that night just amazed at the city of Portland. I went home impressed. And the next morning, as I had gotten home at 7:00 in the morning, I watched live stream as things broke down and repeatedly have seen things breaking down since then with the use of pepper spray, with the use of the batons. And I know at least regarding pepper spray, the ninth district court here, which as far as I understand is the most supreme court up to the supreme court of the united states, has said pepper spray is not to be used on nonviolent protesters, which much as the propaganda has tried to stay that we are violent, I have not seen a single instance or proof of any act of violence from occupy Portland, aside from what could be considered resisting arrest in some points. One of the things that I saw while police were hitting people with the batons and using the pepper spray, was the police literally robbed my friend's coat right off her back and they never gave it back. And it's on video and I actually tweeted it to you. So, if you didn't get it, I will tweet it to you tonight for you to watch. There are at least four different videos of my friend being robbed by the police. They stole her coat right off her back as she was following orders. It had her cell phone in it. Then they threw her on the ground and stole her boot off her but - her self. They took her across town to 49th and Burnside I think it is Division, wherever that traffic court is there, booked her and then let her go.

December 8, 2011

So she had to walk with an injured knee, no boot, no coat all of the way back down town, because she didn't even have her cell phone. And I even checked with the city to try to find her stuff in addition to many other people who were similarly robbed by the police, and I was told that there was nothing in storage anywhere. That it was all disposed. It was not personal property. And I mean they stole it right off her back. It was clearly personal property. In addition to that the last -

Adams: Your time is up.

Alexander: I've got two quick sentences and I'm done. Last Saturday, my two children wanted to come back with me to Shemanski park, where they were doing the picnic and I told my sons that they had to stay home because I wasn't sure anymore how to predict what was going on with the police. My eight-year-old son thanked me. He said he was afraid that the police would beat him if he came with. And that bothers me. I've never seen a child afraid of the police.

Adams: Your second point, or is that it?

Alexander: That was it, that my eight-year-old son is now afraid of the police because of the way that the situation has been handled and my son should be able to go to the police when he needs something and now he is afraid of them.

Adams: Thank you for your testimony, I appreciate it. Hi, Ma'am.

Teresa Roberts: Hi, my name is Teresa Roberts, I'm representing occupy Portland. I'm a 58-year-old mother. My children are active in the movement. My ex-husband and his wife is active in the movement. We will not stand by and watch our children treated like this. I support this review. I thank you for inviting investigation of your police department. I have been calling your office. I'm doubtful that you get my messages. But we are watching, the world is watching. I see Portland on BBC news. Portland is an admired city. It should be a model for the world. And I want to just wrap up by thanking you for staying and listening to us and taking this seriously. We will be back for the next meeting in force. Please encourage those who did not attend today to be here, to show us that you are taking this seriously.

Adams: They were here for the first two hearings on this same issue, just so you know.

Roberts: I'm just saying that you said you did not expect us today, and I want to let you know that we will be at the next meeting in force. And please expect us -- we want to see that this is being taken seriously. We want to see everyone here. We want to feel like we can go exercise our freedoms. We want to feel like Portland mayor is not one of the mayors on a conference call with anyone from the federal government contributing to the militarization of the police forces across the United States. We want to be able to trust you as we have been able to trust you in the past. We're counting on you as the commissioner of the police, please use your influence to try to make sure that you have a full quorum who can stay to hear the citizens complaints. And I will thank you for that and I will be here to thank you for that.

Adams: Thanks, I'll see you next week. Thank you. Hi. Welcome.

Margaret Brayden: Good afternoon, I'm Margaret Brayden with NAMI Multnomah. And we want to let you know that NAMI Multnomah supports the work that has been done by commissioner Leonard's stakeholders group. Our organization supports the independent oversight of the police performance. And as advocates of people with mental illness, we want to make sure that people with mental illness are represented in this process.

Adams: Thank you for your testimony. Thank you all, appreciate it. Next four. Go ahead.

Moore-Love: Mayor, do you want to go back to the list?

Adams: Yeah.

Moore-Love: Okay.

December 8, 2011

Fritz: I'm going to excuse myself at this point. The hearing was billed for an hour and I do want to show honor to my friend. Thank you for understanding. I will be hear to listen again.

Adams: We will stay.

Adams: Hi. Welcome. Would you like to begin?

Adams: Please begin.

Diana Richardson: For the record, my name is Diana Richardson. In listening to the testimony of other people, as we all have today, I would just add my name to the list of people who have been threatened with police force brutality and I want to go a different tack than what other people have been talking about, regulating the police. I want to address what I think is a serious oversight. Mayor Adams, you are the commissioner of police. I hold you responsible for what happens with the police.

Adams: Absolutely.

Richardson: Thank you. And what I want to say is that what's happened to Justin Bridges and to all of the people we have heard about today and what has happened all of the way along, this is barbarous. This is horrible, I don't know if you really take responsibility, but to me you hit that person. And I'm only saying it because somebody has to be responsible. You are never there directly in front of it. I understand that. But it's your orders. I want to know how in the world the mayor of a city sworn to defend the constitution of the united states and the constitution of the state and of the city of Portland which guarantees us the right to gather and speak freely in public spaces, we have to be protected from the police. The police are here to protect all of us. And protect our right to speak freely and gather in public spaces. And it is known throughout the occupy movement that we are all determined and bound to be nonviolently taking possession of public spaces. No, the police must not even carry guns, batons, pepper spray, all of that is in itself brutality and I protest it. And I am here to testify. And this is the end of my testimony to say I hold you, mayor Adams, responsible for the harm that has come to all of these people.

Adams: Thanks for your testimony. Ma'am, would you like to go next?

Nina Reierson: My name is Nina Reierson. I would like to know when an appropriate time would be for us to speak on these things. This is the first time that I've heard of an opportunity to speak about the police brutality that I witnessed --

Adams: You're welcome to do it now.

Reierson: Is this a time that it would be --

Adams: We've moved from --

Reierson: taken into the consideration that it deserves.

Adams: We have lost our quorum. We are staying to, and that is noted for the record, we are staying to listen to everyone who signed up and from here on out, you can say whatever you want. **Reierson:** Um, when -- this Mrs. Fritz mentioned that there would be a time for us to give testimony, was she referring to this or is there a time when it will make a difference as far as police accountability?

Adams: It makes a difference right now.

Reierson: Okay. So, I guess that's why I'm here is to ask for some acknowledgment that the police department used excessive force on the Sunday of the eviction from Chapman square. I was there for the general assembly that was called, as an emergency that morning, and we were eating food and talking. All of a sudden the riot police came across. I didn't hear an order to move. I actually was eating a bagel. I didn't feel afraid even though it was a frightening sight. As the officers moved towards me, they said, sit down if you would like to be arrested. So I sat down not because I wanted to be arrested but because I wasn't willing to leave the other people that were there, because we were gathering peacefully. And then all of the sudden some -- the

December 8, 2011

two officers picked up a girl that was sitting next to me and threw her as hard as they could and she landed on her pelvic bone on the cement and I thought she actually broke her pelvic bone. And that's when I realized that they were not doing what I thought that they were going to do. So, I moved away from where that was happening, and I looked to my right and I saw them beating people that were standing there. Justin was one of them. He was there as a sign language interpreter for our general assembly. And as I looked I just saw batons flying, people screaming and crying. I saw them pulling people through the police barricade that was pushing people out of the park. I saw them pulling people that were on the other side of that, people that were actually on the sidewalk, and then beating them. My friend, sky, he was there meditating. They -- they like grabbed him and like -- through the air, like treating people like they were inanimate objects.

Adams: So I need you to –

Reierson: right in front of me.

Adams: I need you to wrap up your testimony because we've got another 30 some people that want to testify.

Reierson: Okay, I would like to know when would be an appropriate time to give my statement formally.

Adams: If you want to make a complaint or to just give your statement?

Reierson: Is there a time that this matter will be under review that you will be listening to eye witness testimony?

Adams: If there are complaints to be filed, and there are, I think some complaints that are filed it's done through that process. Those complaints can make their way all of the way to the city council. You stop by the auditor's office, they can help you with more details on that process.

Reierson: Thank you.

Adams: Thank you for your testimony. Hi, welcome back.

Teressa Raiford: Hello Teressa Raiford. For the record, I am not lobbying on behalf of any of the organizations that I'm a part of and for the record also, I'm saying this as a citizen and a born resident of Portland, Oregon, that I do hope that we accept the recommendations brought by Dan Handelman and the cop watch organization. The crc committee, and ipr, I have been to some of those meetings. I've handed out the brochures to people in the community. And I know that you didn't expect the occupy people here, but I didn't expect the people that I handed those brochures out to make this meeting. They are afraid of the police. They are afraid to stand up for themselves. They are afraid to use their voice. So I came here to do that on their behalf. We know that our city has a history of not protecting our citizens and utilizing the force of the Portland police to do that. I don't think it should be a malicious thing. And I'm not saying it like it is, but it happens, and it happens often and quite frequently. This happened to me personally, to my family, and I'm just hoping that you guys when you look at this consideration, use these recommendations and change that because it is embarrassing to have that on our city. I'm a resident, I'm a proud resident of Portland, Oregon, and it is embarrassing to have the world looking at us as some city that doesn't protect the citizens.

Adams: Thank you for your testimony and your work, your active involvement on these and a whole host of other safety issues. Appreciate it. Sir, welcome.

Elijah Grundner: Hi, mayor Adams. My name is Elijah Grundner, and I am 16 years old. I declared this to the officers who were arresting me on the night of October, I believe it was the 26th or 27th at Jamison square park. So they knew I was a minor when they took my wrist and wrenched it up so that it literally touched the back of my head. They applied zip cuffs to me without following the regulation that you should be able to fit one finger between the cuffs and

December 8, 2011

the wrist, and I'm also here on behalf of my sister, who is sick today and couldn't make it. She was searched by a male police officer, this included touching her butt, so that's pleasant. Also, one officer Fox grabbed my throat violently before throwing me into the paddy wagon. I was peacefully protesting at the time and did not resist arrest. It is for those reasons that I think it's extremely necessary that you take the matters we're discussing today very seriously because flexibility is not what police systems need in this country right now. They need accountability because the militarization of the police systems of this country is not acceptable. We're heading towards a police state, and as the police states around the world, Myanmar, North Korea, they're getting more and more open and transparent and what is supposedly the free world is becoming a place where people are not allowed to use what are supposedly human rights. So, I think you need to take these propositions seriously, and I don't think you are doing that. Because self-accountability never works in these large systems. And Portland police bureau has become severely corrupt and it needs to stop because I have grown up my whole life knowing that Portland was a haven for rights and it has stopped being that haven, and I'm inheriting a world that is not safe.

Adams: Thank you. Appreciate your testimony. All of you. The next four.

Adams: Have a seat.

Adams: Why don't you go ahead -- well we're all on one floor, so we're okay. Why don't you be - Sir, would you like to begin?

Jimmy Tardy: Certainly. I'm reading a letter that I've been asked to read to the Portland city council. My name is Laureal Shuman and I work at the French American international school here in Portland. I am unable to be at the hearing today as I need to be at work. But I wanted to make sure that my voice was heard on this important issue of police accountability and I've asked a friend and colleague to read this statement and show a photo I took the evening of December 3, 2011 in which the Portland police forcefully removed peaceful demonstrators from Shemanski park and caused injury to many individuals. During the eviction from the park I witnessed excessive force being used on people who were standing and sitting unarmed, in line with the first amendment to our constitution which allows the freedom to peacefully assemble. Demonstrators did not leave when asked, as they are guaranteed this right, and made the choice to exercise that right despite being met with force. I witnessed Police using their batons to push back protesters, causing injury to some. I witnessed a man who was arrested being beaten by an officer after he was already handcuffed and on the ground. I am submitting a picture of a woman who was in a line of demonstrators being aggressively pushed back by police, in which they used their batons to move the crowd. She has a clear severe hand injury. This picture was taken within a minute of the incident happening. I also witnessed Police on motor cycles attempt to push cyclists legally biking in the roadway off their bikes while in motion. I was later told that two cyclists were pushed off and injured. I have been involved in occupy Portland for just over three weeks now and have been continually impressed by the commitment of those involved to nonviolent peaceful demonstrations. Over the past 3 weeks Occupy Portland has been met with increasing police force and aggression and I have been dismayed at what I have seen. I understand that the Police have a very challenging job to do, but using violence against peaceful people is unacceptable. In conclusion I understand that there is a proposal to increase police accountability and oversight through the citizen review committee, and I support the adoption of all 41 stake holder report recommendations. From what I have seen in the past few weeks, the Portland police have used fear and violence to suppress peaceful demonstration. I feel it is critical to ensure that we as citizens make sure that police brutality and violence are not tolerated in our city. Thank you, Laureal Shuman.

December 8, 2011

Adams: Sir, welcome.

Todd Herman: Hello. My name is Todd Herman. So thank you the two of you for being able to be here today. And I do acknowledge Ms. Fritz's absence here due to a funeral. And I actually – that brings to mind a funeral of my own that I had to deal with - my daughter passed away in January of 2010, and the only remaining video footage of my daughter is on a laptop that was confiscated by the police on Saturday at Shemanski park. Now I've made attempts to contact you, Mr. Fish. And I have spoken with I believe Don Hendricks, and I want to say the name was Kurt Nelson, amongst other folks, and I have talked to property and evidence with the police. Now most people have acknowledged seeing my selection of -- I will just say gear but nobody is willing to return it to me. And I have filled out many forms and complaints to have this back to me. And it has not been done yet. So, separate from that, as well, on n17, I was maced in the street attempting to leave, not resisting, attempting to leave the sidewalk nearest chase bank towards pioneer square, which I don't much understand. And I don't really feel that Portland as a whole is a dangerous city. I moved here four months ago from Detroit, Michigan. Detroit Michigan, Sam Adams, is a dangerous city. The police within occupy detroit have been almost 10-fold more pleasant to those civilians than you have been here. We are not criminals here in Portland -- by and large in comparison to Detroit, Michigan is. I think you are overreacting greatly to the citizens here and I think you need to take note of this. Not even for just our sake, because I know that you would like to be reelected and your re-election rides on the people and we as a whole right now do not approve.

Adams: Thank you, sir. Appreciate your testimony.

Fish: Mr. Herman, you mentioned Mr. Hendricks is with the police bureau -- I don't know who else you tried to contact. But I have an office just down the corridor here -

Herman: I have your phone number. I can call it right now, I did try -

Fish: My office is right here and if you could give me your name and your address, I will try to find out if we have any record of your property.

Herman: Certainly. That would be appreciated.

Adams: Ma'am.

Emma Day: Hi, my name is Emma Day. And I am a mother, I am a sister, I am a daughter which means I could be your mother, or your daughter or your sister, and I would never hurt you, Sam Adams, and there has been two instances, one in Chapman square where I sat peacefully and watched my family get beat by cops with batons, beaten up, and I listened to it and it was the hardest thing that I have ever had to listen to or watch. And I have been nonviolent my whole life I have never hit anyone and I never would. And that picture was me on Saturday night standing peacefully while one of your police officers looked at me and he looked at my breast and looked at my stomach and then started beating me there. And I have bruises to show. Do you want to see my hand? Do you see that? Can you see that? You can't see the bruising. Can anyone else? I don't know why this is okay for anyone to hurt anyone else. Why police officers are given the right to kick me and beat me. The whole world is watching here. Like why is that okay? I don't understand that. Because all I said to them the whole time, I would never hurt you.

I would never hurt you. Why are you hurting me? I am a peaceful person. We are all peaceful people. I have never seen any of these people hurt anyone else. So, why it's okay for them to come to me and hurt me, when I am a mother, and a daughter and a sister, and I have contributed a lot to the city and I want to be proud. I want my son to grow up in a place where this kind of violence is not acceptable.

Adams: Thanks for your testimony. Sir.

December 8, 2011

Charles Stubbs: Hi, my name is Charles Stubbs. I'd like to take this opportunity to talk about not one incident, but two. On November 13th, was the first original assault by Portland pd. I was minding my own business, doing what I do, just talking to some friends, and they ended up starting to move, I think, around noonish. After that, I'm a little hazy due to the fact of the injury that I was hit with a baton once or twice between a half inch to an inch and a half from my herniated disk, a previous injury before all of this happened, and it is almost a month, and I can't remember what happened. But I do remember Saturday, the second incident at Shemanski park. I feel like we are being wrongfully justified. There are certain people that are there trying to give us a bad rep. And I have never, ever, physically made a motion to any of your officers at all. And I don't appreciate being assaulted both -- both times. I feel like that they need to be held responsible and accountable for each of their actions. And I feel like that, you know, if I could actually have one chance to talk to them, I would. And I'm -- it's just hard right now. I can't even sleep well right now. I'm just pretty upset that the people that -- these officers are supposed to protect, I don't want another LA -- I don't want another, you know, anything, and I just really appreciate it if you would take into consideration all of us who have spoken. Thank you.

Adams: Thanks for your testimony. Thank you all. The next four.

Stull: We are here to protect you, mr. Mayor and the police and we are not going to give up on you and it hurts when you hit us with your sticks.

Adams: Mr. Vaughn, would you like to begin?

Bao Vuong: I'd like to first of all state that I'm speaking on behalf of myself. I do not represent any organization or occupy -- I'm speaking as a long-time resident of Portland, Oregon. And this is what I have to say regarding the police brutality I have witnessed and experienced firsthand. First of all, one thing that I need to clarify is that this whole incident has been a misunderstanding. The term camp, and encampment has been thrown around loosely. And that does not represent what this movement is about. This is about a protest. And the camps -- the tents are not used for camping, they are used to protect the people who are out there protesting day and night. They need the shelter for protection from the weather, but we have the right to be protesting out in public property without being harassed by the police brutality force. In addition to that, I would like to say that the united nation envoys for freedom of expression is drafting an official communication to the united states government, demanding to know why federal officials are not protecting the rights of occupy demonstrators whose protests are being disbanded, sometimes violently by local authorities. I completely agree with that, and I ask that the city respect the rights of the people to peacefully assemble, and to have our defense against the government. In addition to that, in regards to the ordinance, please excuse my ignorance, but as an informed and aware citizen and as a resident, I have very little notice of anything regarding the citizen review committee. I did not know of this event until the last minute. I can probably speak for many of the people here who are also not aware of what is going on and I think one of - - one of my propositions is that the city help make it more easily and readily accessible for the public to see.

Adams: Just sign up for communication emails for the city web site and you will be given notices. There is a whole menu of things you can sign - topics you can sign up for, and it's free and available to anybody. Beyond that, it is published in the daily journal of commercial. This is our fourth week of active consideration of this issue, and I'm glad you're here.

Vuong: Thank you.

Adams: Hi. Welcome.

December 8, 2011

Troy Thompson: Hi, my name is Troy Thompson. I have been a victim a few times of assaults by your Portland police bureau. I just don't - I'm not getting it. And I kind of want some answers, maybe from you, about why this is continuing to go on? I have witnessed bicycle cops hitting innocent protesters on the streets, I have seen pommel a girl with one. Boring - The park over here, I was hit several times in the back with a baton, in the back of the head with a baton, and I was simply locked arms with brothers who feel like we need to exercise our first amendment right. This is our first amendment right. And we should be able to protest without getting beat. This is ridiculous, and disgusting. I watched an 81-year-old man come on to the bus, so frail he couldn't even take that first step. He had blood dripping down his eye, there was mud all over his face, and he was not even part of occupy Portland. He was drug into the fray. He was an independent journalist. And, you know, I mean at first he wasn't with us. He was just an independent journalist. But when he got on the bus, he was definitely supporting us after that. The things that I have witnessed have been disgusting and for it to continue on for you to even think about letting these animals start making their own decisions is just -- just can't be done, man. It cannot be done.

Adams: Thank you. Appreciate your testimony. Hi, welcome.

Raya Cooper: Hi there. My name is Raya Cooper. Good afternoon. It's Raya, to clarify. I have been a part of occupy Portland since the very beginning and I have witnessed a lot of very unsettling events happen with the police. Also some positive ones. When they came to clear out the Chapman square, I was witnessing what was going on in the park on a public sidewalk. And then I got my knuckles beat by a baton, someone -- a police officer with a baton, and then I was told to move on to the street, move on to the street. I was being shoved, but I couldn't move on to the street because a cop car was in the way. So then once I got to the police car, a police officer shoved me on to the hood of the car, over the car. So, I think what we need to be discussing is that I believe this is a national coordinated attack on our rights as citizens, and I think we need to point out that there is police brutality on a large scale throughout our entire country and our world, and we prided ourselves as the city of Portland as being very open and tolerant from the police to the occupiers in the beginning, and we prided ourselves that we didn't have any violence for quite a long time. So I -- hopefully we can spear head the actions to, again, become peaceful between police officers who are here to protect us and citizens of the united states.

Adams: Thank you for your testimony.

Cooper: Thank you.

Adams: Sir.

Kip Silverman: I'm Kip Silverman, mayor, commissioner, thank you. Couple things I'd like to point out and I appreciate you guys listening to the non-ordinance parts of this. The thing that strikes me most is, I've been involved with the occupation. I have a full-time job. I work that, I come down, I occupy in the evenings. Repeat, rinse-- the entire time of the occupation in the parks across the street and subsequently, the only times that there have been any actual violence or problems are when the police show up aggressively with riot gear and start pushing people around. I was out there nearly every single night for five weeks on good relationship with the police that hung out and observed full-time, not sure that was the best use of their time or our money, but that's beside the point. There were no incidents. There were some things that happened, but there are things that happen in the city regardless. When the morning that Raya was just talking about, I personally was slammed around by police. I was not resisting anybody. We had multiple things shouted at us. Get out of here. Get over there. Get on the sidewalk. Get off the sidewalk. My children who were visiting were actually watching this on TV at home on kgw, and saw me after I got shoved over atop the car as well trying to walk away and a police

December 8, 2011

officer hitting me in the back, in the neck with his baton and my back was facing him – or my back was to him. And they texted me and they are like, are you all right dad? This is Portland Oregon. This shouldn't happen anywhere, lets start with that. What is happening in Oakland, what is happened in Denver is unacceptable as well. But I expect us to be at a higher standard in this city. What happened this weekend in Shemanski park was ridiculous.

Adams: I need you to wrap up.

Silverman: I will wrap up. It was a peaceful. It was celebratory, the police came in, and violence ensued. When the police left there was no violence. Everybody was happy. It was peaceful.

Adams: Thanks you for your testimony.

Silverman: Thank you.

Adams: Thank you all. Next four. Hi, welcome.

Deb Norton: My name is Debra Norton, I'm a citizen of Portland, I'm a mother and I work a full-time job and I work another full-time job now as the caretaker of 10 people who have now lived with me who have all been victims of police brutality due to the November -- sorry, I'm nervous. I never expected --

Adams: All right. You are doing great.

Norton: I never expected to be sitting here. I'm -- my whole home now is a care facility for people who have been abused in the city due to occupy Portland brutality from the police. And that means my two kids now have 10 house mates as well and we're doing the best that we can and we're getting by and we're trying to take care of each other. And I apologize for not being prepared today.

Adams: You're fine.

Norton: But I'm really busy, and we are just people who are fed up. Some of us are homeless. Some of us are 18. Some of us are teachers who can't get jobs and we don't know what else to do. And so we're in the street because we can gather and we can celebrate each other and try to make something different and better for each other. The parks are important. The parks let homeless people join us and have a voice. They don't have a voice. We've given them space to feel like real members of our country and real members of our city and talk and have a point of view that people take seriously. That is all we want to do in the park. That is all. Please give us something. Give us some space. Don't make us exclude the people who are our base. They are the people who have lost everything. We - they need somewhere to go to feel safe and connected to some solution. Because that makes us feel like we're going somewhere. Now we're running around the city. We are literally being chased around the city. I can't bring my kids anywhere near our meetings or anything. And they want to be a part of it.

Adams: Thank you for your testimony. Any last words you want to give?

Norton: Please be nice to us. We're counting on you.

Adams: Thank you very much. [applause]

Norton: Please use your influence.

Adams: Appreciate you all -- those of you that signed up to testify. We -- this item continues until next week. We're adjourned.

At 3:35 p.m., Council adjourned.