



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27TH DAY OF APRIL, 2011** AT 9:30 A.M.

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

Commissioner Fish arrived at 9:56 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraguirre, Deputy City Attorney; and Pat Kelley, Sergeant at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>391</b>	Request of Robert Hamilton to address Council regarding continued funding for the Main Street program (Communication)	<b>PLACED ON FILE</b>
<b>392</b>	Request of Anne Curran to address Council regarding the Hillsdale Main Street (Communication)	<b>PLACED ON FILE</b>
<b>393</b>	Request of Mike Roach to address Council regarding the Hillsdale Main Street (Communication)	<b>PLACED ON FILE</b>
<b>394</b>	Request of Julie Richardson to address Council regarding the Hillsdale Main Street (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>395</b>	<p><b>TIME CERTAIN: 9:30 AM</b> – Annual report for Year 2010 of Office of Healthy Working Rivers (Report introduced by Commissioner Fritz) 30 minutes requested</p> <p><b>Motion to accept the report:</b> Moved by Mayor Adams and seconded by Commissioner Fish.</p> <p>(Y-4)</p>	<b>ACCEPTED</b>

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<p><b>396</b>    <b>TIME CERTAIN: 10:00 AM</b> – Accept Year One Results of the Citywide Wellness Strategic Plan (Report introduced by Commissioner Fritz) 30 minutes requested</p> <p><b>Motion to accept the report:</b> Moved by Mayor Adams and seconded by Commissioner Leonard.</p> <p>(Y-4)</p>	<p><b>ACCEPTED</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p><b>397</b>    Accept Waterfront Park improvements from the Portland Development Commission and assign maintenance responsibilities for the Bill Naito Legacy Fountain and Teachers Fountain to the Water Bureau (Second Reading Agenda 368; Ordinance introduced by Commissioners Fish and Leonard; amend Ordinance No. 161007)</p> <p>(Y-4)</p>	<p><b>184540</b></p>
<p><b>Mayor Sam Adams</b></p>	
<p><b>398</b>    Appoint Catherine Mushel to the Urban Forestry Commission for a term to expire June 30, 2015 (Report)</p> <p>(Y-4)</p>	<p><b>CONFIRMED</b></p>
<p><b>*399</b>    Authorize a contract with Portland Impact, Inc. dba Impact Northwest for Career + College Connections C3 Program for a total not-to-exceed amount of \$126,450 to provide career exploration and work readiness activities (Ordinance; Contract No. 30002026)</p> <p>(Y-4)</p>	<p><b>184541</b></p>
<p><b>*400</b>    Authorize a grant providing Worksystems, Inc. \$195,000 to implement the SummerWorks youth employment program within City Bureaus (Ordinance)</p> <p>(Y-4)</p>	<p><b>184542</b></p>
<p><b>Bureau of Police</b></p>	
<p><b>*401</b>    Authorize an Intergovernmental Agreement with Oregon State Police Crime Lab for the use of U.S. Department of Justice, Office of Justice Programs, National Institute of Justice FY10 Solving Cold Cases with DNA grant funds (Ordinance)</p> <p>(Y-4)</p>	<p><b>184543</b></p>
<p><b>Bureau of Transportation</b></p>	
<p><b>*402</b>    Authorize an Intergovernmental Agreement with the Oregon Department of Transportation and accept a grant in the amount of \$224,000 from the Oregon Department of Transportation for the Sullivan's Gulch Trail Concept Plan (Ordinance)</p> <p>(Y-4)</p>	<p><b>184544</b></p>

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<p><b>403</b> Extend contract with Shiels Obletz Johnsen for Portland Traffic and Transportation Class for two years and increase amount by \$9,500 (Ordinance; amend Contract No. 38129)</p>	<p><b>PASSED TO SECOND READING MAY 4, 2011 AT 9:30 AM</b></p>
<p><b>404</b> Grant revocable permit to Scandals Lounge &amp; Restaurant Inc. to close SW Stark St between SW 11th Ave and SW 12th Ave from 7:00 a.m. on June 17, 2011 until 10:00 p.m. on June 19, 2011 (Ordinance)</p>	<p><b>PASSED TO SECOND READING MAY 4, 2011 AT 9:30 AM</b></p>
<p><b>405</b> Grant revocable permit to Pet Cross to close NW Park Ave between NW Everett St and NW Davis St and NW 8th Ave between NW Everett St and NW Davis St from 7:00 a.m. July 15, 2011 until 11:00 p.m. on July 19, 2011 (Ordinance)</p>	<p><b>PASSED TO SECOND READING MAY 4, 2011 AT 9:30 AM</b></p>
<p><b>406</b> Grant revocable permit to Restaurant Services to close SW Stark St between SW 10<sup>th</sup> Ave and SW 11<sup>th</sup> Ave from 6:00 a.m. until 11:00 p.m. on June 19, 2011 (Second Reading Agenda 374)  (Y-4)</p>	<p><b>184545</b></p>
<p><b>Office of Management and Finance</b></p>	
<p><b>407</b> Accept bid of Moore Excavation Inc. for the Westside Header Relocation Phase 2 for \$3,825,432 (Procurement Report - Bid No. 112547)  (Y-4)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>*408</b> Create ten new represented classifications, used exclusively within the Portland Housing Bureau (Ordinance)  (Y-4)</p>	<p><b>184546</b></p>
<p><b>Commissioner Nick Fish Position No. 2</b></p>	
<p><b>Portland Parks &amp; Recreation</b></p>	
<p><b>*409</b> Accept a 21st Century Grant award from the Portland Public School District to support activities for participants at Lane SUN Community Middle School (Ordinance)  (Y-4)</p>	<p><b>184547</b></p>
<p><b>410</b> Amend contract with Ellis &amp; Associates in the amount of \$90,000 to provide additional lifeguard certification and auditing services (Second Reading Agenda 381; amend Contract No. 30000681)  (Y-4)</p>	<p><b>184548</b></p>
<p><b>Commissioner Dan Saltzman Position No. 3</b></p> <p><b>Bureau of Environmental Services</b></p>	

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<p><b>411</b> Authorize a contract and provide for payment for the construction of the Burlingame Trunk Sewer Improvement Project No. E09052 (Ordinance)</p>	<p><b>PASSED TO SECOND READING MAY 4, 2011 AT 9:30 AM</b></p>	
<p><b>412</b> Amend contract with West Yost Associates for additional work and compensation for the Outfall 27 / Sellwood Combined Sewer Overflow Pump Station Project No. E08467 (Ordinance; amend Contract No. 37818)</p>	<p><b>PASSED TO SECOND READING MAY 4, 2011 AT 9:30 AM</b></p>	
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Sam Adams</b></p> <p><b>Bureau of Transportation</b></p> <p><b>413</b> Allow consumption of alcohol in the Public Right of Way provided a permit for a Community Event Street Closure -- Alcohol Allowed is issued under Chapter 17.44 (Previous Agenda 384; amend Code Section 14A.50.010 and 17.44.020)</p>		<p><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>
<p><b>Office of Management and Finance</b></p> <p><b>414</b> Accept bid of Westech Construction, Inc. for the NE Sandy Blvd - NE 47th Ave to NE 82nd Ave Street Improvements for \$4,560,427 (Procurement Report - Bid No. 112724)</p> <p><b>Motion to accept the report:</b> Moved by Mayor Adams and seconded by Commissioner Fish.</p> <p>(Y-4)</p>		<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>415</b> Adopt findings, authorize an exemption to the competitive bidding process to the Procurement Services pursuant to ORS 279C and PCC 5.34, and provide payment for construction of the Interstate Maintenance Facility Renovation Project (Ordinance) 15 minutes requested</p>	<p><b>PASSED TO SECOND READING MAY 4, 2011 AT 9:30 AM</b></p>	
<p><b>*416</b> Create a new Nonrepresented classification of Senior Affirmative Action/Diversity Analyst and establish a compensation rate for this classification (Previous Agenda 346)</p> <p>(Y-4)</p>	<p><b>184549</b></p>	
<p><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p> <p><b>Portland Housing Bureau</b></p>		

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**\*417** Authorize the Portland Housing Bureau to purchase properties through the U.S. Department of Housing and Urban Development Dollar Homes Program and enter into agreement to transfer acquired properties to a community land trust nonprofit housing partner for rehabilitation and to increase the stock of permanently affordable housing (Ordinance)

(Y-4)

**184550**

At 11:22 a.m., Council recessed.

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**WEDNESDAY, 2:00 PM, APRIL 27, 2011**

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

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April 28, 2011

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28<sup>TH</sup> DAY OF APRIL, 2011** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5.

At 3:31 p.m., Council recessed.  
At 3:44 p.m., Council reconvened.

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

<p><b>S-418 TIME CERTAIN: 2:00 PM</b> – Regarding Portland Police Bureau cooperation with the Federal Bureau of Investigation for the purpose of combating terrorism (Resolution introduced by Mayor Adams; rescind Resolution No. 36315) 4 hours requested</p> <p><b>Motion to accept substitute resolution:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-5)</p>	<p><b>Disposition:</b></p> <p><b>SUBSTITUTE</b> <b>36859</b></p>
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At 5:40 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**APRIL 27, 2011      9:30 AM**

[Gavel pounded]

**Adams:** Good morning, everybody. Today is wednesday, 9:30 a.m. It is april 27th and the Portland city council will come to order. Before we call the roll, though, I am pleased to make the following proclamation. In honor of travel and tourism week. And whereas travel matters to the nation's economic prosperity and its image abroad. To business wealth and individual travelers and whereas travel to and within the united states provides significant economic benefits for the nation, generating \$1.8 trillion in economic output in 2010, with \$759 billion spent directly by travelers that spurred an additional \$1 trillion in other industries and whereas, travel is among the largest private sector employers in the united states supporting 14.1 million jobs in 2010, including 7.4 mill jobs in the travel industry and 6.7 in other -- 6.7 million in other industries and more than 81,000 jobs and spent \$8.2 billion and generated \$1 billion for federal, state and local governments.

Funds to use support essential services and programs and whereas international from travel is meeting events and incentives, travel are core business functions that help companies strengthen business functions and leisure travel, three-quarters of all trips in the united states spurs countless benefits to travelers' happiness and productivity and relationships and wellness and whereas travel is a catalyst that moves the nation's economy forward.

**Adams:** Now, therefore, i, sam Adams, mayor of the city of Portland, the city of roses, do hereby proclaim may 7th through may 15th, 2011, to be travel and tourism week in Portland and encourage all residents to observe this week. Thank you. [applause] mr. Miller.

**Jeff Miller:** I want to thank you for that proclamation. In honor of travel and tourism week, we've moved our awards breakfast to may 10th. And we have a talk about livable cities and the importance of his company being here and what that means and wards for many of our industry superstars like the 13 green field -- green fill certified.

**Adams:** And that's the equivalent of leed certification? The top.

**Miller:** And more and more each day and honoring director parks for their contribution, and alaska airlines and others. But when we talk about tourism, it's really about jobs and that's why I asked john young from the embassy suites to come.

**Adams:** Welcome, john.

**John Young:** I want to talk about how tourism impacts my job. When we have a strong tourist economy i'm able to work more hours and it positively affects my income and the hotel, the business as a whole and not to mention the city. It's a win-win for everybody. And impacts me because when tourism is strong, I have to plan my year around the tourism industry. The spring, summer and early fall is very busy and plan for that and in the winter months, it's very slow. When tourism is strong, it's obviously better, and if we have a strong tourism economy flute the year, I think that would impact the city, with creating new jobs and more revenue and I think it would be a great thing.

**Adams:** Thanks for being here and sharing the importance of travel and tourism as it relates directly to you.

**Miller:** Thank you.

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**Adams:** Thank you very much. Karla, please call the roll. [roll call]

**Adams:** Quorum is present. We'll proceed with communications. Can you please read item 391.  
**Item 391.**

**Adams:** Good morning, welcome to city council. Glad you're here.

**Robert Hamilton:** I'm very happy to be here. My name is Robert Hamilton and I am along with Sheila Green, law co-chair of the Hillsboro Neighborhood Association. Today I ask you to continue to fund the Main Street program and I'm also a member of the Hillsdale Main Street Restructuring Committee. One of five committees benefiting from the leadership of Megan Bronson. I recommend that the Main Street program continue to receive your administrative and financial support for three reasons. One, Hillsdale was quick to respond to the application opportunity and successfully solicited its matching share of funds as required and recruited an extraordinary battalion to serve on five Main Street committees. Including one we added on sustainability. And eagerly welcomed the excellent training workshops offered by the PDC. Working relationship with PDC and other city agencies has been beneficial to Hillsdale and resulted in new measures to enhance the town center. Two, the excitement created by the work of the Hillsdale Main Street Board and Megan Bronson has had an impact. The alliance and foundation and business and professional association among others. Attendance has increased at monthly Neighborhood Association meetings and our HNA committees have new members actively pursuing projects and matters which are making Hillsdale a more appealing place to live. The Hillsdale News and Southwest Connection and other publications and blogs to see that the wheels of progress in Hillsdale have increased in number and velocity since the advent of Main Street. The positive impact, not only the increased attention we're paying to the need for mutual support among our associations and the schools and library and other components of our community, but inside -- insight how we may be able to make them more efficient. Indeed, we may see structural changes within our existing organizations to make better use of the time given to community matters by our resident volunteers. Three, while Hillsdale is one of three neighborhoods selected to receive the grant, Main Street benefits a larger number of communities within the Sweeney Coalition. That's true because the residents of our 17-member coalition visit each other's shops and trails and schools and cultural activities but because the Main Street director and board and committee members are actively looking for ways to link enhancement of the town center. By founding Main Street, previously, Mr. Mayor and Commissioner, you've made it possible for these linked benefits of Main Street to continue. Continue to -- to begin. Continue to fund Main Street and watch the multiplier effect at work.

**Adams:** Thank you very much. Appreciate it. Why don't we read the three communication items and the remaining three can come up at once. Thank you, sir.

**Items 392, 393, 394.**

**Adams:** Ms. Curran.

**Anne Curran:** I appreciate the opportunity to address you today. I'm Anne Curran, a resident of Hillsdale. Currently the chairman of the sustainability committee for Hillsdale Main Street and here to thank you for funding the Hillsdale Main Street this past year and share highlights how we've been using our grants in hopes you'll continue to fund this effective program. Main Street has certainly been popular in Hillsdale. At our launch party, we had about 500 people join in to kick things off.

**Adams:** 500?

**Curran:** Yeah.

**Adams:** Wow.

**Curran:** And 70 active and dedicated volunteers. One of the nice benefits of Main Street has been

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that not only has it attracted long time activists within hillsdale, but also people like myself who are new to community engagement and it's been unique in becoming a unifying bridge between local businesses and residents. I'll mention a few projects to give you a sense of how we've been putting our funding and volunteer base to good use. Currently, we have a landscaping project underway that will literally green out the streetscape and provide tangible stormwater management benefits and serve to make hillsdale a more attractive place to shop and gather. This sunday, we have a spring celebration to attract our neighborhood from nearby communities and bring the community together and cutting the ribbon on a new pedestrian and bike plaza and enjoying local food and entertainment and promoting home and business composting. Additionally, we've been rolling out initiatives to assist our local businesses in incorporating sustainable practices and doing some economic analysis to help small business owners better understand the surrounding market so we can retain and tract local businesses. And that's really just a fraction of what we've been up to. We've got strong momentum, ambitious plans and lots of enthusiasm from businesses and residents. I have requested you continue funding next year so that hillsdale can further build upon your initial investment and realize its vision of a truly sustainable community. Thank you for your consideration.

**Adams:** Thank you very much. Mr. Roach, I like your button.

**Mike Roach:** Mike roach, and honorable mayor and commissioners, in front of you is a short volunteer history of hillsdale main street. A small core group of half a dozen volunteers grew to our main street board of a dozen directors, including myself, which grew to the five standing committees with 74 volunteers, as mentioned by anne. These committees collaborated to organize our launch party on february 10th. Truth be told, we declined to send you all official invitations because we requested our ability to attract even 50 guests and didn't want to embarrass ourselves with low attendance. Well, we attracted over 500 participants.

**Adams:** That's amazing.

**Roach:** -- to hillsdale that february night.

**Fritz:** Where is that held?

**Roach:** At key bank. Thankfully there were representatives from the mayor's office to attest to the excess of the evening. We're in the home stretch of planning for the first ever spring fest this coming sunday, may 1st, to which you're all invited. A participate with the hillsdale farmers' market and the spring fest includes but not limited to beer and wine garden, the pedicab, a ribbon cutting for our new public plaza between food spice and bakery. Our design committee is doing the final planning and permitting for a landscaping project to enhance the appearance of capitol highway and our economic committee partnered with psu to produce a business retention and expansion plan along with a market analysis present to be presented at the may 18th hillsdale business association. I'm pleased to say we've filled a space vacant for over four years with the fourth location of la bell nail salon, the first in the city of Portland and two in lake oswego and one in west linn. When I turned 60 this past december and paloma clothing -- I spent half my life to make hillsdale and Portland the best communities they can be. In all of these years, i've never seen a program or an idea that came close to matching main street in its ability to attract new and extremely capable volunteers. Most of whom, by the way, don't have gray hair and aren't going bald. There's finally hope for a new generation -- a new generation of business leadership in hillsdale. Thank you forever your support of main street -- thank you for your support of main street without which these accomplishments could have realized.

**Adams:** Thank you for your years of advocacy on so many issues.

**Roach:** It's a team issue.

**Julie Richardson:** I'm julie richardson and own two young businesses in hillsdale. And sweet

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wares a baking supplies store and baking school which we've been open for two and a half years and employ -- i'm frightened to say, 22 employee, 19 of which are full-time.

**Adams:** Wow.

**Richardson:** When I was looking for a site to own a bakery in Portland, I live in Multnomah village so hillsdale is in my neighborhood. One of my attractions was the longevity of other businesses in the area. Paloma clothing. A grocery store, gas station and other institutions such as the library and schools and hillsdale farmers' market, and those are things that says there's support for businesses in hillsdale as well as a community that will help me -- support me through my younger years and we were lucky to have bought out a retiring -- a bakery that had been there for 50 years. We sit in a storefront that's been there for 50 years as a bakery. Over of the last couple years, there's quite a few spaces for lease in hillsdale. We -- I have a co-food establishment we sold products through that's been around for about eight years that recently shut their doors and these are things that frighten me as a business owner, operating two businesses in hillsdale. One of the assets I see, though some day it's a disadvantage, capitol highway runs through the hub of our business district and thousands of cars pass through. We need to gather their attention and let them see there's businesses here before they travel down to big box stores down the street. What I -- I have both pledged my support financially and with time to the main street program and i'm really excited about the programs they've talked about. The sustainability, the events that have occurred.

That help support businesses like mine, and the greening of capitol highway will help people notice and look and say, wow, there's businesses in that neighborhood. I'd like to check them out. I'm asking for your continued support for the hillsdale main street program and I hope to be the retired person that someone comes along, hopefully not 50 years, but -- [laughter] -- 20 years, a young baker will come along and want to take over my space. Thank you.

**Adams:** Repeat one more time, one of you, the fest, the --

**Richardson:** The spring fest?

**Adams:** Yeah.

**Richardson:** May 1st.

**Adams:** What time does it start?

**Roach:** 9:30 to 6:00, this coming sunday, may 1st and what I didn't mention is toyota is doing a farm-to-market event --

**Richardson:** Tour.

**Roach:** -- tour at our farmers' market which will probably attract a few extra thousand people. And we're excited. And if you have in your power to do an emergency ordinance for nice weather on that day, we would appreciate it.

**Adams:** We'll get right on it.

**Richardson:** It will be the 10th year for the hillsdale farmers' market.

**Roach:** Yeah, ten year anniversary for that market.

**Adams:** I encourage all Portlanders to turn out this Saturday night

**Roach:** sunday --

**Adams:** We encourage all Portlanders to turn out this Sunday.

**Richardson:** May day.

**Adams:** May day. In hillsdale starting at 9:30 until -

**Roach:** 6:00

**Adams:** -- in hillsdale starting at 9:30 until 6:00. Congratulations on your success.

**Roach:** Thank you for your assistance.

**Adams:** All right. Anyone wish to pull any items from the consent agenda.

**Moore-Love:** We need four people.

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**Adams:** Oh, we need four people. We'll pause for a second.

**Adams:** We will pause now. We'll pause for a moment of reflection. [pause]

**Adams:** Any legal issues? Oh, ok, let's begin -- ok. We have a time certain at 9:30. Karla, can you please -- it's a report -- read the title for item number 395.

**Item 395.**

**Adams:** Commissioner amanda Fritz.

**Fritz:** Thank you, mayor. I'm pleased to present this report on the office of healthy working rivers created in 2009 to bring a focus to the willamette and columbia rivers. And under the leadership of ann beir and the dedication of her team, we're moving forward beyond visioning to implementation. Ann and her staff are here to highlight the importance of Portland's mighty rivers and show the opportunities to us. Ann beir.

**Ann Beir, Office of Healthy Working Rivers:** Good morning, mayor and commissioners. Thank you, commissioner Fritz, for your leadership of the office. I'd like to introduce to you the office of health working rivers.

**Fritz:** The entire office.

**Beir:** The entire office. We're pleased to be here today. We prepared a report to you that does lay out the activities we've been engaged in since we were created in 2009. We're really proud of the work we've done and probably most importantly, the partnerships we've been able to build across the bureaus but also with members of the Portland community. This is a complex system of rivers and the issues are complicated. We need a whole -- a lot more people than the four of us to make things happen. In order to give you some context why we think the river's office -- the rivers office is critical and so important to Portlanders, i've asked rick to put together a little presentation. We used a similar presentation in a public forum in january. But it reminds us of the importance of the rivers to our community. For our community's economic and ecological health.

**Rick Bastasch:** Thank you, ma'am. We're pleased to be here to give a presentation that recaps the printed report in front of you. Takes about 15 minutes and i'm going to tell you what i'm going to tell you and like to speak about how rivers figure into Portland's identity and how Portlanders have connected with the rivers through time and the role of the rivers office building partnerships and engaging Portlanders and leveraging the health. Living at the confluence of two great rivers has been a great idea for millennia. Native americans lived and prospered here for tens of thousands of years, building at the mouth of the willamette and shown here at willamette falls, a vibrant regional centers of trade. They discovered the core of discovery as lewis & clark moved among the columbia and willamette rivers in 1805 and 1806 and that was the voyage of the core of discovery.

Which set the stage for european settlement and it was the rivers that put the port in Portland and put Portland on the map as I vibrant waterfront center. A community worth living in worth moving to. An infrastructure worth protecting. We find identity in what we put over rivers. Portland is a city of bridges that may no longer be, like the first morrison street bridge. Bridges that have yet to be. The tri-met bridge set to take shape this summer. We cross rivers with bridges, but it's rivers that bridge through time, through experience. They create community generation to generation, whether furnishing for salmon in 1841, 1891, or 2001. They're getting smaller, I think. Still creates an irreplaceable sense of place. Whether you're skimming in the willamette in 1905 at the oaks bathhouse or diving into the willamette in the Portland triathlon. It's these experiences that create community and always have since Portland's founding when daniel lonsdale came to town and surveyed the blocks. He understood it might be useful and like so many useful things, they can be used up and that was the state of the waterfront in the early 20th century, a public health and sanitation menace, exposed to periodic flooding as shown in the foment. Portland rethought their connection to the river and re-declared the river's edge they wanted by building a state-of-the-art

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seawall. Clean as a whistle, modern technology -- by a modern byway. It wasn't the only set of problems that Portlanders and Oregonians had at the time. Right in front of this building, a few years ago, in 1938, mayor Joe Carson --

**Leonard:** Was that Friday or --

**Bastasch:** I don't know. It was a year or two before my time.

**Adams:** [inaudible]

**Leonard:** Had the demonstration Friday.

**Bastasch:** Oh, ok. More hats in this photo.

**Leonard:** Ok.

**Bastasch:** So combined with the youth of the city of Portland to demand clean rivers and he's --

**Adams:** He's the guy with the big drum.

**Bastasch:** Big drum derby hat and a big voice, I would think. Loud enough, anyway, to be instrumental in passing the ballot measure that led to the water purification and prevention of pollution act of 1938.

**Leonard:** Before you leave that picture, I need to point out anecdotally that the young man to our right of the guy pulling the drum -- holding the drum came to council a few years back and I met him.

**Bastasch:** Oh, really?

**Leonard:** Yeah, he was very interesting.

**Bastasch:** I -- I would have loved to have captured what he said.

**Leonard:** It was very interesting.

**Bastasch:** But it's just an example of how Portlanders work for cleaner rivers as a point of civic -- rivers as a point of civic pride. Harbor was a point of civic pride. But the river kept occurring to Portlanders. What is it that we need to do to be a better riverplace? So -- river place. So replaced harbor drive with harbor park in the 1970s and created a connection with the interstate highway system and got enthusiastic and losing sight of what it meant to be a river town. And again, through time, Portlanders rethought what it means to be a river town and with a lot of cleverness and dedication and energy and some money, reshaped a skinny portion of the east bank into what is now a signature space, the Vera Katz East Bank Esplanade. About that time -- esplanade. And about that time, Portland began the river renaissance program. And that program worked with council to articulate a river vision and goals and ensure a clean and healthy river for fish, wildlife and people and embrace the riff as Portland's front yard and create vibrant waterfront neighborhoods and provide partnerships and education. The council adopted a set of actions under the river renaissance strategy in 2004 that would achieve those goals. Which brings us almost to today when newly elected mayor Adams requested commissioner Saltzman to assess the river program. He said, yes, and concluded that there had been significant successes but that coordination could be greatly improved and one way that improvement could take place was to place the river program directly under a councilmember to focus on promoting watershed health and regulations and identifying and prioritizing habitat sites and improving boating facilities and trails and advising council on superfund opportunities. Council heard the recommendations and took action by establishing the river's office in January 2009 and assigned to commissioner Fritz, with responsibilities to protect and restore the ecological and recreational roles the Willamette and Columbia rivers and -- and to ensure that the city meets its superfund obligations and responsibilities. In pursuing those responsibilities, the office has three basic roles.

**Bastasch:** The first is collaboration. Collaborating closely with local participants. Second, linking, linking the great work of many city bureaus -- bureaus to the tasks at hand and bringing people and resources to achieve those goals and do this through an organization that's funded

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through the bureau of environmental services, ratepayer dollars and though we embrace both environmental protection and economic development interests, by virtue of funding source, our present emphasis is on the former, namely promoting watershed health. Through six positions and a 20-member citizen committee and work falls into three areas.

**Bastasch:** One is farming partnerships. We're going to give a couple of examples that are -- forming partnerships. And working with meyer memorial trust on building a willamette community along the river and turns out, those of us with the willamette persuasion, whether you're in eugene, corvallis or salem or Oregon city are turning back to the river and confronting difficult problems in innovative ways and there's a lot we can do to learn and help each other and we're participating with Portland parks and recreation to develop a comprehensive willamette recreation strategy to look at how we're recreating on the river and how that can be improved and where we want to go with how to enjoy and reconnect with the river in ways that assure that we protect our Fish and wildlife areas and leveraging the city's river health effort, a mitigation bank framework. Speeding river restoration by funding a restoration project in the north reach and working closely with the city's superfund team on the cleanup effort. And lastly, engaging Portlanders and we've had a big part in previous years in helping to establish Portland's annual celebration of the whichever, called riverfest and we're becoming information central for the river curious. River questions and concerns and publish a monthly calendar. Rivers news digest and have monthly river brown bags and developed a encyclopedic website that puts information at the fingertips of citizens. This is today's graph, what the whichever is doing in Portland. It's been higher and at 50,000 cubic feet per second and we can have people click on a button and find out what ships are in harbor. What kind and where they came from and where they're going. There are ways to find out how to get closer to the river. How to -- what parks are on the river. How to get out and bike and walk along the river. Look at -- book a cruise, rent a kayak and otherwise enjoy this tremendous asset. River's history, again, lots of historical elements to our rivers and you can click into the journals of lewis & clark to see what they made of the rivers they were sure they were discovering though people had been here for thousands of years. We've initiated a river recreation strategy and collaborating with the bureau of environmental services on restoration and responded our advisory committee who asked us to look into maintenance dredging. An assessment of methods that might be available to address of the problem of when boat ramps filled in, could there be a solution to freeing up those facilities in ways that maintain Fish and wildlife integrity. We want to continue to support bes to and submit paperwork on mitigation. And prospectus to regulatory authorities bona fide and certified to do business along those lines and we'll report back to council on the whichever recreation strategies and want to be helpful to people who come to our rivers the pdx bridge festival. It's a big float last sunday in july, a inner tube extravaganza that should get people down to the river and collaborating with tri-met and omsi on an ecology exhibit that opens this summer and performed assigned tasks in the west hayden island evaluate as directed by council. As we approach these tasks we'll be informed by lessons, what we're learning and one is that the river's edge is complex. A mixing needs that warrant attention and roman. And secondly, a lot of territory. We -- Portland has 17-miles of the willamette, 12-miles of the columbia, the open space represented by the willamette channel is 3,000 acres and compare that to forest park, 5,000 acres it's a big space and important space and yesterday's solutions can become today's problems. Here's the seawall. Important in 1996 in preventing flood damage but not so hot for habitat or linking people to the downtown. We understand there will be more people coming to Portland. Issues never stop. There may be new endangered species, like the lamprey and there's the ever present question mark around climate change and work queued up. Superfund cleanup and stormwater management programs and waterfront, and it's going to take the work many people

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over the long term to continue progress and that's why we're so thankful for the great work of the bureaus to date. Not only day-to-day but the legacy they've provided as a foundation for our continued work with them, some represented here and also in the report. We're trying to interact productively and always learn something when we work with our fellow bureau so look forward to a lot more of that. And so that's it. The operators are standing by. So we hope people will --

**Fritz:** You're all here.

**Bastach:** We have voicemail. So we hope you'll visit the website. That concludes the presentation.

**Fritz:** Thank you.

**Beir:** Again, thank you to all of our partners in the bureaus, to our advisory committee, 20 members with very diverse and different views of the river but they're our eyes and ears on the river and that's how issues surface to us. And also from the bureaus where they have particularly sticky issues, we're able to give them a little bit of assistance and able to leverage resources to begin to work on these issues. We're excited to be working with parks on the river restoration strategy. A holistic look at river needs and there's a survey out, an online survey, to help capture Portlanders' experience on the river. How do they use the river currently ah and how would they like to use it in the future.

**Bastach:** We're at 1288.

**Beir:** I don't know if they're all Fishers. Or jet boaters or kayakers. But that's not a bad return on surveys in the spring. We should get good information to help make decisions in the future. Again, I think one of the reasons the rivers' office is to add value to the existing programs and also here to remind Portlanders how great our rivers are. We make considerable investments in our river water quality over the last 10 years. Now we'll begin to reap those benefits and the rivers will truly become an amenity to the city of Portland in way they have been in the past but we're allowed to rethink that connection through the Portland plan and the other efforts. So thank you for your support for the office. Thank you for the work that your bureaus do. In helping us out and we look forward to answering any questions.

**Adams:** We'll be voting to accept the report. But before we do that, anyone wish to testify on this matter.

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

**Adams:** Ok. Thank you very much. Can you please call -- ok, move acceptance of this report.

**Fish:** Second.

**Adams:** Moved and seconded. Karla, call the vote on the motion.

**Fish:** Ann we at parks greatly value the partnership with you and the folks at the office and the break-through work we did to get the greenway going in south waterfront is a good example of where a close working relationship allows us to work through thorny regulatory issues to get to the right place. We appreciate the work we've don around the no-wake zone around ross island and perhaps new initiatives to continue to protect that vital area. And we also appreciate the collaborative nature of the relationship with you and the commissioner in charge, commissioner Fritz, as we move forward. So thanks to both of you and your teams for good work. I appreciate this update and pleased to vote aye.

**Leonard:** I too, appreciate the good work. I've been impressed with -- I think this is the second report that we've received -- with the work that you all do. And, of course, I think the one thing that's probably the elephant in the room i'd like to address is this is another one of those really good services with people that do really good works that part of what our utility rates fund. And I am a firm believer that to the extent we can utilize our utility rates even tangentially to support activities in this case, in fact, sewer rates in another matter we'll vote on this a few minute, assigning water

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fountains to the water bureau, to support makes sense. And it's a smart use, I think, of our resources, it's a smart use of those utility fund dollars to improve the quality of life of Portlanders and i'm very pleased to support your ongoing work. Aye.

**Fritz:** Thank you, commissioner Leonard, that was a good note. I was going to comment because we have only rate funding it right now, our emphasis is on the healthy part rather than the working part. And we've not been able to move forward on the economic strategies which we'd like to do and is part of the office's mission and i'm hoping as the economy recovers we can put general fund dollars into that part of the work and we're collaborating with the pdc and their programs which have suffered from lack of funding during the recession. And we're working on the superfund issues and patty howard on my staff is funded through the rivers' office and it's the glue in city hall to mach sure we're coordinating. And the mayor and I met with congressman blumenauer. And that's important to the health -- congressman blumenauer. And it's great we have knowledgeable staff and bringing this annual report -- thank you for noticing that too. Because it's important, when we're doing good work we report back to citizens to let them know how they're rates have been spent. Thank you for your good work. Aye.

**Adams:** I want to highlight the leadership of commissioner amanda Fritz in getting -- informing the office of healthy working rivers and putting the work plan together and working to hire this great team and partner with a whole bunch of my bureaus to get good stuff done. I'd like to highlight the north reach plan efforts. That has been as complicated a planning process as i've ever been involved in. And your work, your leadership and your work under commissioner Fritz has helped us get through to the point where we are today. So thank you very much. Aye. [gavel pounded] so approved. Can you please read the title for 10:00 time certain item number 396, a report.

**Item 396.**

**Adams:** Commissioner amanda Fritz.

**Fritz:** This is the commissioner Fritz report today. [laughter] we want to again, let taxpayers know how we're spending your money and in this case, the wellness program. It's my pleasure to introduce cathy bless and yvonne deckard. To present the report.

**Adams:** Ms. Deckard.

**Yvonne Deckard, Director, Bureau of Human Resources:** Good morning, council. Last year, the council for the first time adopted a comprehensive strategic wellness plan for the city of Portland and we're here today to present findings and accomplishments of the first year of the plan. Cathy will be doing the power point presentation. For your information.

**Cathy Bless, Bureau of Human Resources:** Good morning, mayor and commissioners. I'm cathy bless, the city's benefit and wellness manager and here to talk about the city's wellness program and at the end of this, ask you adopt the report that's been provided to you. After the first year, i'm happy to report we've made some important steps forward. We need to discuss continued opportunities and challenges within the plan that we must act on to further employee wellness within the city. The purpose of the wellness program is to increase -- and the mission is to provide support and resources to motivate employees in taking personal responsibility to minimize preventable risk factors. The strategic plan adopted three primary goals to create a culture of wellness want city of Portland, increase employee participation in wellness activities and create on-site activities and programs and plan design in support of obesity, cancer, cardiovascular disease, hypertension and musculoskeletal health and stress and depression health benchmarks. I'm proud of the forward motion regarding city participation and now we'll continue to provide valuable opportunities to make it easier for employees to make healthy choices and offer a wide variety of options and have a good participation base in programs for moving forward. Our goal so increase

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involvement in city fitness classes by 5% in 2010 was met. Our goal to increase participation in work site wellness exam, the blood screening was not met, though we did increase our participation by quite a number between last year and this year, we've not -- we've not tested the 30% of employees that we wanted to. Cumulatively, tested 39% of employees, but still have a ways to go here. We continue to struggle with assess ability of programs at some protections with minimum participation at smaller work sites throughout the city and that makes it hard to bring fitness instructors in because of the cost barriers and providing services to a small group of folks.

**Adams:** Can I interrupt? I did the blood testing, it was very convenient and helpful and i'll live for another day or two. At least according to the results. The how much -- if you can go back one slide.

**Bless:** Absolutely.

**Adams:** The participation -- is the wellness exam more than the blood screening?

**Bless:** No, that is -- we're trying to change the naming convention of that. To make it sound a little bit more positive than blood screening. [laughter] and really, cumulatively, it encompasses a wellness screening because it providing for bmi testing and blood pressure and then the blood screening.

**Fritz:** Remind people what bmi means.

**Bless:** Body mass index.

**Fritz:** Basically height and weight, right?

**Bless:** It is height and weight. It does -- it's a consistent marker that provides a measurement whether or not somebody is really reaching obesity levels we need to be concerned about.

**Adams:** Thank you.

**Bless:** You're welcome. So participation is -- has really taken off in the last three to six months with regard to the fitness related activities that the city offers. We have successful activities, especially with the new zumba class on thursday.

**Leonard:** What's boot camp?

**Bless:** Boot camp. It is the bear crawl. It is push-ups and sit-ups.

**Leonard:** Not yelling by some drill instructor?

**Bless:** No. She only yells a little.

**Leonard:** Ok.

**Fritz:** What's zumba?

**Bless:** Zumba is exercise with a latin beat. So it is --

**Adams:** [inaudible]

**Bless:** No, i'm not demonstrating but thank you very much. [laughter] come to class on thursdays.

**Leonard:** There you go.

**Bless:** At noon.

**Fritz:** Just to emphasize, cathy said it's at noon, it's on folks' lunch time, not -- they can participate on their own time.

**Bless:** We have fitness and stretching programs. And a very successful stretching program at kirby maintenance and been able to put together a yoga class at water pollution control lab and we'll continue to look for opportunities. The strategic plan also targets obesity, the cardiovascular structural health, cancer, stress and depression. The emotion and debilitating effect of chronic illness is staggering. Depression can be a chronic condition and as a employer, it's critical we make this a primary target and we're not there. We have not met our goals yet and we're not on target to meet our goals. The goal it reduce employees' bmi by 5% by 2013, we've made less than a half percent point difference from those markers in the wellness screenings from 2010 to '11. Our goal to improve blood pressure results by 10% is not on target to be met either. We have lost

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ground between 2010 and '11 with acceptable blood pressure read information our most current testing cycle.

**Leonard:** I think i'm personally responsible for that drop from 2010 to 2011.

**Adams:** Really.

**Fritz:** It's been a very stressful time for city employees with layoffs and less time to exercise and -- I hope with other strategies, as well as the economy recovering, we see a positive change in that next year.

**Bless:** I hope so too. As you all know, during the 2009-10 plan year, the labor management embraced changes to the core plan aligning benefit offerings to wellness goals and gives broader access by allowing free annual wellness exams and eliminating the deduction. And because of these changes, we don't have all the data on how the plan is behavior behaving. What I hope so see is measurable improvement in cholesterol markers because of the wellness programs offered and the programs in place within the wellness plan to offer support for those battling these conditions. The goal to improve glucose levels, we're making some -- some slight improvement there. It's stable and our goal to improve an employee's total cholesterol ratio is continuing to improve and I think showing three years' of improvement is quite a marker and really positive for employees.

**Leonard:** But in all seriousness, it's interesting while in that same time period, that the cholesterol ratio has improved, blood pressures have increased. So what's -- has there been any observations why employees are --

**Bless:** Well, i'll take a stab at it. I'm not a medical professional and don't want to get into too much trouble. But cholesterol and blood pressure can have a relationship but if someone were on cholesterol lowering medication, you would expect their cholesterol would be lower and not building up all of this plaque in their bloodstream, but still may have problems with their blood pressure. Ok? [laughter] we continue to struggle -- the total cost of poor health. We are seeing some 112 folks enrolled in chronic care coaching programs within ods, that's back prevention type program, lifestyle management, disease management, stress and depression. We have -- we're on target to increase the number of preventive care screenings that adults are getting in our plan. We're on target to increase the number of mammograms participants are receiving and on target to increase the connection between the participant and their primary care provider through office visits.

**Fish:** A question.

**Bless:** Yes.

**Fish:** We're in april, how are you doing your annualized projections?

**Bless:** These are numbers through march, so we've divide and annualized over to where we think we're going to be by the year end. We don't have information if employees only the get their preventive examines through one cycle of a year. Maybe they only do it in the fall and if that would affect a annualized amount.

**Fritz:** That top number is 112, year to date?

**Bless:** That includes the people that were in it last year and the new people that have come. We've increased the participation by 10%, but we still -- there's a whole host of people out there that really would gauge value from participating in this type of program and we'll continue to market it and continue to talk with people individually.

**Fritz:** Thank you.

**Bless:** Culture of wellness. The -- this is the last primary goal of the strategic plan and you have a committed staff and committed wellness committee. And a commissioner with regard to wellness, you have a good participation base, a growing number of wellness champions and growing interest. However, within the employee wellness survey, that was distributed in the fall of 2010, 14.5% of

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survey participants said they didn't feel support from their bureaus for employee wellness and 28.5% said they haven't received the encouragement to set personal wellness goals and sometimes that can be seen as a lack of commitment. We need to create ways to provide council, managers and supervisors more opportunities to be engaged. Our goal to embrace lifestyle management within the work environment is coming along. You know, the culture of wellness really is not something that can be resolved in a year. We -- we have to be diligent. We have to really look at opportunities and -- and really communicate those opportunities to employees in ways that reach them. We have improved much of that this year. We tape all our presentations and load them online so employees that don't have the ability to be downtown for a presentation still have the ability to watch the information. And we've developed and encouraged bureau focus groups to establish unique wellness opportunities within -- within their own dynamic and what's going on with the bureau. And then, the goal to identify and utilize bureau resources for wellness programs has not been fully developed and we'll be working on this through the coming year. We do offer a couple of annual ongoing opportunities that are important components of the program and seek to providing a culture of wellness to employees. Participation levels need to rise to ensure we have appropriate data to measure results and that we have a clear picture what value each of these programs has to offer. We provide monthly education to interstate water and maintenance. Nicole goes out and provides education that's timely and really based on their particular needs, like how to stay hydrated during the summer because they're working on the street and things like that. And we've provided diabetes education and provided education on the chronic care program. And even pers. So it really runs the gamut of -- of opportunity for employees to learn how to support themselves. Solutions to continue to make improvements and increase efforts to measure results -- we'll target manager and supervisor education, this plan year, to -- to offer education that's specific to that group. We'll enhance our mental health provider panel in the coming month, for july, and that will really offer better coordination within our employee assistance program. Which we're very excited about. We'll have a new look and approach -- yeah?

**Adams:** What's the problem you're fixing there?

**Bless:** Currently, the city provides coverage for psychiatrists, psychologists and licensed clinical social workers. By broadening it to licensed professional --

**Adams:** Panel means --

**Bless:** A broader array of available caregivers.

**Adams:** Oh.

**Bless:** That's ok. And the providers are set up and it will provide a warm transfer through the mental health services provided from eap, if they need to continue to see a mental health provider, that transfer can be made an in-net provider and will be a lower cost to the city overall.

**Fritz:** We didn't report the measurement about stress and depression and the mental health challenges, the channels in measuring those and the hipaa privacy laws for employees, but we know that there's obviously, the city employees have been stressed out with the recession and the increased workload and that impacts productivity and the ability to be the work. So the whole purpose of this presentation, people at home may be wondering, why are we spending money on -- taxpayer money and time on this, it's because the taxpayers pay for the healthcare our -- of our city employees. Not only do we care about our city employees and want them to be healthy and productive but also want to decrease the amount that taxpayers pay for healthcare. And we're trying to provide more choices how people can get help.

**Bless:** Exactly and targeting stress and depression this year and we've made significant improvements in participation and how the plan offs benefits, but that is something through the eap program and the additional educational opportunities we'll be able to provide this year we can

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really take time to improve that area. What can you do? Your support is critical to this program and ongoing attention and action from council to employees is necessary to improve employee health and reduce costs. Participate in the programs and the plan offerings. The city core plan has remained under national healthcare trends for six of the last seven plan years and the 2010 plan year will be under-projected costs and '11-12, increase by 1%.

**Fritz:** That's a tribute to the wellness program and the labor -- diligent at looking at this to minimize costs.

**Bless:** We need to set expectations for bureau managers and encourage them to pardon me in the programs. And --

**Fritz:** That's crucial. That's why in the previous slide we're targeting managers and supervisors in our outreach efforts. Support from colleagues and supervisors that makes people pardon me. When I grabbed the mayor in the hallway and enticed him to get blood work done.

**Bless:** Exactly.

**Fritz:** We'll hear how that worked out in the bureaus.

**Fish:** I staged a personal intervention with commissioner Leonard yesterday but not as successful.

**Adams:** It didn't draw blood? It did draw blood.

**Fish:** Can I ask a question about nutrition.

**Bless:** Yes.

**Fish:** I apologize if you've covered it.

**Bless:** No.

**Fish:** When I got my recent annual checkup, I learned that -- from my doctor, that I should go see a nutritionist. Frankly, it never occurred to me that I need to see a nutritionist. Not because i'm a healthy eater, but because it never occurred to me.

I'm going to make an appointment. I may be allergic to some food and even at age 52, I may not know what my system needs in terms of a healthy diet. Do we track those things in terms to the extent which people seek assistance in -- in learning about what a healthy diet is and -- and coaching around those areas?

**Bless:** You what? We do. And we even provide you support within the city core plan to do that. So --

**Fish:** That's -- my nutrition is covered?

**Bless:** One of the plan changes made to support that type of behavior change was to put in a \$500 annual benefit for nutritional counseling or hospital-based weight loss program. It's something that is important and is accessible under the health plan.

**Fish:** Thank you thanks for that. I'm reminded, I opted out because my wife is covered under psu's healthcare plan and I get a little bit of money set aside for uncompensated care. Right, you can use your flexible spending account for the purchase of that type of receives, if it's not covered under your spouse's plan.

**Leonard:** Or quit eating philadelphia cheese sandwiches for lunch.

**Fish:** It's interesting as we age, I never thought where what I ate and my daughter who is product of Portland public schools is disgusted by my eating habits and she's had health classes and if I veer toward fast food, she gives me a lecture or look at a cigar, get a frown. Those things. For some of us, it's not something we thought about but what's more fundamental than figuring out what your system needs and breaking bad habits you may have had for a long time.

**Deckard:** Commissioner, I think that's why, really and truly, one the biggest components to this program and the success of it is the employee engagement, how we engage employees in selecting and making, you know, healthy choices about their healthcare. And the way we need to do that is

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through the support of resources to our wellness program. And so right now, we've done a lot with this program, just within our existing resources and really just me making slight adjustments to my internal budget in order to provide the services and the programs and the benefits that you see here.

What we did put into the budget was a full-time wellness position because as Cathy said, a lot of our numbers are based on the facts we need to engage more of our employees and need to be able to provide more information and more activities to them. And so there's a lot of our employees that don't really -- they haven't fully grasped all the benefits available to them and, you know, how we can farther that progression and so I really believe the strategic plan you have is solid. The activities that we've done thus far is solid and we'll start to see better results. These are results measured over a period of time. But clearly, it's clear it me without that strong component of being able to further engage our employees, our progress will be slow.

**Fritz:** We have our wonderful half-time employee Nicole, here today and we would see measurable results if we were able to give her the resources to -- the wellness information sharing and encouragement full time.

**Bless:** Do you have any other additional questions? All right. I would like to at this time introduce Susan Barr and Carol Stahlke, members of the citywide wellness committee and have a few words to say and I'll turn it over to them. Thank you very much.

**Adams:** Thank you very much. Good presentation. Ms. Stahlke, welcome back. Nice to see you. Hi.

**Susan Barr, Office of Neighborhood Involvement:** Hello. Well, I work for the office of neighborhood involvement. My name is Susan Barr. And we -- we have really adopted a culture of wellness in our office. Thanks to the wellness committee and our commissioner and our managers, they've been great in supporting it and I want to tell you a story what we've done this year. We've created the only wellness challenge in our safety committee. One of the biggest health challenges in our office is we're desk workers and sit most of the day. Sitting is way worse for us than we realize. If you have any interest in researching it, we've found a lot of research. There's a great article in the "New York Times" April 14th. Is sitting a lethal activity? And the answer is: Yes. We wanted to start moving and anybody that's sitting for more than six hours a day, no matter how fit you are, you need to do research on this. It's really, really bad for your health. We created a 12-week competition involving exercise, nutrition and stress reduction. We got everyone in on this. And we made booklets to keep track of the healthy behaviors and the team with the most points win. There was a lot of debate when we created categories. We got a point for not eating junk food. Is chocolate -- chocolate junk food. It came that only one ounce, 60% cocoa was allowed otherwise you didn't get your junk food point for the day.

**Adams:** Is that baker's chocolate.

**Barr:** No, no, but it doesn't have a lot of sugar in it. Many people made big changes in their behavior. My cube mate goes all the time. I broke on our office candy jar. We're over. People who never worked together started bonding after work. Go across the Hawthorne bridge and we had a party, awarded gold medals.

**Fritz:** From the dollar store.

**Barr:** From the dollar store and got a WWF champion wrestling belt for quitting smoking and losing a whole bunch of weight at the same time. A party culminated in our efforts, we had a big group dance and our commissioner participated and ONI will have a video on the website with the whole story. And we were so pleased with the channel, we're going to do an ONI amazing race this spring and hope to keep the wellness momentum going and we wouldn't have been able to do it if we didn't get support from our director and commissioner and everybody is in on this. And we're a little bureau but really changed our culture. This is something we discuss all the time and it's

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changed people. People have gotten healthier.

**Fritz:** Thank you for your leadership, susan.

**Barr:** Oh, thank you.

**Adams:** And I like your enthusiasm -- I like your enthusiasm too.

**Carol Stahlke, Water Bureau:** She said if this doesn't work this year, i'm quitting.

**Barr:** People run when they see me coming in the halls.

**Stahlke:** I know that feeling. My name is carol stahlke, I work for the safety department at the Portland water bureau and been involved with the wellness committee for about five years now. Previously as president of afscme local 189 and now the safety department. I know our numbers weren't great last year. Cathy went through the presentation, but I do see improvement. I see improvement everywhere I go. At interstate, we are -- we do stretching in the morning and at noon all on our own time. Breaks and lunches. I notice people walk on their breaks and lunches consistently where before I would say they didn't walk as consistently. We have zumba classes wednesday at 1:00.

**Adams:** Do you do that?

**Stahlke:** I do.

**Adams:** Can you show us how it's done.

**Stahlke:** Do you want me to? I can. There's a couple of steps. [laughter]

**Adams:** Pan the picture here appropriately. Karla, cue the music.

**Stahlke:** The creator of zumba is from colombia. There's movements where you go like this and then to the left.

**Adams:** You're good. Very nice. Thank you, everybody. [applause]

**Stahlke:** Yes.

**Adams:** All testifiers today have to do some dance.

**Stahlke:** Thank you. As you -- you burn a lot of calories.

**Leonard:** Is that aerobic?

**Stahlke:** Yeah, it gets faster and then you jump forward and back and --

**Leonard:** Looks fun.

**Stahlke:** Yeah, it's like to the beetle juice music.

**Leonard:** Oh, yeah, what's the name, the singer? The beetle juice --

**Stahlke:** Singer of the song? , I can't remember. She said it the other day.

**Adams:** You'd remember, it would be better if you exercised.

**Stahlke:** If you use your whole brain when you use all of your lungs. If you breathe deep, you're thinking all the time.

**Fish:** Does david shaff participate in zumba?

**Stahlke:** No, I haven't seen him yet. I want to let you know that I know that of the numbers will get better and it's not showing. We have people that are coming to us, trying to find primary care physicians that i've never been asked that question before. And that's huge. And they're making better decisions and better choices about what they eat. And the -- I know I was here last year and joked about -- that I saw people eating more apples and bananas but it's better than that this year. They're asking by antioxidants and nicole has been a huge, huge resource. She gives us pamphlets how to order food when we go out and what not to order and what to order and the guys are picking up on that. The guys being the crews at the water bureau. Your industrial athletes is what the phrase is in the -- in the nation. Do I have -- do we have three minutes? Or it's not like that today.

**Adams:** No it's not like that.

**Stahlke:** Nicole and I went to a private company called [inaudible], they've had a stretching program for 10 years where of the foreman leads the crews. And these simple movements avoid

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the injury and prevent surgeries or -- we've had some guys get hurt this year that I think really could have been avoided but I won't go there. We have a video and we're going to be rolling out stretching to the crews and they're already rolled out the stretching program at pbot and we're doing it at interstate. And we've been working on it for a while and I think because it's been a grassroots effort on all you have our parts that I think they'll take to it just fine. I think that -- did of cover everything?

**Leonard:** I consulted with my music advisory and the singer of the beetle juice song is harry belafonte.

**Stahlke:** Oh is it?

**Fritz:** I appreciate you being here today and all of your work on the committee.

**Stahlke:** Yeah, thank you. With continued support and encouragement to the employees we'll be able to increase participation and get people healthier.

**Fish:** Carol, how do other bureaus get a copy of the video?

**Stahlke:** Contact nicole.

**Fish:** I'd love to see the video you've done. And also to my colleagues, carol wears a lot of hats and I don't know that we've ever had the occasion to thank her for another hat she wore so well in the past. The president of the local union that represents so many of our employees. I don't know how you have balance those roles. As a commissioner, it was a pleasure to work with you when you were the president.

**Stahlke:** Thank you, nick.

**Adams:** And you're so healthy. I move acceptance of the report.

**Leonard:** Second.

**Adams:** Moved and seconded. Karla can please call the vote.

**Fish:** Well, again, first of all, thank you for the report, and commissioner Fritz, r.n., thank you for elevating this issue to really a council priority. It takes a champion on the council to raise the visibility. And unit i'm probably a typical city employee in some respects in that there are things i'm learning as a age that I should be more attentive to. All of us who work -- attentive to. All of us who work for the city have stressful jobs. Whether you sit up here or a line worker for the water bureau. Your work is stressful and involves challenging. The thing we forget is to take care of ourselves and i'll speak personally, i'm not sure I ever -- I don't -- i'm learn being better ways of taking care of myself. And so the wellness programs really side effect a very practical benefit in helping us figure out how to age more gracefully and how to be more productive in work and ultimately, how to save money on unnecessary healthcare interventions. As a result of not taking care of those needs. The parks bureau is interested in the idea of having healthy food available to people and in our second year of experimenting, we've learned if we put fruit juices with low sugar, vitamin water, snack bars and other things for the junk, because we serve a largely captive audience, people will buy it, just like they used to buy the junk. It's a convenience. And so why shouldn't we be doing that and frankly, i'll say that partly, I think because of the shifting cultural attitudes about this, I don't know that we've had a single complaint that has come to my attention by kicking out the junk food in our rec centers. Not all of it. You can still get a slurpy and can get a high-sugar soda until certain contracts expire. But there's a option. And this is catching on and people are paying attention, where maybe once upon a time, it didn't get that level. So it -- it requires a council champion and I appreciate that commissioner Fritz's professional work before she came here informs her work as a colleague and commissioner and I thank each of you for your work and -- and as the commissioner in charge of two bureaus with probably 700, 800 employees total, we want to know how we can partner more with what you're doing. Thank you all. Aye.

**Leonard:** I appreciate the focus and passion commissioner Fritz brings to this effort, because I

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agree with commissioner Fish, that's what is required. And I remember reading a couple years ago, that if a person were just to take glucose -- fructose-enhanced drinks out of their diets, just quit drinking coke, which is what I do did, I could lose up to 20 pounds by just doing that. And not anything else different. I found that shocking and helpful for me in my goals I set for myself. So it's oftentimes my experience has been if you really are busy and don't have a lot to do, it isn't what you need to do to stay healthy, you can actually just stop doing some things. You can passively -- somewhat passively improve your health by just not doing certain things. Commissioner Fish mentioned fast foods and just being conscious about that. And when you eat something, just being careful what that is you eat without necessarily dedicating a lot of time to a exercise program or something that requires a lot of effort. So it sound like all of those strategies are being employed in this program and I very much support and appreciate it. Aye.

**Fritz:** Well, thank you, colleagues for your support. It does take leadership from the top as well as the folks in the bureaus and thank you again for being here today. To repeat, large claims are done \$1.8 million less than last year and our plan increase is 1% which is much less than healthcare costs are increasing. Thank you to the benefits staff and the labor management benefit committee and particularly mark bellow, the retiring president of copea and brought to my attention the need for this and thank you, cathy and yvonne, that you've shown we can work across bureaus to get things done through all of the bureaus and sets a good precedent with our work with the equity office and it does need equity like wellness needs to be something that every employee works on. And thank you, sarah, who staffs the wellness committee for me and herself a wellness champion in our office, getting me to wear my pedometer. And I appreciate the members of the wellness committee here today. We need to do better, there's no two ways about it. For the health of our employees and saving taxpayer money. Aye.

**Adams:** Well, I want it thank again, as with item 395, to commissioner amanda Fritz in helping to take our efforts to the next level. And appreciate your leadership on it. Thanks to the team, cathy and yvonne and the bureau folks as well. This is really important. It also can be a lot of fun. So onward. Aye. [gavel pounded] we could have done the consent, but we can't. Unless there are objections, i'll have -- objections i'll have Karla -- sorry, 413 goes back to my office.

**Adams:** Referred back to the mayor's office. Read the title for procurement report item number 414.

**Item 414.**

**Adams:** Ms. Moody, hi.

**Christine Moody, Bureau of Purchases:** Good morning.

**Adams:** How are you today?

**Moody:** Good. Christine moody, procurement services. You have before you a report recommending a contract award to westech construction in the amount of \$4,560,427.40. The city identified 12 divisions of work for potential minority, women and emerging small business subcontracting opportunities. Subcontracting participation on this project at bid time was 5.8%. Since then Westech has worked with us on finding additional opportunities for NWSB firms in grinding, sign and hand rails, trucking and flagging work. Bringing the NWSB subcontracting participation level up to 12% on this project. So I will turn this back over to council. Are there any questions on the bidding process?

**Adams:** A discussion from council? Does anyone wish to testify on procurement report item number 414? I move acceptance of the procurement report.

**Fish:** Second

**Adams:** It's been seconded, Karla could you please call the vote on the motion?

**Fish:** Aye. **Leonard:** Aye.

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**Fritz:** I very much appreciate Christine Moody's work in not accepting the 5.8% minority women emerging small business's participation and doubling it in between the time that this was filed and now. It just goes to show with a little extra coaching, encouragement, we can do better, and we have. Thank you very much. Aye.

**Adams:** Aye. So approved. We'll now consider the consent agenda. Does anyone wish to pull any items from the consent agenda? Please call the vote on the consent agenda.

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

**Adams:** Aye. Consent agenda is approved. Please read item number 415.

**Item 415.**

**Adams:** Commissioner Randy Leonard.

**Leonard:** I'll turn it over to Mike Stuhr, chief engineer for the Portland Water Bureau, and acting director.

**Mike Stuhr, Water Bureau:** I'll let Christine start, although I'm not sure how we're going to follow boom, boom, belafonte, boot camp, and carol's jazzercise routine.

**Christine Moody, Bureau of Purchases:** The ordinance you have before you asks for an exemption to the traditional low bid process using an rfp process to select the construction manager, general contractor for the interstate facility renovation. This project involves areas of construction while continuing daily water services. There will be a competitive rfp process. Using this process will result in substantial cost savings to the public because the cmgc will participate in value engineering and construction ability reviews and will help with the development of a construction phasing plan and well-coordinated project schedule. The engineer's estimate for construction is 40 million and includes costs for preconstruction services, construction. I'll turn it over to mike now.

**Stuhr:** A little bit of background. I've worked for the water bureau for eight years, I guess, and that makes me a very young person in light of folks in the water bureau. In those years, I have basically sat in the maintenance building with a leak over my head, and I think at the time I showed that leak to commissioner Leonard, perhaps mayor potter and commissioner francesconi dropped by one day. The building was built in the late 1920s as a garage, and it is probably a good 1920s garage. It is not a very good 2011 operational facility. Besides serious roof problems, it is totally inadequate from a seismic point of view. At any one time during the day, there can be upwards of 150 people working in that building. It's immediately adjacent to what we call the operations building which has the lab and the water control center, which is all of our computer hook-ups and t-1 lines. This probably doesn't sound terribly scientific but, in an earthquake, you would have a million tons or so of old buildings slapping literally, banging back and forth on the current operations building. We need to protect what's in that, an awful lot of key equipment that we would use in responding to disasters, never mind daily business stored inside that building. The job itself is going to be very complex, because it's an operational facility. We have to keep the facility operating while we do our construction. That's one. I'm not going to try to go through all the findings in there. One of the major reasons of having a cmgc feed is to be able to work very closely with the contractor and the designer so that we can schedule all of the construction activities and make sure we can, at the same time, keep our building open. It's really important to the water bureau, I believe, that having a cmgc will save money in many ways. Procurement process, our bidding climate right now is excellent. Having the contractor and the designer work hand in hand to both sequence the construction and get the facilities designed and built should greatly reduce claims a proven benefit of cmgc. It's extremely important. It gives us another advantage that's very important, and that is discharging our GFE MWESB obligations.

**Fritz:** What is GFE?

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**Well:** Good faith effort.

**Fritz:** Say what all the rest is, too.

**Well:** Minority women owned business and emerging small business requirements. Right now, we have 62% of our subcontractor dollars devoted to that category of businesses. What we're going to do in this procurement is something we started off doing kind of on christine's idea, and that's riding into the supplemental provisions on powell butte 2, basically requiring the contractors to submit a plan, telling them what the inspirational goal was, outlining the approach and methodology -- methodology, any financial assistance they may provide and so on. And so I think we'll have a very good chance of getting really good participation, the aspirational goal on that, and the job as a whole, at 35%. I think our ability to work with the contractor to require them to have someone with experience to be in charge of that effort, that's not uncommon in large contractors who are used to doing federal procurements where they have a very large small business program. They have staff on their firms that are used to coordinating these kind of activities and understand what must be done and how to go about it.

**Fish:** Could you clarify? When you say 35% as the aspirational goal, are you referring to dollars or contracts?

**Moody:** We're referring to dollars of subcontract. The city's aspirational goal is 35% of subcontracting that would go to mwesb.

**Fish:** And that's dollars?

**Moody:** Dollars, yes.

**Stuhr:** What we've managed to accomplish so far, which in a way is just the pte portion of this is 62%. We're doing really very well, and we expect to continue that performance. I think that's about all I have to say. Not as exciting as jazzercise but the best we can do. [laughter]

**Adams:** You could dance for us.

**Stuhr:** Cowboys don't do that. Now I wish I hadn't brought it up.

**Adams:** Ms. Moody, anything to add?

**Moody:** No. I don't have anything to add.

**Adams:** Questions from council?

**Fritz:** Is there a committee that looks at the requests for proposals?

**Stuhr:** Yes, ma'am.

**Fritz:** Does that include a minority evaluator?

**Stuhr:** Yes, ma'am.

**Fritz:** Will it have some women on it?

**Stuhr:** Probably. Yes, ma'am, it will.

**Fritz:** Is this the only time this comes to council? Are we votes also on the \$50 million maximum expenditure?

**Stuhr:** This is the rfp. When we let the contract, we'll have to come back, and i'm expecting that we will do -- right now the confidence estimate, by definition, on this one is low, but i'm expecting that we will do very well in this climate.

**Leonard:** Low only in the sense that --

**Stuhr:** That we don't have a firm estimate.

**Leonard:** We don't have a firm estimate, our experience has been of late that the actual prices are coming around lower than what we estimate.

**Stuhr:** We're getting extremely good results in this climate.

**Fritz:** I appreciate you coming to brief me ahead of time on this project. I know it's been a long time in the making, and our employees are working in very difficult conditions right now. It needs to be done. For the benefit of the viewing audience, did we consider building elsewhere so we

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wouldn't have to juggle using the site at the same time?

**Stuhr:** A long, long time ago, we looked into that, and the costs are prohibitive. We won't the property that we're on right now, and it's about 11 or 12 acres. I forgot exactly what the acreage was. When you have to go out and buy real estate, it's really a problem. And finding both a vacant piece of property that's big enough, that's semi centrally located, is almost impossible to do. We would have ended up both spending the money and probably finding ourselves way out on the edge somewhere of the metropolitan area.

**Leonard:** I would also like to add that, when mike and I -- after he was appointed chief engineer -- first began discussing this project, I actually was very focused on splitting up operations in the four quadrants around the city, so I asked them and went with water bureau people to identify pieces of property, some of which we own, some of which we don't, so that we could have it decentralized but closer to the neighborhoods they serve water services teams in the four quadrants of Portland. And I actually wanted to have that happen but became convinced, because of the cost and the duplication of the various efforts, that it was just not realistic, although it would have provided a better and quicker service around Portland. It just was not feasible financially.

**Fritz:** Right. And i'm glad you said that this has been in the planning for a long time, and you have looked at other options, and I want people to know that. Is there any way to spread out the cost over a different period of time so we're not putting up the money for that as the same time as we're doing all the other things we have to do?

**Stuhr:** I don't know how we would effectively do that because, if it means, if we start construction, we're better getting out of the way. If you try to spread the construction out, it would become a whole other thing to think about how we could effectively move in and out of facilities and keep them operating while we spread the cost for the facility. I think that would be very difficult.

**Leonard:** The other dynamic we're working in right now is we're in a historically low bids batch on major projects. I don't know if you are wanting to reveal the bid on the powell 2.

**Stuhr:** We haven't signed off on it yet, so i'd rather not, but i'll tell you we got a very, very good bid.

**Leonard:** Much below.

**Stuhr:** And I also don't expect any trouble from the contractor. Sometimes, when you get really low bids, you're setting yourself up for disputes and so on. I think we got a very competitive bid.

**Leonard:** But that's consistent with what's been happening to the bonds that would have to issue to pay for the projects are historic interest rates. So while we shouldn't maybe pile up projects because of the state of the economy and because of the impact on rates, certainly this is a good time for projects.

**Stuhr:** We both get very good pricing for the rate payers and the citizens in getting a lot of work done, but it also provides a lot of jobs. The powell butte job, that's going to have a lot of people involved in it, because it's what it takes to lay rebar. So it's not just 10 guys on earthmovers. It's a whole bunch of work building this industrial, part office buildings, employees, lots of people. We've got people hanging wallboard and electricians and all the trades that go into building a building like this, so we help the economy also at the same time.

**Fritz:** Those are really good points. Ongoing, if you can give us an estimate on the number of jobs -- when you see a number like 50 million, you wonder if it's all going in one bucket.

**Stuhr:** We can do that.

**Fritz:** How long have you been planning to do this? Where in the budget has this been in the water bureau's budget over several years and how much longer will it be there?

**Stuhr:** I can say for certain it's been there the eight years that i've been here, and I don't know how

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much before that.

**Fritz:** That's a good answer. At least eight years.

**Stuhr:** At least eight years for sure.

**Fritz:** So we've been putting money in for --

**Stuhr:** We've been trying to start the project. Yes, ma'am.

**Fritz:** And how many years out will it be in the budget?

**Stuhr:** I think it takes two years, once we start construction to, finish.

**Fritz:** Thank you very much.

**Stuhr:** Uh huh.

**Adams:** Anyone -- it's a nonemergency ordinance. Does anyone wish to testify on this matter? It moves to a second reading next week. Please read the title for emergency ordinance, I assume, item number 416.

**Item 416.**

**Adams:** Are there any questions? We held this over so that we could work out some details with commissioner Fritz.

**David Rhys, Bureau of Human Resources:** We've been in contact with her office. We believe we've resolved all the questions.

**Adams:** Unless there is discussion with council regarding 4016 or if there's anyone in the room that wishes to testify, then please call the vote.

**Fish:** Aye. **Leonard:** Aye. **Fritz:** Thank you to david Rhys and Yvonne Deckard and to the mayor for delaying this so we could get our questions answered. I'm satisfied that this is a good thing to do, Aye.

**Adams:** Aye. Approved. Please read item number 417.

**Item 417.**

**Adams:** Commissioner Nick Fish.

**Fish:** Thank you Mayor. Andrea is here to answer any questions you may have but has also prepared a script for you to read which I hope anticipates all your questions. One of the home ownership goals of the Portland Housing Bureau is to increase the number of home ownership opportunities available to low income households of color. The u.s. Department of housing and develop many is now offering local government the opportunity to purchase hud-owned foreclosed properties for \$1 plus closing costs under the \$1 homes program. That's \$1.

**Adams:** That's a good deal.

**Fish:** You made a reference earlier today about buying things at the dollar store. Now we're being competitive with you, commissioner Fritz. This is \$1 plus closing costs. The Portland housing bureau desires to purchase properties available under this new hud program and to work with Portland's local land trust, the proud ground, to transition the acquired properties into permanently affordable home ownership opportunities. As you will recall, proud ground has never had a foreclosure in all of the properties that they have acquired and sold. Approximately four single family homes are currently available under this program for acquisition by the city of Portland, and hud anticipates an additional home per month will also be available for acquisition. Today's resolution authorizes the Portland housing bureau to acquire available properties and transition them to proud ground, increasing the number of affordable home ownership units at a very low cost to the city. The estimated cost per unit for acquisition, which I guess includes the closing costs, is \$4000, which we have budgeted. Proud ground is lining up financing for any repair needs for eligible low-income home buyers. I want to thank roy schull, john gale, and karl dinkelspiel, jessie beason, and steve witsen. And andrea is here to answer any questions.

**Adams:** Wow \$1.

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**Fish:** You've asked us to be frugal, mayor.

**Adams:** Let's see. How many can we buy? Any questions from council? Anyone wish to testify on emergency ordinance item 417? Please call the vote.

**Fish:** Thanks to our friends at hud, these are tough times. We expect to take some significant cuts this year, but one bright spot in a down housing market is that there are more affordable homes for first-time homeowners generally with the depression in prices, and then there are homes that have slipped through foreclosure and are otherwise available, and our job is to put families into those homes as soon as possible so that we can stabilize communities that have been hammered by this recession. Andrea, thanks for joining us today in all your good work. Aye.

**Leonard:** Thank you, commissioner Fritz, for bringing this fabulous program to the council. It's excellent. Thank you. Aye.

**Fritz:** Thank you for your work on this. It is a double ended sword that this means some familiar has lost their home from foreclosure.

**Andrea:** Correct.

**Fritz:** I hope the program will work with those families perhaps in getting back on their feet.

**Andrea:** The bulk of the properties we're talking about are actually vacant, so they've been foreclosed for quite some time, which is why they ended up in the program.

**Fritz:** Thank you for that explanation. This is again opportunistic and putting the properties into public ownership and then transferring so they remain affordable. Aye.

**Adams:** Thank you, commissioner Fish. Thank you proud ground. Aye. So approved. We're in recess.

**Leonard:** 413?

**Adams:** I pulled it back. We're in recess till tomorrow at 2:00 p.m.

At 11:22 a.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: \*\*\*\*\* means unidentified speaker.

**APRIL 28, 2011 2:00 PM**

**Adams:** City council will come to order. [gavel pounded] today is thursday, april 28th. We're in afternoon session. We have one agenda item. Karla, would you please call the roll. [roll call]

**Adams:** Quorum is present and we'll proceed. Please read the title for the resolution.

**Item 418.**

**Adams:** If we could have the chief and ellen come forward. This --

**Saltzman:** A point of order.

**Adams:** We're going to do a substitute.

**Saltzman:** Oh, a substitute.

**Adams:** Just getting to that. There's a substitution that has been circulated. Both publicly and to the city council and I move the substitution.

**Fish:** Second.

**Adams:** Moved and seconded. The substitute will serve as the basis of the hearing today, if it's approved by city council. Karla, please call the vote on the motion to substitute.

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

**Adams:** Substitution is approved. [gavel pounded] I want to thank my colleagues on the city council for their engagement in this process and contributions to the efforts and would I like to detail a few highlights of there are work. Commissioner nick Fish who it helpful to me and ellen and the chief and others in setting out the initial framing of this issue in terms of our responsibility to help prevent and investigate terrorism while simultaneously protecting civil rights and civil liberties and keeping Portland an open and inclusive society. To commissioner amanda Fritz who helped put together, was the architect of much of our outreach efforts. We had a town hall very well attended including small group discussion that allowed folks to not only during the large group portion of the process, sort of express overall concerns and hopes and questions, but in the smaller groups be able to spend time talking about them. I appreciate your contribution.

Commissioner Saltzman, who has had long experience on this issue, as a senior member of the city council and has put forward his concerns in straightforward fashion in the various iterations of the document. I think -- in the various iterations. And as we've tried to figure things out and learned something new, it gets revised and then commissioner randy Leonard, who was here for the '05 resolution and has been very helpful in of the latter part of this process in putting together language that was a refinement on the earlier draft and helped people come together. So these folks up here, where it doesn't mean they're going to vote yes -- doesn't mean they're going to vote yes or no, they've been part of the research of the policy before you and I want to express deep appreciation to mike reese and his team of doing the great work every day, keeping the peace in the community and good on policy and I really appreciate your deep involvement in this. And finally, to ellen, who has been a project manager, working with my staff and antoinette edwards and, ellen, it's been a full-time job for you for a while and I think I speak for the entire council when I say thank you and the commitment of getting informed answers as best we can. We're very grateful. So that's where we're at today. This concludes the -- or potentially concludes about a four and a half month process. And with that, we're going to get right into the explanation of what's before us. Hear

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comments from chief reese and we've invited up dwight holton from the u.s. Attorney general and then andrea meyer from aclu. And we'll take folks with kids and anyone that needs special attention and go right to testimony.

**Ellen Osoinach, Office of City Attorney:** Good morning, mayor. Members of city council. My name is ellen Osoinach and i'm a deputy attorney general in your city attorney's office. I've began working on the assessment of the city's working relationship with the fbi joint terrorism taskforce and i'm pleased to walk you through the mayor's resolution. I would like to begin my thanking my boss, linda meng for giving me the opportunity to work on this project I want to thank each of you on the city council and members of your staff who have been incredibly helpful and the time and energy you've devoted has been inspiring. The resolution before you represents the culmination of months of hard work and complex negotiations. The good faith and good humor of dwight holton, the u.s. Attorney general for Oregon were invaluable and I cannot thank him enough for his dedication. And andrea meyer, the director of the aclu, provided insights that made the process better throughout and i'm grateful for her work. Now i'd like to walk you through the substitute resolution 26 paragraph. The first six or seven things are the preamble. And the first paragraph is an acknowledgment of the fbi's mission to prevent, investigate and respond to terrorism in the united states. A lot of people have been curious and concerned and wanted to understand what we mean when we say terrorism. And what we mean is a federal criminal law definition and it is -- two components. One, there has to be a criminal act dangerous to human life and there has to be the intent to influence government policy or affect the conduct of a government using intimidation, coercion and violence. And we also wanted to give an explanation what a joint terrorism taskforce is. And in the most general terms, the fbi's local unit -- they've chosen to share and coordinate their resources with state and local governments in responding to terrorism. This paragraph is an acknowledgment there are many cities, most cities enter into a memorandum of understanding with the jtff but the city of Portland will be cooperating with the jtff according to the terms of this resolution. The Portland police bureau, this is an acknowledgment they have a role in protecting lives and property and rights of all people and they do so frequently through collaborative partnerships with the community and other agencies. These next couple of parts of the preamble are an acknowledgment on our part that the city council, the commissioner in charge and the police chief are really always attempting to balance and prioritize and allocate the use of their resources in responding to critical crime prevention and that's a big part of their mission and it's -- it's hard work to prioritize those things. And part of the way that the city sometimes allocates those resources is to share and coordinate information with other agencies. And finally, we wanted to set out the city's understanding of the accountability of ppb personnel, they're accountable to the police chief and commissioner in charge for carrying out the city's policies. The policy guidance that has been the thread throughout this work has been -- has been in the policy statement, the city wants to prevent and investigate acts of terrorism and promote civil rights and civil liberties under united states and Oregon law and promote Portland as an open and inclusive community. In working with the jtff, the police chief is going to be regularly consulting with the fbi special agent in charge in order to determine how to rebalance and allocate resources and determine whether or not there are aspects of jtff work that can benefit from our participation. Accordingly, the police chief may assign officers to work with the jtff on an as-needed basis and that determination is made by the police chief in consultation with the commissioner in charge of the Portland police bureau. In addition to regular briefings and that refers to the -- these law enforcement term, roll calls. Briefings that members of the squad receives, sometimes weekly, sometimes daily. It's variable so we refer to them as regular briefings and in addition, the police chief is going to participate in the jtff executive committee meetings which occur approximately quarterly and that ppb officers are

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going to work on jttf investigations of suspected terrorism that have a criminal nexus and to be particularly -- it's important to stress this point, that in situations where the statutory or common law of Oregon is more restrictive of a Portland police bureau officer's investigative methods than the ppb officer working on an jttf investigation shall conform it to the requirements of Oregon statutes common law. This is a notification provision. That tells our officers if you're working with the jttf, you need to notify the fbi, especially the special agent in charge and the police chief if there's a situation that arises they're asked to do work that could be a potential violation of Oregon 181.185 and -- 181.575 says a law enforcement agency shall not collect or retain information about a person's first amendment taste activities unless there's reasonable grounds that the subject of the information is or may be involved in criminal activity. And 181.850 restricts the use of work law enforcement to investigate immigration offenses. This is a clause that we haven't seen in previous agreements. And one that specifically gives a nod to the fact that the city attorney we provide legal advice to ppb officers and in situations where the officer is unclear whether or not the more restrictive methods authorized under Oregon law would prevent them from doing something that they need to be able to seek legal advice from the city attorney and that's what this paragraph does.

Of course, the fbi has disclosure requirements and this is an acknowledgment that if the fbi has classified information that we need in order to give legal advice to the officer, that the chief will ask the fbi to have a signed non-disclosure agreement and if that doesn't or can't happen, we'll notify the police chief and commissioner in charge. This part of the resolution is an acknowledgment that the work of the jttf extends outside the boundaries of the city of Portland. And can encompass nationwide investigations and that the city acknowledges that and authorizes the chief to assign officers to work on investigation whether or not they're based in the city of Portland. But want to stress again that regardless of where the officer is operating that the restrictions and investigative methods must conform to Oregon law. These are talking about management, these next couple of paragraphs. And this is the city's policy statement that the police chief will seek clearance at the top secret compartmentalize information level. And the commissioner in charge of ppb will seek a clearance of the secret level. This paragraph really is important on an operational level because you can't have two different lines of supervision and attempting to make this clear. So let me make clear what the resolution means, in this paragraph, the special agent in charge or designee is going to supervise and direct the day-to-day work of the ppb, but non-jttf officer, they'll be under the supervision of the Portland police bureau. And this is a reporting requirement that says the police chief by the end of January every year will provide a report with appropriate public information to the city council and the public on the Portland police bureau work with the jttf including information regarding its compliance with Oregon laws and this is a continuity provision, within 30 days after a change in personnel that -- and the commissioner in charge in charge of the police bureau, the u.s. Attorney for Oregon, the commissioner in charge is going to meet with those folks to make sure everybody understands our resolution. This is another reporting requirement. The officer of the city attorney is going to confer with the office of homeland security of the attorney general and determine in writing whether there's any changes in the past year that would preclude frustrate working with the jttf and we've highlighted some of the most relevant provision, including the protection against compiling information. The city council also is directing the police chief and commissioner in charge to request regular briefings from the fbi special agent in charge and we said at least twice a year on the work of the jttf. And that's the police chief and the commissioner in charge can be familiar with the terrorist threat this is the Portland area and be able to manage the local public safety issues. Another oversight piece, the council is directing the chief to assign a ppb supervise to the jttf any time a Portland police officer is assigned that the office of the city attorney will give annual training to officers who work with

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the jtff. This is a provision that directs the Portland police bureau to adopt publicly available administrative policies and procedures consistent with the resolution. So they'll have operational policies. And finally, the provisions of this resolution are binding city policy. Can't be changed until we have another open hearing and the city council ratifies any changes. The last section is referring to the 2005 resolution and superseding it.

**Adams:** And before I ask the chief to make remarks for my colleagues on council, i'd appreciate it if we could hear from the chief and also ms. Meyer and mr. Holton and bring them back up for questions after that.

**Osoinach:** Thank you.

**Chief Mike Reese, Police Bureau:** I want to thank mayor Adams and the city council for the time to provide testimony today and the thoughtful process we've been engaged in regarding the issue of public safety and our partnership with the federal bureau of investigation. This process has given members of the community and stakeholders the opportunity to voice their opinions and provide count city council with important information to help discern a course of action. It's clear from information provided to council and past criminal investigations that our city has had individuals and organizations engaged in terrorist operations. The negative impact the safety of our community and the safety of our nation. My concern today is that we're currently not at table with other law enforcement partners in the jtff. As information and investigations are discussed, we're not a party to those discussions. Aspirational plans are developed and implemented in our city, we're not at the table. If an operational plan is developed for surrounding cities such as beaverton and gresham, we're not at the table. This is a disservice to our community and not in the best interest of public safety. The Portland police bureau is the largest law enforcement agency in the state of Oregon with resources and personnel and expertise that may prove invaluable in the investigation and prosecution of terrorist organizations intent on causing community harm. We know our community, and we have developed positive relationships with many of the stakeholders who have testified to council on this issue. That knowledge and those relationships have helped us in the past to better guide and influence the investigative processes of our federal law enforcement partners. The fbi will continue to conduct terrorist investigations in our city, whether we're at the table or not. Our participation in those discussions allows for local oversight and provides for a local examination of jtff investigations. Legitimate questions have been raised about privacy rights and public safety as law enforcement conducts investigation into terrorist activities. I believe that constitutionally protected rights and public safety are not at opposite ends of a spectrum or mutually exclusive. It's our duty as police officers and a community to be vigilant regarding both of these. I am also concerned some people in Portland will see our participation in terrorist investigations as threatening. Relationships between the community and the police are built on trust and we have worked diligently to build positive connections with communities that feel particularly impacted by these types of investigations. At a recent public meeting on the jtff, a person remarked that the police bureau and arab muslim community relationship was exceptionally strong. I would hope as we move forward, those communities will give us an opportunity to show we continue to be trustworthy and capable of protecting the community and individual privacy rights. I believe we have an opportunity at this critical juncture to improve our relationship with our federal partners and the community. This resolution allows the Portland police bureau to participate with the jtff in a collaborative manner where we're at the table, attending roll calls and briefings and meetings where cases are developed and investigations discussed. That keeps us in the information sharing loop which is exactly what most expect from law enforcement agencies. This provides for an local oversight into how and when investigations are opened. And lastly, when approved by the chief of police in consultation with the commissioner in charge of the police,

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resources from the police bureau may be allocated to investigations on an as-needed basis. I would ask your support of this resolution as we move forward.

**Adams:** If you could stay nearby. Mr. Holton for those of you who joined us late, the protocols of the room are to make sure that everybody feels comfortable speaking their truth. And that might or might not fit well with anyone else in the room. No clapping or cheering or hissing or boos. If you don't like something, you're free to do this, but otherwise, I would ask you to facilitate. Having their time at the microphone. Welcome.

**Dwight Holton:** Thank you very much. I have also a letter from attorney general kroger and trying to get this printed for you. It's on my blackberry and it's short, and if need be, i'll read it.

**Fritz:** I want to say it's great you brought your daughter to work today.

**Holton:** It is bring your child to work today and she and I began the day, along with my son, on doing a radio show and it's been fun. And i'll remark that she likes your pink suit at the risk of pandering.

**Adams:** What's your name?

**Holton:** Fiona.

**Adams:** Glad you're here.

**Holton:** The first thing she said to me, "i like the pink girl." [laughter] I asked my assistant to send over the letter, I didn't want to take anyone away.

**Fish:** Do you want to email us the letter from the attorney general?

**Holton:** I will. I mainly want to thank each of you for your leadership. As we've discussed this issue over the last four or five months, I have been struck at every turn at the commitment of each one of you to getting this right and to meeting our twin responsibilities of protecting people and respecting and enforcing civil rights and I mainly want it thank you. It's interesting to me, this is my first experience with city hall politics in any way, and my first in depth experience and it's interesting how each of you contributed in very -- and each in different ways. Commissioner Saltzman, you were there at the beginning of the process, and asking for a prompt consideration of it. Your position has served almost as a gravitational force in my view. To help pull the document to where it is now and to get it somewhere that is workable for us and achieve the other important goals that others on council have had. Commissioner Fritz, you helped me connect with members of the community and this served two important purposes. I'm out in the community a lot but you helped to connect me with places I haven't been before. One, I think I did my best to dispel myths about what we do. But more importantly, I better understand concerns of the community and I think that helped me equip me to better provide input to draft the document in a way that helped to address the concerns. Thank you for that. Commissioner Fish, you have asked the right questions of me and others in this at every stage. It's uncanny. I think it is a -- probably due to your experience as a leading civil rights lawyer in the past and labor lawyer and it's -- when you ask questions like that that make people like me sit back and think how we have gotten here, and what's wrong and right, it's a tremendous service to the process. I appreciate it. Commissioner Leonard, from the beginning, I think people have failed to grasp how close you and I are substantively. Both committed to getting this right. You brought very much to the table. One key thing was a -- new for me, was a steadfast concern about resources. You don't want ppb officers sitting around watching a fax machine for leads or getting coffee for the big fed. I respect that and understand that and that's why question put that criminal nexus language in the document and as i've told you privately, i'm committed to make sure we honor that desire. As you've said to me many times, you've got burglaries and rapes and gang activity that you need people working on and we'll respect the other priorities that the ppb has as we try to incorporate them in our efforts. Last and most important, mayor Adams, your leadership from the outset has been tremendous. Literally and in

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every other way, true, but for your leadership and your commitment to getting to us a place where we do this better, we would not be poised or you would not be poised as a city council what you're going to do today in making Portland safer. It's something you should be tremendously proud of. I have ever etch where I get, cynics and skeptics said it won't get done, it will get lost and you've proved them wrong and i'm deeply grateful for that. Your careful, thoughtful, determined approach got us here today. I appreciate it and applaud your leadership. It's remarkable and you and I -- I remarked to you this weekend about this, five months ago, agreed on parameters that were intended to ensure civility and substance and policy and leave division and politics out and we've done that and I appreciate your leadership. Your efforts here will make people in Portland safer. And I want to thank the people in the community who took part. I also want to thank the folks who have been vocal in their concerns about this resolution and our going forward here. We may disagree on some detail but I share your passion for liberty and for civil rights. In almost every job i've had since I was 15 years old, the first thing I have done on the first day is to raise my hand and swear to uphold and defend the constitution of the united states. My passion for that liberty that's the cornerstone of the way we live is something I share with the opponents of what i'm hoping we can get done today. With that said, i'll highlight a couple of key features of the proposed resolution and then let you get back to work. First, the resolution gives the chief of police the authority to decide how ppb officers will work with the jtff within the parameters of the resolution, of course. Getting this decision out of the political arena is important and both -- bodes well for our future work together. Second, the resolution gets ppb officers back into the daily fabric of the jtff and its work and provides officers will be at our regular briefing and there's important. I think I emphasis emphasized. Having local officers and there wait, we have that vulnerability here or in the converse, to say, that's not a problem here and focus our efforts on things we need to worry about and it's important and i'm glad that is there. Third, when we need officers working cases we'll get them whether it's in the early stages or middle ground or as cases develop further. The mayor and commissioners all made that commitment crystal clear and it's enshrined in the resolution. The fourth, the provisions I consider to be micro management are removed. An earlier drafter had involved -- we wouldn't have been able to figure it out to make it work and it would have precluded officers from taking part in early stages. It's important to note that the resolution includes sensible and effective civil rights protection. It's a core mission for the people at the department of justice and at federal bureau of investigation. 50 years ago, last january, bobbie kennedy was sworn in as attorney general of the united states of america. He made it -- he made enforcement of civil rights a core mission of the department of justice and federal bureau of investigation. And here's what he said a couple weeks after he was sworn in at the university of georgia. Not necessarily a friendly audience. He said was when it comes to civil rights, we'll not stand by and be aloof. We'll move. That is my mission today. It's ours and the fbi's mission and i'm gratified these protections are here. In short, the city's jtff's resolution provides everything that i'd hoped for from the beginning, to get folks back in the fabric of our work and do it for a way that works for the community. I'm happy to take questions. I actually have some stuff going on across the park. The chief of the criminal division, bill williams is here. If you need anything, and I won't leave before you have a chance to ask questions if you have any.

**Adams:** Thank you. We'll leave questions to the end.

**Leonard:** I wanted to say, dwight, having had this experience exactly six years ago of attempting to negotiate a responsible relationship with the federal government and the city of Portland on the use of our police officer, what we quickly realized at council, it was being done in a atmosphere of half hostility and oftentimes anger and fed into some of our concerns. You have -- couldn't have handled yourself more differently. You have from of the moment that I have been engaged, i've

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been clear what my limitations are and you've been respectful, professional, and goal-oriented and I find that extremely refreshing and I think you do the department of justice a huge service in the approach you take. And I for one certainly hope you hang around and can stay as the u.s. Attorney in Oregon. Because I think your approach is collaborative and willingness to find middle ground, otherwise we couldn't be here today.

**Holton:** Thank you, commissioner.

**Adams:** Thank you.

**Holton:** You said you want to wait on questions?

**Adams:** We have one more person.

**Holton:** I can -- i'll slip out and be right back.

**Adams:** Ms. Meyer. Welcome back.

**Andrea Meyer:** Good afternoon, mayor Adams, commissioners. Andrea meyer, legislative director for the aclu of Oregon. I too want to thank the mayor for the work he's done and for his inclusive nature of addressing the aclu's concerns and I want to thank commissioner Leonard who brought with him historic memory of what went on in 2005 and prior to that and to hold us to the standards we set back then and honor it. And I spent a lot of time on the phone and email and professionalism in handling this and I appreciate the earlier time to have the expert panel discussion where our former fbi agent, mike, was able to come out and share with you our perspective. Aclu Oregon is here in support of the resolution but with all due respect, not for the same reasons that the fbi does and with some level of concern and caution. The resolution is the beginning of the conversation, it is not the end. We support it because we believe it builds on the 2005 resolution and is unprecedented. Here are the reasons. First, we're not rejoining the jtff and we're not signing a memorandum of understanding. Required in every other jurisdiction, but instead, officers available only when the chief decides, when ppb resources are available on an as-needed basis in consultation with the commissioner in charge. Only investigations that have a criminal nexus. And only in compliance with Oregon law. These laws include in Oregon the requirement that there be a reasonable suspicion prior to collection or retention of information on a person or organizations political, religious, social, and associational activities. And also limitation in Oregon under our constitutional fourth amendment, search and seizure and limitations on immigration enforcement and others. The resolution includes additional protections that the aclu has urged since before 2005. The resolution provides the same level of security clearance to the chief as his or her officers. Security clearance is going to be given to the commissioner in charge and there's assess to the city attorney for legal advice. That's something that we, aclu, urged from 2000 onward. There's a requirement that officers comply with Oregon law and not only notify the chief, commissioner and city attorney of violations, but also to be able to ask the city attorney if that officer has any questions. Also critical is the training by the city attorney to officers working with the fbi and regular briefings for the chief and commissioner in charge. Finally, in the resolution is the annual report to council and to the public. As I noted earlier, this resolution is not the end, but the beginning. And the annual report needs to be as transparent and detailed as possible. So that everyone understands whether the intentions and expectations of council were honored and what type of work our officers were asked to do when participating in an investigation. With the fbi. We urge that report to include non-confidential details to ensure Portland police bureau compliance with Oregon laws and request police bureau to the attorney general, including a number of consultations and the types of issues and the actions taken as I result of the number of investigations and time and at what stage, the Portland police officers were asked to worked with the jtff. The annual number of hours and officers participating. The number of briefings from the fbi to the police chief and commissioner in charge. And how often terror alert

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information was shared with city officials. In determines how well the resolution works, we also urge the city interview all police bureau personnel work with the joint terrorism taskforce to understand issues and problems, essentially but not limited to compliance with Oregon law. Today, we hope that of the expectations of the council and community are met in a -- in a year, we should have the type of report that allows us to know whether those expectations were met and if not, what the city has or will do to address such deviations. But aclu has concerns, as we always have. Most of us in the room understanding there's much sunlight between what the fbi can do under the u.s. Attorney general guidelines and what our officers can do under Oregon laws. Indeed, this resolution attempts to recognize and address this most important issue. And we're pleased we're not joining the jtff or signing an mou deputizing our officers and in light of the recent revelations that the fbi and san francisco police department has operating with the secret mou that authorized the san francisco police department to ignore california privacy laws. That's very troubling and we look at this resolution as what the city is saying it expects, it's not a document to witness fbi, the u.s. Attorney or the federal government is a cosigner. The rope we urge that Portland police officers only work on full investigations rather than assessments is that when the fbi engages in assessments and preliminary investigations theres no requirement that the person or group being monitored or maybe engaged in criminal activity as required by Oregon. Assessments only require a authorize purpose but not any factual nexus. Preliminary investigations can be opened on limited information. Expression of subject and it is an easily attainable and speculative standard. Neither of those standards comply with Oregon law. To put it in context, a real life example what's allowed by the fbi. The only difference it happened in pittsburgh, but i'll put it in Portland. This is the day after thanksgiving, and a well established Portland peace center holds an anti-war rally on friday. An fbi agent in the Portland fbi office at the request of his supervisor but no suggestion that anyone is connected with terrorism. No phone calls with a tip. That agent decides to go to the event, collect material and take a photograph of a woman who appears of middle eastern descent. He returns to the office and conducts a internet research and writes a report along with a photograph of the middle eastern woman and filed for permanent retention. Under the 2008 attorney general guideline, every single action of that fbi agent is legal f. Attending the event, collecting information, photographing a woman based only on her appearance and political activity and doing more research and filing it in a fbi filing system. Anyone who understands Oregon law, including ors 181.575, knows that this does not comply with Oregon law, requiring a Portland officer to have reasonable suspicion that the person being subjected to surveillance and collection of information was indeed involved or may be involved in criminal conduct. We believe that our chief of police, our commissioner in charge and our attorney general understand the -- our city attorney understand those differences and will work diligently to ensure our officers do not participate in those types of activities. Because it's not a question of if, it's a question of when our officers will be asked to engage in investigatory activity the in violation of Oregon law. We hope with the appropriate training, not on just on Oregon law, but the minimum criteria necessary to engage assessment and preliminary inquiries we'll equipment our officers to ask the right questions so they can report it up the chain of command and refuse to assist. One last note about the department of justice guidelines. They allow for the fbi to identify locations of concentrated ethnic communities if those locations will, quote, reasonably aid the analysis of potential threat and vulnerabilities and overall assist domain awareness for the purposes of performing intelligence analysis. You'll hear from the survivor of a world war ii japanese internment camp. The current fbi ethnic mapping is not much different, except it targets a different group. This resolution attempts to create the necessary protections for our officers and Portland residents and workers and visitors and we urge its passage but urge you to convey our expectation

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that our officers will refuse to participate in activity that abuses or civil liberties and rights and they're inconsistent with the values of Portlanders and in valuation of Oregon law and the Oregon constitution. I appreciate your time today and happy to answer any questions now or at any time. Thank you.

**Adams:** I just want to, in the spirit of commissioner Leonard's comments for mr. Holton, I want to thank you for your extensive dedication of time and resources, not only yourself but of the entire national ACLU and doing the fact finding and research and the policy issues and in the practices and what's actually happened. It's been extraordinary and I know during the same time period, you've lobbied on a number of important issues in Salem. Thank you very much.

**Leonard:** Can I add to that. I find in this example, you do state for the community and I got on the wrong time of Andrea, but on the record, you're speaking -- you're spoken clearly for the community throughout discussions with the mayor and others and just as the needed quality of being able to find a middle ground and compromise, you did too, but never letting the goal be lost and that's protecting the rights afforded to us, not just under the U.S. Constitution, but Oregon's constitution, which has the broadest free speech provision in the United States of America and that's something we need to keep hearing over and over in these discussions because some of us who believe in those things, in the middle of these discussions with all of the things that come at us, we lose sight of the goal and I've oftentimes observed you being one attorney by yourself arguing against a myriad of equally qualified attorneys on the other side and held your ground. And I respect that.

**Meyer:** Thank you, I appreciate that.

**Adams:** With the forbearance of council, I'd like to hold questions and answers until Mr. Holton comes back. Is he back? Just in time. I'd like to get to some of the public testimony. He can listen to that as well and then we'll take a break and then come back and have Q and A. But we've got a lot of people waiting and trying to move the public process along here. I'd ask you limit your testimony to two minutes. If you have absolutely rock solidly prepared for three, we'll let you have three. But we want everybody in here before everyone gets exhausted sitting here. Brevity is appreciated.

**Saltzman:** How long will we have questions, Q and A.

**Adams:** Probably 20 minutes and then we'll break and then we'll come back for Q and A with our staff.

**Saltzman:** Will it work with our U.S. Attorney? [inaudible]

**Holton:** I'm supposed to -- [inaudible]

**Adams:** If you could stick around or come back in 20 minutes, that would be great. Thank you.

**Adams:** I've been keeping the public waiting too long on those hearings this week and I'm trying to improve my facilitating here. Can you please call from the list.

**Adams:** Welcome. If you're a lobbyist or organized to speak on behalf of another group, as their spokesperson, please declare that as part of your introduction. Begin.

**Dan Handelman:** Good afternoon, Mayor Adams, City Council, I did prepare at least five minutes and hoping I can get three out of you.

**Adams:** I will give you three.

**Handelman:** We at Portland Cop Watch appreciate the city's relationship to the joint terrorism taskforce and think the current resolution is too vague how often police will work with the FBI and needs to strengthen oversight provisions and encouraged by some outlined in our written testimony which I've passed to the clerk, the main concern that the police commissioner, being an elected official, will not have the clearance as the chief and other officers under his command and we strongly supported the city's original plan to otherwise only work on cases that reach the full

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investigation stage rather than in the speculative realm and preliminary investigation. It's discouraging that attorney general holton -- the human rights commission in january that they could write any agreement they wanted -- inserting language about a criminal nexus not defined in this resolution and we're not lawyers, we've heard of reasonable suspicion and probable cause but we're worried that a criminal nexus will lead to investigation of people, suspected or convicted of crimes and result in guilt by association. Other concerns about the new draft that was released on wednesday or tuesday night, was the paragraph requiring the fbi to notify the police commission about substantial terrorist threats is gone. We're concerned about the three to five Portland officers applying for security clearance and attending daily briefing. Which flies in the face of the cooperating on a day-to-day basis and the inherent danger of working with the fbi and their raids with the joint terrorism taskforce in the midwest this summer at the homes of solidarity activists. Labor, state, management, environmental and peace groups among others which sounds like the list that the fbi has a history of surveilling and our organization was spied on at least twice. Judge michael marcus, known as the squirrel v. Moose case, what possible activity could there be in advocating for the police review board. To ensure compliance with the Oregon law, since you can't trust the police to stay want law, it's double important that the oversight exists if they work for the jtff. I was on pioneer square. The thing I was upset about when I heard about the plot, I understood that the police were blocking the streets -- were blocking --

**Adams:** Your time is up, sir.

**Handelman:** I understand the fbi roped them into a publicity-driven sting operation.

**Adams:** Thank you Mr. Handelman.

**Brandon Mayfield:** Thank you, dan, and actually thanks for being here and I want to reiterate what U.S. attorney general dwight holton said that I think a lot of thought went into this draft of a resolution or the new resolution, I think you've done an outstanding job in trying to balance the things we're trying to balance and that's civil rights. Civil liberties and security. My criticism is to use the example dan used, pioneer square, the police were involved in terms of parking and that's operational. But this is after the fbi established in the case of mohamed mohamud, that was he was engaged in criminal activity. At what point did they make that determination, it's hard to tell. But in the affidavit, initially, they had a court-authorized order to surveil him and the first telltale signs of criminal activity, he was in contact with someone in Oregon, who was in pakistan and he was a suspect because of what part of pakistan he was in, an area known to harbor terrorists. Not that he's a terrorist himself. And the standard we would have to follow under Oregon law. The -- another thing, the reason here is because of mohamed mohamud and the so-called christmas tree bombing. There's a number of reasons, but if my arrest had something to do with that, let's look at my arrest as well. At the stage the government arrested me, there was a memo from the local fbi to the california fbi unit saying we don't have new information to indict mr. Mayfield. In other words, they didn't have probable cause I committed a crime. That's why you were concerned. You, mayor Adams, and tom potter at the time, let's look at jtff and our involvement and i'm still concerned this resolution goes far but not far enough and you have to make a distinction between a cooperation, collaboration and investigation. And I agree we should be corroborating and sharing information that's been legally obtained but you can't share information and can't collect information in Oregon that doesn't have a reasonable grounds or suspicion that the suspect is or may be involved in criminal activity. This doesn't really address that. My biggest concern, the fbi and police have two different functions. Doesn't mean we can't cooperate together. Fbi investigate -- it's a federal bureau of investigation. And even though we're twins, we're not identity twins and i'm still concerned there will be potential violations if we get officers involved at the preliminary investigative stage and yet there still hasn't been established the criminal nexus and that's

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something that I think you, mayor Adams, had addressed originally in your draft, you wanted to say we get involved in a full investigation and I applaud you for your foresight to address this concern I have. As it stands now, i'm not sure we still address that. However, it's my -- I don't know if you're going to adopt it or not. I would suggest you don't. It's not clear to me. Someone said we're joining the jtff, rejoining, I don't know if we are or not. That language was stricken and I think commissioner Leonard, you wanted to keep it in there.

**Adams:** I let you go over two minutes. I appreciate your being here and I appreciate your comments.

**Mayfield:** Can I make just one more comment? My suggestion would be on the nexus, to say a direct nexus. Because that would mirror the language of our statute. And also, let the attorney general get a secret clearance as well. I was in the military, that would make sense.

**Fritz:** A clarification, mr. Mayfield, thank you for your leadership and participation in this process. You came to a town hall in january, that was helpful. If we make that change with the direct nexus, would you recommend adopting the resolution?

**Mayfield:** I would say that's better -- it's better you have the direct nexus to make the language more specific and allow the city attorney to have a secret clearance as well. I'm supportive of it because it's better the officers have guidelines than no guidelines. Let's allocate our resources elsewhere, but if you're going to, this is a good job. A good job for everybody involved and particularly andrea meyer with the aclu. I agree with her concerns.

**Fritz:** Thank you.

**Adams:** Thank you for being here. Sir.

**Henry Sakamoto:** I'm henry, thank you for the opportunity to speak to you. I'm vice president of the Oregon endowment, informing the public about the japanese incarceration experience during world war ii and a member of the national civil rights organization and i'm testifying today on the issue of the city of Portland joining the joint terrorism taskforce. The citizens of Portland must be assured that constitutional and civil rights are not violated. The protection of these rights is best assured by the oversight and audit and enforcement activities at both national and local levels. Our japanese-american organizations sponsor a day of memorial. Or on about february 19th. On that day, during world war ii it. 9066 executive order was signed and it was the first step of 120,000 persons of japanese ancestry from their homes on the west coast of the united states in violation of the united states constitution. The incarceration involved detention behind barbed wire fences and patrolled by united states military personnel. Had there been objective oversight of enforcement activity, at that time the incarceration of persons with japanese ancestry might not have occurred. Hours after december 7, 1941 when japan attacked pearl harbor, on that evening, the fbi, working from preprepared lists visited residences of people of japanese ancestry and arrested and detained leaders of the japanese community and that activity followed the rest of that week. Subsequently, exclusion orders under executive order 9066 were posted in neighborhood where's the japanese population lived and the curious thing is it was suspected that in order for the fbi to visit the residences of japanese community, during the week of december 7 and also in order to post the exclusion orders in the japanese neighborhoods, they have cooperative information from the bureau of census, which was a violation of that particular law. So -- thank you very much.

**Adams:** Thank you, sir, very much and thank you all. Next three.

**Adams:** Welcome back to city council. Ms. Bowman, would you like to begin?

**Jo Ann Bowman:** I'd be happy to. Good afternoon. For the record, i'm joann bowman on behalf of the albina ministerial alliance for justice and police reform. If I had three minutes, I would tell you how great the work you're doing behind the scenes but since I don't, i'm cutting that from my presentation.

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**Adams:** Oh, no:

**Bowman:** I really want to applaud the work that has happened. I know there was a heightened sense of fear created after the thanksgiving day alleged attempted bombing and we could have acted based on that fear. And I think what we're doing today is acting on a very thoughtful engaged conversation and dialogue with a lot of community members being involved. Having said that, I have a couple of concerns about the ordinance you're about to vote on today. My primary concern, as raised by a couple of other people, is the fact that the police chief will have a higher security clearance than the police commissioner and that doesn't seem to make sense that the boss wouldn't know more than the person who reports to the boss and I think that's a real concern. I'm also concerned that that power is placed in the hands of one individual. Regardless of what you think about the current police chief, the current police chief won't always be here. That means any police chief will actually make a decision about how engaged and involved we would be in joint terrorism work. I think that's a mistake. I would rather have my elected leader, if they did something I didn't like, then I'd have a recourse, which is to work to get them out of office. Another issue I'm concerned about is Portland police officers have their hands full. We're in a state of crisis in the community. We have issues with the police department and we need more training on how to identify people with mental health issues and gang members and how to deescalate a situation and I think it takes the Portland police away from their core mission, which is to protect and serve Portlanders and then the third point I'd like to make, is that I believe that the city attorney's office does not serve the city council well. Recently they have not wanted information they should have been interested in. And they have -- and they have actually -- they have not provided information when they should have. For example, like hiding the plaques that were in the park. I'm getting concerned that the city attorney, because they're so suit-adverse, they give bad information which ends up costing much more money in the long run and I want to end by saying thank you very much and I think you've done an incredible job of listening to the public and taking into account what the concerns are. But the few concerns I think have are that the police are overwhelmed and should be focused on their core mission, that the police commissioner should be the one from the highest security clearance and I'm concerned with the city attorney and the advice they give.

**Adams:** Thanks Ms. Bowman.

**Fritz:** Just to clarify -- I hear your concerns and I share some of them. Would you and the albina ministerial alliance vote for it? If you were me would you?

**Bowman:** If I were you and I changed it so that the police commissioner was the one with the highest level of security clearance. And the police commissioner would be the one making the decision, I don't understand why the police chief is the one that making the decision and not the police commissioner.

**Fritz:** so if we made that change -

**Bowman:** if that change was made, I think it would be something I could live with.

**Fritz:** Thank you.

**Bowman:** You're welcome.

**Adams:** Sir.

**Thomas Nelson:** I want to share the concern I haven't heard expressed. The effect this will have on the muslim community. I work closely with a number of members of the muslim community and mosque the and done legal work relating to events following 9/11. Right now, I think more than ever, more than a year or two after 9/11, there's a need for protection of the muslim community. Because of the islam-phobia. All you have to do is turn on the television to see it. The Portland police bureau role is to protect and serve and the muslim community need that's

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protection. The city of Portland has spent a lot of time working with the arab muslim police advisory council, which i'm a member, trying to put together a means of enhancing that cooperation. Made a lot of progress. We have a lot of understanding. The concern that I have, frankly, is that there's a significant amount of distrust in the muslim community for the department of justice and its subsidiary. The federal bureau of investigation. I sent you a letter and I have copies. I'll give it to the clerk. I've been involved in four particular individual situations in Portland, starting in 2002 and as recently as now and I think the fbi and doj has fanned the flames of muslim-phobia. If this resolution passes, the concern I have, not the concern I have as a legal advisor to some members of the muslim community, they'll be reluctant to involve themselves with the Portland police bureau. Because they'll suspect the ppb. One example. After the christmas tree bombing -- or alleged bombing, there was a lot of islam-phobia flying around. Including, as we know, a burning of a mosque in corvallis, in local mosque, there was a bomb threat and Portland police bureau members went to answer that threat. I was called in on that because there was a little bit of suspicion then this might be a way of infiltrating. We know that the congregations of the mosques are infiltrated --

**Adams:** I need you to summarize.

**Nelson:** To summarize, basically, if this resolution passes, I think it will have a profound effect on the attitude of the Portland police and the muslim community and the trust they've built up in the Portland police, they'll feel they can't trust them anymore because they won't know if they're there as spies or as first responders. Thank you.

**Adams:** Thank you. Sir.

**Madelyn Elder:** Good afternoon, thank you for listening to my comments. My name is madelyn elder. President of communications workers of america, local 7901. I represent pre-press workers -- and we've been involved with immigrant cab drivers to better their working conditions. At our march 24th membership meeting we passed the following resolution: Move to oppose the city of Portland's efforts to rejoin the joint terrorism taskforce. In our discussion on the resolution, many points stand out, but our position was reached because the labor movement is all about the freedom to gather in meetings or peaceful picture lines without the fbi or any agency turning it into a potential terrorist plot. We have a legal right to assemble and even more, we should not be subject to the fbi's method of collecting information on anyone who participates in our activities. It would have a chilling effect and has in the past on our right to organize, negotiate good contracts and otherwise defend our rights under the national labor relations act. In addition, with the brother and sister here, we believe an injury to one is an injury to all. And in particular, the muslim community. The current resolution we feel does not address our issues sufficiently. And so we respectfully request the city of Portland not join the joint terrorism taskforce.

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

**Adams:** Welcome. We're really glad you're here.

**Elizabeth Pratt:** I'm betsy pratt, president of the league of women's voters in Oregon. Annual report to the council and public, city attorney provided training for bureau members and regularly scheduled meetings among key leaders and when personnel changes take place and requirements that any changes is held in a public hearings will add accountability. We have a few concerns to share. The 2008 attorney general's guidelines give the fbi the authority to conduct assessments without any factual and based on the possibility of criminal activity. The department of justice, office of inspector general state that the possibility of criminal activity is easily attainable and speculative. We support limiting our officers to investigations in which there's a reasonable suspicion of criminal conduct as required by Oregon law. The 2008 guidelines loosens the limitations on the retention of information related to attendance at public meetings. Clearly, a first

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amendment activity. Oregon law prohibits retention of these, by restricting our officers to investigations with a criminal nexus. The league encourages additional oversight of the jtff activities and the current draft relies on bureau members to report potential violations of Oregon law, asking the officers to monitor their own actions lacks suitable mechanisms for accountability. We would like the attorney general review the jtff files created and any in violation should be purged. There's questions why Portland is engaged in repeated public debate about participation, it's due to the fact that council is responsible for both legislative and administrative functions and city contracts appear on the council agenda. This provides a level of transparent, highly valued by Portlanders. Thank you for the opportunity to comment.

**Adams:** Thank you. And thank you for modifying your comments.

**Chani Geigle-Teller:** Can I respectfully request three minutes?

**Adams:** For you, yes.

**Geigle-Teller:** Thank you very much. Thanks so much. I'm here with sisters of the road. We're committed to creating a culture of safety and respect for all. To work for nonviolence we must work to end the oppression that keeps members of our community struggling for dignity and safety.

We oppose any increased contract with the joint terrorism taskforce. History shows us the federal government has created many systems that allows the fbi to work with local police to spy on and harm individuals working for justice. Broken up families and communities and murdered activists who are threatening to power. The most violent has been inflicted on people of color. Infiltrating the students for democratic society, the american indian movement, the naacp and even dr. King was followed by the fbi. In 2002, the tribune published a article that detailed that city funds were used to spy on citizens until at least the '80s. For doing honorable, non-violent civic work. The people's food co-opt and even sisters of the road. During the '90s -- the fbi programs allowed for these attacks on our community are continued through policies such as the patriot act and homeland security. In december, under the direction of u.s. Director patrick fitzgerald, nine new subpoenas. These activists are experiencing this now and threatened with imprisonment, these cases are not exceptions. We know that every day, people of color, muslim, immigrants, peace activists and labor organizers are monitored and imprisoned and tortured by our government and harmed and death inflicted on our communities by the Portland police. We've worked hard with other community organizations to create transparency. Working with the jtff is a huge landslide backwards from all we've gained. Our communities carry the burden of the history laid out here. Still, we work together to organize a society where our basic needs are met and civil rights are respected. Because we're actively resisting the status quo, we'll be targeted and we expect our local leaders to work on our behalf to make it a challenge for the fbi and other oppressive system, no daily briefings and no fbi monitoring our movements and no jtff in Portland.

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

**Ashlee Albies:** I would request three minutes.

**Adams:** For you, yes.

**Albies:** Thank you. I'm ashley, the co-chair of the national lawyers guild, a progressive organization whose members work for social justice and legal rights. And to witness fbi director were named defendants and program declared to have violated the law by a federal judge in california. We welcome that Portland police officers and strongly urge and request this council ensure the report is accurately and overly inclusive rather than secretive and ms. Meyer set out content and we support that. We have serious concerns about the fbi using local police to gather intelligence on lawful activities. The fbi has a long history of violating civil rights and I think it would be a huge mistake and naive to presume this is the thing of the past or ended with the bush administration or that the u.s. Attorney general in Oregon has an influence over the national

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practices of the fbi. A recent inspector general report demonstrated there's ongoing civil rights abuses by the fbi and they're acceptable and occurred during low-level assessments which our Portland police bureau may be asked to participate in and allowed to participate in. The wire tap program was a bush-era program -- condemned that program as illegal. There's also recent issues of andrea meyer mentioned in san francisco. We can't support allowing members of our police department to snoop for the fbi. There's high potential for violations of Oregon law which requires reasonable suspicion to investigate crimes and allowing the fbi to use Portland police for gathering intelligence in our community would undermine ors 181-575. We won't tolerate any investigation of anything other than criminal activity. The fbi has no such restrictions and its guidelines are broader and they were expanded under president bush and remain expansive under barack obama. The fbi has investigated activity unregulated to criminal activity and this resolution would allow members of our police bureau to do the same. We are concerned -- if there's an issue that a Portland police bureau has concerns, they can go to the city attorney but they may not have assess - - to grant the city attorney information and we strongly support if that information is denied, they be pulled from the jtff.

**Adams:** Thank you. We'll take one more panel and then we'll have a break and come back and have some discussion and questions from the city council to -- for anyone they want to bring forward. The next three.

**Adams:** Good afternoon, mr. Kafoury, how are you?

**Greg Kafoury:** The Portland police should not join with the fbi. With some honorable exceptions, the history of the fbi has been more that of a secret police than a law enforcement agency. They denied the existence of organized crime. In the 1950s, the fbi was at witch hunt against leftists. Unions, the artistic community were left broken and humiliated. The film industry lost dalton trumbo, john garfield. Hollywood was so intimidated by this era of betrayal, that the most controversial movie of the 1950s was "pillow talk." jay edgar hoover decided who would be the next great black leader in america and the leading voices were targeted. The fbi efforts to destroy martin and malcolm have been extensively documented. In city after city, the fbi organized murderous police attacks on black panther headquarters and came to an end when seattle's mayor blew the whistle on them at a press conference. The program of the 1970s and '80s -- burglaries and black bag jobs. 1980, the ban the bomb, the struggle against nuclear power and even the quakers were spied upon and infiltrated. In the last decade, what new york magazine in december of last year described as the only participants -- Portland does not have true political control of our police force and the idea we'll maintain civilian control of our officers once they're in the fbi fold is difficult to take seriously. Portland should say no, the heights we've seen and the manipulation and say no to the fbi. Thank you.

**Adams:** Thank you, mr. Kafoury. Hi, welcome.

**Saba Ahmed:** Thank you. Mayor Adams and commissioners. My name is [inaudible], i'm a board member with the Oregon league of minority voters, Oregon's muslim citizens appliance and the islamic society of greater Portland. We have faced several challenges over the past 11 years i've been here. The recent christmas tree bombing was one incident that brought lots of hate crimes that followed that incident. Our perspective has been that the fbi and the law enforcement, they have kind of used these terror tactics to incite a violent situation. There were women whose scarfs were pulled off here in Portland and numerous hate crimes. The mosque burned in corvallis. We're strongly urging Portland city council not to rejoin the joint terrorism taskforce. We understand the -- the compromise that's been made with the aclu in order to recommend our interests, but we do feel our interests are not served by the fbi and the resolution. And we would continue to just ask you guys to consider us and work with our community, we haven't been as

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involved in the legal process, but we'd like to work with you, you represent us, you're constituents in your district and the muslim community here in Portland has been growing exponentially over the years, and continue to grow and we want you to take a cautious vote.

**Adams:** Thank you.

**James Daraja:** I'm james, a victim of fbi jtf activity. Activity that's kept out of press and kept out of court. Activity that at present, functions as invisible human rights cases in the united states. The things you've heard so far this afternoon about past fbi activity continue to the very present. I'm a political refugee returned to the u.s. in 2002 after having refused to give asylum to me and my child. We're not foreign born, we're u.s. Citizens set upon by the federal government because of my expression of political dissent agency a university student and professor. The persecution we fled included federal quality of life disruption, ongoing covert entry into our home, theft and destruction of personal property. Placing harmful chemicals in our home and manipulation of our medical care. I'm still suffering from the manipulation of medical care but can't seek needed treatment without fear of further harm. The u.s. Department of justice is aware of our case and given no reply. In 2002, the federal government arranged the parental abduction of my child in order to force us to abandon our claim for refugee status and from being heard in open court. Although child abduction is a federal offense, u.s. Courts and fbi and department of justice refused to intervene. We're excluded from the protections of constitutional law as well as international law. This process of exclusion, which we've recently heard of in the Guantanamo case is an fbi process used throughout the country and used to set aside persons targeted --

**Adams:** Sir, could I have you summarize your point?

**Daraja:** Yes, absolutely. Thank you. To summarize, the concern with civil and human rights in this instance is especially acute since these activities not only violate Oregon law, but violate the constitution and violate international law. These are offenses that are routinely carried out by the fbi that amount to crimes against humanity.

**Adams:** Thank you. If we can -- if you would please -- you can talk to Emory, on my public safety peacekeeping team to see if we can help you, sir. All right. It is -- it is now 3:31, we'll take a recess and reconvene at 3:41. [gavel pounded]

At 3:31 p.m., Council recessed.

**Adams:** If I could have my colleagues return to the council chambers we will come back from recess and miss Ellen if you could have a seat and police chief Reese.

**Adams:** So if Ms Meyer and Mr. Holton would stand by we'll start with council questions with miss Ellen and chief Reese. As soon as I get a quorum, one more person. We sent the sergeant of arms to collect them. Mr. Woboril, your standing by in case we need you. Some of the best legal minds, and peace keeping minds, in the united states are assembled in this room. Civil rights experts. All right. City council is back from recess. We'll have a period to be determined for council q and a. Commissioner Amanda Fritz.

At 3:44 p.m., council reconvened.

**Fritz:** Thank you for the city attorney. What's the difference between this resolution and what other cities have done in participating with the jttf?

**Ellen Osoinach, Office of City Attorney:** Thanks for the question, commissioner Fritz. In my review over the last several months, almost all other cities enter into a memorandum of understanding with the fbi and it's a document that -- that was drafted and --

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**Fritz:** That the fbi has drafted?

**Osoinach:** Right, and it's called a memorandum of understanding. And it has lengthy terms and that's how other cities have joined, for lack of a better word. Though, I think joined is politically loaded and not accurate way to describe any city's participation but the mou is the way most cities frame their relationship with the joint terrorism taskforce.

**Adams:** And program note, i'm going to let every commissioner have a sustained period of time for questioning and so the floor is yielded to commissioner Fritz.

**Fritz:** So what are the differences between our resolution and what would be in a standard memorandum of understanding?

**Osoinach:** There are a couple of major differences. The first being that a memorandum of understanding is 2 parties enter into it and 2 parties sign it. So that's different. This document is a conversation the city is having with itself, and its police bureau to define how it will interact with the jtff, so that is very different. There are probably too lengthy of an answer to go line by line and compare the documents, but I think some of the highlights would be that the memorandum of understanding the standard one doesn't really talk about security clearances for either the chief of police or the commissioner in charge of the police bureau. And that is something that we've been very specific about. During our work session we obtained information that in fact there have been very few mayors that have obtained security clearance. So that is something that is different. In addition in the standard memorandum of understanding there's no recognition that a police bureau has a city attorney they might consult, there's no provision for consultation with a city attorney and there are -- in a standard memorandum there are references to other local laws that might apply to officers including their own disciplinary proceedings. But in your standard mou they don't call out specific provisions of law and that's also something that is very different. And our resolution is that we've been very specific about the Oregon restrictions that our officers will be under.

**Fritz:** O.K. thank you. Would the city attorney get secret clearance in order to be able to advise the officers?

**Osoinach:** No, not under this resolution. Instead what we provided for was the city attorney, if the classification scheme that the federal government has, if that were to prevent the city attorney from being able to give legal advice, we would seek to sign a nondisclosure agreement. And it's my belief the fbi and based primarily on the testimony of the fbi's general counsel that they don't foresee a situation where they would not authorize the city attorney to sign a nondisclosure agreement.

**Adams:** If I could add a little bit to that, to get clearance, that is a standing clearance. You apply for it and you get it at whatever level. And you have it for a period of time. This does different than the standard mou that normally governs these relationships or defines these relationships. This does allow for, contemplates the possibility on a case-by-case basis specific issue by specific issue that non disclosure agreement, which would allow the city attorney access to confidential information that might be generally available to the higher clearances of secret or top secret.

**Fritz:** So it would be covered by attorney client privilege rather than by the clearance level.

**Adams:** It would be governed by, on a case by case basis, the fbi could say, on this case we agree, Ellen cannot give the chief informed legal council on local laws so we're going to grant Ellen on this case access to the details of that case, so she can give a substantive reply on that specific case on the proper conduct under local Oregon laws to chief reese.

**Fritz:** If that was not granted that would become known to the city attorney, the commissioner in charge and the mayor.

**Osoinach:** Yes, That's right.

**Fritz:** How do you define criminal nexus?

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**Osoinach:** Criminal nexus is not a term that is a term of art you'll find defined anywhere. So it was intended to be a plain language requirement that the investigations that the officers are going to work on are related to crime, that they have a connection to crime. And specifically that they are to be cases of suspected terrorism that that criminal definition of terrorism is what we're intending the offices to work on.

**Fritz:** That's refreshing that it's intended to be plain language. Would there be any problem adding direct criminal nexus as Mr. Mayfield requested?

**Osoinach:** I think it would be from my perspective problematic for two reasons. One, mainly because this is a document that as I said over several months has been tweaked and negotiated, and so I would be concerned about the effects and having an opportunity for the folks that we've negotiated with to be able to think about that. And then secondly, as with all the language in here, one of the things that's been so important is to make sure that the parties are understanding what they mean. So I am -- i'm not sure what adding the word "direct" means, if it's intended to be a limitation that maybe i'm not understanding, and so that's -- I would be concerned I guess about adding language at this point.

**Leonard:** I added the term criminal nexus to the draft, and I did that based on discussions with a number of parties and my belief that I understand what that means, and frankly that the council, the current one and future ones could define what that means for themselves. And it not be a term of art the fbi uses to decide whether or when not it is appropriate or not for us to become involved in negotiations. I intentionally looked for language that wasn't in the federal code or in the attorney general's guidelines or in the fbi's guidelines, but with the language that understanding that we're all laypersons generally speaking with the exception of commissioner Fish when it comes to legal terminology that we could understand and define for ourselves. And two, the point that you make I need to underline. After the term "criminal nexus" was added it required powers of discussions -- hours of discussions between a number of parties to get all the parties to agree to that, that included also counter balances changing other language and other parts of the document to get a consensus. So at this point it would be problematic to change.

**Adams:** If I could just for the sake of clarity, can you repeat your suggested or your working understanding of the definition of the term, or what that means? And I like the fact you described it in sort of behavioral or operational terms. Because in the end, that's what we're dealing with, are operations and behaviors.

**Osoinach:** The term was intended to describe the investigative activities of the officer that they need to be related to crime. And specifically that they need to be related to crimes of terrorism. Which is what we attempted to define in the preamble. What we mean by terrorism.

**Fritz:** For instance, if a person that attends a mosque, where another member has been -- has been found to be -- have terrorist activities, would that be a criminal nexus to investigate the other person?

**Osoinach:** No. I -- criminal nexus does not refer to I think someone testified earlier, guilt by association. That's definitely not what is meant by the term "criminal nexus."

**Fritz:** That's generally our understanding. The chief is nodding too. I have a couple more questions for the chief. I was a little concerned about the ability to go outside of the city. Is there any limit for how far the officers might travel and is there any sense of who would pay for that?

**Reese:** I can answer the second half of that question about payment. In the standard memorandum of understanding that we -- other jurisdictions signed much of the language is about payment. And the fbi covering those costs. I that I would probably be negotiated as we will probably have negotiation around issues like that. In terms of our sending officers out of the city limits of Portland, I think we have a duty to the broader metropolitan area to assist in investigations as the

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largest police department in the state. We have resources, personnel and expertise that other departments don't have. In terms of sending people out of the state, or to the far reaches of Oregon, I think that would be a conversation i'd want with the mayor, it would need to be a compelling reason to do so. I wouldn't preclude us doing that if our officers had particular skill that was needed in another jurisdiction and again, they would follow state law, there would be a criminal nexus to that investigation.

**Fritz:** We would probably seek reimbursement –

**Reese:** Yes.

**Leonard:** To be clear, we do that currently. We send our arson investigators with their dogs and sniffers who are police officers all over.

**Fritz:** So are you confident that you would have the ability -- resource and limited amount of staff to take care of the challenges we have in Portland, do you believe would you have the authority to say to the jttf you can't have the number of staff you requested Because we're dealing with drugs and whatever else it might be that you have the authority --

**Reese:** Absolutely, yes.

**Fritz:** Thank you.

**Adams:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor. I guess I want to start with ellen, but i'll follow up on that last question to the chief. Do you envision a circumstance where if there was an as-is needed situation of terrorism that we would say we don't have the resources as long as that investigation meets Oregon law?

**Reese:** I think it's a balance between what is going on in the city at the time and what might happen in another jurisdiction and how --

**Saltzman:** I'm talking about right here in river city.

**Reese:** Again, if it were happening in our city, I would think there would be a balance between what was occurring here and what was the pressing need. It would be hard if we had a criminal activity related to terrorism here in the city of Portland, I think that would supersede most events.

**Saltzman:** So the criminal nexus language that was just being discussed, that's really a decision that the chief and consultation with the commissioner in charge makes. It's deliberately new term, so it's really the discretion of the chief to make that decision about criminal nexus, if requested by the fbi. **Reese:** Yes.

**Saltzman:** Ok.

**Adams:** Do you mind -- a comment is that it's the police commissioner, police chief and Personnel especially in the criminal intelligence unit that also right now under nonfederal terrorism investigations, has to follow state law. Obviously we're governed by state law. So we have to make -- I want the public to know we have to make those judgments each and every day.

**Saltzman:** So chief, I guess i'll go backwards. What's the first thing you would do tomorrow when this resolution passes to implement it?

**Reese:** Start drafting a standard operating procedure for the criminal intelligence unit that would operationalize what the council's will is, and start looking at who we would, I have to start the process of getting top secret clearance, would I ask the mayor to get secret clearance, start that process for whoever we identified that may be working with the jttf on an as-needed basis, and also attending their daily briefings. So we would start those processes.

**Saltzman:** We'd start going to the regular briefings whenever they were held?

**Reese:** I think the first thing we have to do is draft the sop that guides our officers and then the process that the fbi and the department of justice have for seeking clearance. I would ask them to

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allow our officers in to those whoever we have delegated to attend those briefings, but they may want to wait until those processes are complete.

**Saltzman:** And so I guess -- now it's ellen's turn. The u.s. Attorney took great exception to an earlier draft of this, which limited our participation to full investigations by the joint terrorism task force. And the subsequent -- the current version before us I want to verify, makes us eligible to work on preliminary investigations as well as full investigations. And i'll ask the u.s. Attorney, so you sent me an email from my chief of staff yesterday, where you say, I can -- this is you, ellen, I can say unequivocally that this language does not prohibit officers from working on preinvestigative activity such as assessments or preliminary investigations. Is that correct?

**Osoinach:** Yes, That's correct. The only caveat I would add which was in the question itself I was responding to is that the resolution also makes clear that any activity the officers are engaged in has to comply with Oregon law as well. So it doesn't really address, it doesn't use federal terms as commissioner Leonard has said.

**Adams:** If I could, implicitly as well using the criminal nexus, there has to be a reason for asking one of our officers to do something. Whether that's small or large, we have implicit in this as we are asked to do something, whether routine or large, and that allows our officers to go with their training and everything else, whether they're complying with all the rules and all the laws.

**Saltzman:** So given all those caveats, does it change from earlier drafts that confined us to the full investigation.

**Osoinach:** Yes, it's a departure from earlier drafts and would allow us to participate in preinvestigative activities.

**Saltzman:** With your permission i'd like to put this email into the record.

**Osoinach:** You have my permission.

**Saltzman:** Thank you. So back to you, chief, the -- I remember in the earlier fbi memorandum of understanding there was an expectation that officers assigned in to the jttf would be assigned for a duration of two years and i'm presuming that's to develop familiarity expertise and so we will now have our officers who participate in the jttf will come from the criminal intelligence unit, assuming --

**Reese:** Yes, sir.

**Saltzman:** And there's not a lot of turnover in that group.

**Reese:** That is correct.

**Saltzman:** There's a pretty long duration of those officers, so they many have met the two-year requirement.

**Reese:** Yes.

**Saltzman:** Of expertise. I think that's all my questions.

**Adams:** Commissioner Fish?

**Fish:** In the interest of getting to the rest of the testimony, i'll waive my comments.

**Adams:** All right.

**Fritz:** One more question.

**Adams:** Have you seven minutes.

**Fritz:** I know. I have a point of clarification on one of the be it further resolved, which I think the city and the chief need to respond to. That the third one down on the second page says the Portland police officers who work with the jttf shall notify the fbi if the work is a violation, and shall immediately report any actual violation to the commissioner in charge. I'm assuming you mean the chief will report that, you wouldn't expect the officers to come directly to the mayor.

**Reese:** Correct.

**Osoinach:** That's correct.

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**Fritz:** That's a minor amendment that needs to be made. And before we get to the rest of the testimony, could you talk about secret versus top secret?

**Adams:** I'm going to go through a few of the issues related that were raised thus far and give my take and you can correct me or amplify my -- in terms of, I've come to understand that one of the differences between top secret and secret is knowing the identities and the source of the information. In top secret, there are a number of facets, but I think one most germane to this issue is, under top secret you know the informants, you know where the information came from, and on occasion how it came to light. Under secret, and -- is you know the information, and you know the quality of the information, you don't necessarily know the names of informants and you don't necessarily know all the details about the source of the information. It also has to do with where you're allowed to go. So that's -- this is all on a need to know basis. And I have been told that goes for Mr. Holton as it does for anyone else, simply because you have the top clearance does not mean you have access to everything. There is still the other piece of not all top secret clearances gives you the right to go looking in every other filing cabinet in the FBI or Department of Justice office. The other is access to buildings. And this is access to the FBI building and they have different obviously different focuses within the FBI and the Department of Justice, and top secret you can -- have you more access on a need-to-know basis to more offices, federal offices. Secret, you are accompanied by somebody else more frequently or always.

**Osoinach:** That is absolutely my understanding.

**Adams:** So the next was -- and it is rare, talking to some of my colleagues that are mayors across the country in cities much larger than ours, we have validated, it is relatively rare for a political figure, a mayor in this case an elected police commissioner, which is unusual in this country, myself, to have any clearance at all. It is a double-edged sword. You can have politicalization from the top down as well. And so the certifications, the enhanced penalties for folks that put on the badge, and those kinds of provisions are built in. There is information that you would be nervous having the Mayor know about you if you're subject to an initial investigation by the police bureau on any issue. Having said that, it is a balance. There's the oversight, but then there's also you don't want to politicize some investigations as well. And that's why I'm comfortable with secret clearance, knowing that that is unusual among police commissioner and mayors in the United States. It does recognize we have this unique form of government, and I as a manager, my job is to hold the chief accountable. He will -- his officers will not be able to say sorry, chief, I can't tell you. So I will be able to hold him fully accountable and I believe I will have access to adequate information to do so, even if I don't know explicitly all the name and all the sources. I also want to I think Ms. Bowman raise a very important question that I think has really played out over the last six years, and that is, when human beings change in these jobs, the agreements that we have here, the legislative intent that we are talking about here, the risk is that as people change jobs, as people -- different people fill these positions that legislative intent does not follow. It is not handed off. I just want to underscore to the community for the past six years, it is -- the agreements that Mayor Potter and Commissioner Leonard put together were not handed off down the line, and that's why there's a provision of, we have to sit down, we have to go over the information here and make sure that it is really clear. Our relationship with communities where we have a lot of work to do, varying degrees of work to improve the trust between police bureau, between city government, and communities where we face distrust is something -- a high priority for us. The distinction, we are not signing the mou. I understand this issue boils down to are you joining, rejoining or not rejoining. If this city council approves this mou, we're taking what I think is a very thoughtful approach, an approach that is clearer than --

**Leonard:** You said if we approve this mou.

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**Adams:** Sorry, if we approve this resolution as opposed to approving the mou, I would argue respectfully to the federal government that our instructions to our people are clearer with more explicit language and safeguards, than the mou. And that that serves that balance that we're all sort of seeking. That's our intent. With that we'll go back to testimony.

**Saltzman:** What about the u.s. Attorney?

**Adams:** Unless someone has questions for them -- please come forward. Ms. Myer, would you come forward as well?

**Saltzman:** Mr. Holton, I have an April 19<sup>th</sup> letter from you to the mayor outlining your concerns. There's a paragraph so this was a draft, several drafts ago. "Unfortunately as currently drafted, the proposed resolution does not provide a way in which the Portland police bureau can rejoin the team. There's a single provision which stands as a roadblock to participation. Specifically the provision that seeks to have the city council delineate only certain investigative steps a task force officer can take part in." Do you feel the current draft that is before us has overcome your concern on that point.

**Holton:** Yes that. Provision was removed. That was a provision that prohibited officers from taking part in assessments or preliminary investigations, which have meanings for us. And that was unworkable. And I think it also -- I think it's -- i've shared hypotheticals as to what assessments are, and I think it's worth doing, I can offer one right now if it's helpful. If we were to see -- purely hypothetical here, if we were to learn of a website, terrorist web site was -- a call to people to come and attack schools in the united states, columbine-style, and the website had pose add particular floor plans that were most susceptible to that kind of attack for schools and given tactical instructions about the type of firearms to do the most damage, we want to know if we have that problem here. And the jttf supervisor would likely want to send officers out to Task force officers to get a sense from schools of if we had that problem. Has anyone been surveilling your school. What schools have those floor plans? We would want to talk to firearms dealers and find out if someone had been buying particular types of fire arms that. Wouldn't have been possible under the language that precludes assessments. So that was a red line for us. So that was all removed.

**Saltzman:** When we had the information session, the joint information session with aclu and representatives of the federal government, including yourself, there was a gentleman I don't remember his name, but he -- I specifically asked him if u.s. Attorney general eric holder supports us rejoining the jttf, and his answer was yes. Have you had a chance to discuss this current resolution with anybody back in --

**Holton:** I've not discussed it with the attorney general. I certainly let folks back there know what I'm up to. They are anxious to have local officers working much more involved way with the joint terrorism task force.

**Saltzman:** Thank you.

**Adams:** Ms. Meyer, the first -- the particular draft that commissioner Saltzman refers to sought to have robust compliance with state and local law based on sort of the phase of work, and the language that has been worked out is instead to make sure we're adhering to state and local laws in addition to federal laws at all times, and that implicit in that is the requirement that there be that criminal nexus, there's got to be a reason base, a concern based on possible criminal conduct whether no matter what -- no matter where the work is or what the work is. I just wanted to give you a chance to talk a little bit more about that.

**Meyer:** Thank you, mayor Adams, commissioners, andrea meyer, legislative director for the aclu. The reason we encouraged the inclusion of that language is in the original version of the resolution that was issued was because when it comes to assessments and preliminary inquiries, more likely

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than not it does not meet the Oregon standard of the reasonable suspicion requirement necessary, and when those investigations start including first amendment activity, legally under the u.s. Attorney guidelines, they run afoul of the Oregon requirements. It is not to say that there might not be an assessment or preliminary inquiry, that does not raise the risk of violation of Oregon law and it is certainly our expectation that the way this resolution is written, that at any stage of any type of investigation, be it assessment, preliminary inquiry or full investigation, that our officers will be sufficiently trained in asking the right questions to ensure that the standard of reasonable suspicion of the individual that they are collecting the information on is or may -- is likely to be Involved in criminal activity, is met. And if it is not, at any given time during any investigation, they need to stop their work on it. It is still troubling, because it allows our officers to contribute in part to an investigation that may have other parts that are in violation to Oregon law. The challenge and concern we always have with criminal nexus is what an fbi agent determines is sufficient as I discussed with what was the Mertens example, it was sufficient sitting in his own office with his supervisor to then go to an event and collect information on people's lawful and political activity, that i'm sure satisfied a criminal nexus of some sort for the fbi. So it is important that the criminal nexus here be one that is also closely tied to the reasonable suspicion standard set forth really I --

**Holton:** Go ahead.

**Meyer:** That when it does come to collecting information on people's political religious associational or social activities, and not all investigations do that, and not all stages of investigations do, that but when it comes to that kind of activity, there's the reasonable suspicion standard.

**Adams:** You both had a chance to talk about this issue. And it's up to us to write operating procedures. We don't expect -- we have enough agreement to move forward. We don't expect full agreement, So I appreciate you both being at the table. You may return to your respective corners.

**Holton:** Could I answer a couple of the questions raised by commissioner Fritz?

**Adams:** Sure.

**Holton:** The mou question you had about other cities, there are other cities that don't have mous, I don't know what they are, but I understand they're out there. The fbi, I think we shared before with council, is actually revising, is working on a revised draft. It was their suggestion we not bother with the mou at this stage. With respect to top secret, I just would note that in the 15 years i've worked on -- about 14 as a federal prosecutor, I did work with in the clinton white house before then, had top secret clearance then, probably for 20 years, i've handled top secret documents less than 10 times.

**Adams:** And you have clearance?

**Holton:** I do. And i've had it for literally almost 20 years.

**Adams:** Was my general description reasonably accurate?

**Holton:** It comports with my understanding. So aside from that, we disagree very vehemently on direct access. As I said in my comments, commissioner Fritz -- Leonard, rather, talked about that. It's a resource issue we're going to respect. It doesn't freight in something that was already taken out.

**Adams:** Thank you. Thank you very much for being here, we really appreciate it. Who would like to begin?

**Katherine Smith:** I would. Hello. My name is katherine smith. When you decide whether some Portland police officers should be on fbi's joint terrorism task force, you should hear from some of the people, jtff has targeted. I am one of those targets, and so it's my son, who is 19 now, and other family members. There are two tigar police officers who work officially on the jtff but there are

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at least eight to 10 other tigid officers who participate in the surveillance investigation constant harassment and even physical assaults in microwave and weapon assault, distraction device harassment and incriminations on us. Even though i've lived in Portland for the last 10 years, those tigid Oregon officers continue to stalk us with satellite tracking technology, talk to, harass, and threaten us with voice weapons, and continue to shoot us with microwave and ultrasound harassment weapons and other weapons. They do this to hundreds and hundreds of other people in Portland, in the Portland metro area and other places. Some of them include tigid sergeant escue, who has told me about these assaults, and I have observed this myself. Jttf and those tigid officers have been abusing me, my son, and family members for more than seven years. Portland police who I and other people targeted by jttf have reported these abuses assaults, death threats and sometimes physical injuries to, those Portland police usually won't write up even a report about it. And if they do, they usually include purposely inaccurate and discrediting information about us. And not investigating even if we know the names of the officers doing these assaults and threats and harassments to us. Therefore, those Portland officers who cover up for these abuses and criminal behavior are participating in this abuse and these are Portland officers who aren't even on the fbi's joint terrorism task force. Many jttf officers including the tigid officers, will use intimidation, threats, blackmail, and voice influence and manipulation on them so they won't be able to report it. When Portland's --

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

**Smith:** Just the last couple paragraphs. When Portland's head of fbi arthur Balizan, the head of fbi lawyer and other fbi officials presented their information to you a few weeks ago, they talked as if their agents would be following Oregon laws, that they would be ethical investigations. Either they are unaware of the constant invasion of privacy, harassment, threats, psychological and physical assaults --

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

**Smith:** Or either that, or they are fibbing about it. This is the last couple sentences. Also, joint terrorism task force doesn't look into the motives of the person reporting that some one is doing criminal or terrorist activity and they doesn't look into the relationship that person has when they are reporting and some of the allegations are false and malicious.

**Adams:** Thank you for your testimony. I'm worried about you, and Amreet is available to talk to you, if you want to talk to her, she is from my office.

**Smith:** Thank you.

**Benjamin Kerensa:** Mayor Adams, commissioners, benjamin, i'd like to testify on the jttf issue. I feel some of the issues i'm concerned about would be the top secret clearance and the regular secret clearance. I think there's not going to be enough transparency, I think the government has policies in place under the code of federal regulations that require them -- would require them to direct the Portland police officers on the squad to handle information that is then -- goes back up the chain of command on the city level in a way that it could be censored and that there's not going to be enough transparency. You guys can pass a resolution until the -- and tell the government what you want, but at the end of the day they make their own rules they're going to follow, and when you guys get those clearances, you're going to have to sign contracts. It says you're going to follow those rules. And they're not going to change all their documents or the wording of them. Just because the mayor or a city council wants to protect the civil liberties of the citizens Of the city. That's all I have.

**Adams:** Thank you, sir. Appreciate your testimony. Ma'am?

**Suzanne Hayden:** Good afternoon mr. Mayor, council members. I'm susan hayden, the executive director of the citizens crime commission. Thank you for this opportunity to share our view

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regarding the responsibilities the city should take in combating terrorism. We support the city having officers assigned to work with the joint terrorism task force locally. Acts of terrorism, threaten our security and our liberty, and as we're aware, Oregon and Portland are not immune from the threat to -- that terrorism poses. The citizens crime commission believes the safety and security of our community is of critical importance for your decision, and when you're deciding how to be most effective in preventing terrorist attacks against our city. Sharing good intelligence and true collaborate invasion critical to prevent an act of terrorism. And the jtff are part of our nation's security strategy at all levels. Local, state, and federal law enforcement officers in agencies share information, leverage their relationships and coordinate efforts on the focus goal of preventing terrorist threats. There's 106 jtff offices based in cities nationwide, and we have a field office in our city and a joint terrorism task force made up of local, state, and Federal partners but since 2005 the Portland police bureau has not been a member. It's crucial to have Portland police influence at the jtff daily briefings, discussing intelligence leads about potential threats. We must have Portland police officers participating in those criminal investigations. We're the only city of our size not at the table as part of that national strategy. And sitting out is a lost opportunity for local oversight and local influence based upon the system's -- citizens crime review of document, department of justice and fbi protocols and the substitute draft city resolution released tuesday evening, discussion was law enforcement members we believe the community can rely on the procedures in place to provide the necessary oversight and thank you for your leadership in striving to balance community safety and protection with also civil liberties. We believe this draft resolution is workable to achieve that balance, and we also believe this resolution supports Portland police bureau and puts them in a better position to protect our community. So thank you very much.

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

**Adams:** Thanks, je. Glad you're here. Thanks for waiting.

**Greg Peden:** Mr. Mayor, members of the city council, greg peden, I am a registered lobbyist, appearing this afternoon on behalf of the Portland business alliance. Thank you for the opportunity to speak. First I want to recognize that it's very obvious all of the hard work each of you, the aclu, the fbi, the u.s. Attorney's office and others and the police chief have put into this. The discourse that sat and listen to over the last couple hours has been remarkable. I know some of you were here and others in the room were here too, I was here as well six years ago when we had this discussion.

And I would tell you that the tenor and the tone of this conversation today is so starkly different than that episode back then. Different time, not trying to blame anybody or say anything, but I think the circumstances back then made it very difficult for anybody to have a civil discourse and really dig down into a resolution as you got before you today to come to terms and clearly are you to be commended for the ability to get into the level of detail and the level of questioning, and really the level of understanding of the issues before you that you have all expressed. So I do want to recognize and commend you. We support the testimony given by the since crime commission as a whole, but I want to make one final point. I think that this really boils down to two things. For anybody in this community, any community in this country, that is very simple. People want to be safe from terrorism, but people want to Have their civil rights protected as well. The fact that you have put the time, energy that you have into this debate, the evidence of -- where the u.s. Attorney and the aclu have come together to craft a resolution that I believe you are in support of suggests to me that you have struck that balance, and with are in support of the resolution. Thank you.

**Joe Goodale:** My name is Joe goodale, thank you, mayor, council, i'm a retired Portland police detective, and along with just about everyone else i've been following the controversy over the city's relationship with the joint terrorism task force, and one thing that strikes me is there are a few

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people that seem to be in a panic over the idea of Portland police teaming up with the fbi in a joint terrorism task force. But the fact is, we are already teamed up. In 1994, I was a founding member of the joint bank robbery task force here in Portland. I was assigned to the fbi office as a task force agent, and I worked in the bank robbery detail. The Portland police and the fbi were able to share information on bank robberies, bank robbery attempts, and we were able to work together to identify bank robbers. We were able to build rapport, which I think is very critical, something that had lacked, and trust between the fbi and hundreds of uniform officers that fortunately were working the streets of Portland 24 hours a day, seven days a week. Their information was critical and valuable. And we also worked with the other agencies in the metropolitan area. The task force allowed us to capture robbers often times before they went on long robbery sprees. And again, brought our agency and the fbi task force closer together because of our sharing and our trust that was developed. The Portland fbi office was recognized for the high arrest per robbery percentage in the four years I was there, this is tracked out of the headquarters office in Washington, dc. And I really like to tell you that the bank robbery task force that I was involved in is still working, it's still worked out of the fbi office and still being very successful. There were three other task force operations in place in the Portland fbi office that involved the police bureau while I was there. There was the violent offender fugitive task force, which I believe now has transferred to the u.s. Marshall's office, there was a drug task force, and the joint task force was in operation. I had the opportunity to work with the officers, detectives, agents, and all of those positions, and know that their combined efforts were very successful in helping make our community a safer place to live and to work. It worked then, it's still working now, so I would like to encourage those with concerns about working with the joint terrorism task force to look at the success and track record of the bank robbery task force and other task forces and join me in supporting the city's adoption of the final draft resolution for the joint terrorism task force. Thank you.

**Fritz:** Thank you for coming down.

**Adams:** Thank you, sir. Hello. Welcome.

**Stan Sittser:** Mr. Mayor, members of the city council, i'm stan sittser, vice chair of the citizens crime commission. Today it's time to decide. The city council's conducted a very thorough, transparent, and public process evaluating whether or not the city of Portland should participate in the joint terrorism task force. You have listened. So thank you for listening to all sides with respect. You've also drafted a variety of possible options for considering. So thank you for looking at the issue from a number of different angles. And you've made adjustments based on what you've heard. So thank you for being flexible. The simple fact is this -- you have a resolution before you that deserves to be approved. Not just because it makes good common sense, but because it also is crafted using the full-on Portland process, a process that was thorough, transparent, and public. Each of us who serves on the citizens crime commission urges each of you to vote today to Adopt the final draft resolution. Released tuesday, april 26th, to participate in the joint terrorism task force. Mr. Mayor, I would like your jobs button. I've got a bigger button here, it says "vote." just one word. "vote." please don't change a word. Please, don't put it off. Today is the time to decide. Thank you.

**Adams:** Thank you, sir. Thank you for your testimony. How many more do we have? This is, folks, we are here every day, we're not here every day, we're here every week, and we know people get kind of tired because of hearings go on, I need you to adhere to the protocols that encourages every point of view to be given. So again, this -- no grunting, no whooping, let's keep this dignified.

**Moore:** We have 19 more.

**Adams:** Ok.

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**Gregory Fegel:** Gregory Fegal, i'd like to say that I think that any so-called compromise with the fbi's joint terrorism task force is in fact essentially joining the joint terrorism task force. It's a white wash of legalese to say anything else. An example would be all the debate over this term "criminal nexus." a criminal activity that's being investigated by the Portland police or the fbi is by action and definition whatever they decide it is. Whatever they decide is criminal is criminal. If they're investigating, it's Criminal. So when they -- when the fbi has an investigation, a so-called criminal investigation, they will determine what the criterion of criminal is. The united states government is prosecuting three wars of aggression in the middle east, which were part of a war on islam. For control of resources, and for power mongering by the united states government. The fbi has been directly involved in false flag attacks. The 9-11 attacks in new york city, the previous attack on the world trade center in 1993, and numerous other false flag attacks committed by the fbi and its patsy the christmas tree bomber attacks here in Portland. December was yet another false flag attack committed by the fbi. The fbi is not defending americans. The fbi does not defend me. The fbi does not protect me. The fbi is our enemy.

**Adams:** Thank you for your testimony. You can stay there until everyone is done.

**Fegel:** I have to leave.

**Adams:** Ok.

**Marie Webster:** My name is marie webster. In regards to joining the joint terrorism task force, as with any organization you do it for perceived benefit. I'm concerned about full disclosure of weapons and tactics used, and additional application of weapons. As in the case with remote neuromonitoring using nonlethal direct energy weapons, this can be used as a neuro transmitter And receiver, and is thought to aid in fighting terrorism. However, without full disclosure of additional applications, such as improper use can cause audio hallucinations and image induction that reporting this can elicit false diagnosis as mental illness, and in worse case scenario, involving unscrupulous neuro monitors. It can it has been used reported that with psychological operations it can be resulting in violent crimes. Or as in "the Oregonian" reported in an article titled "military to check psychological operations used on senators," it can be used to try to get more money for war funding. And that the operator did say it is my job to get in the head of the enemy and get them to do what I want. However, I draw the line at u.s. Congressman and senators. So once again, I do believe we need full disclosure of weapons, tactics, and the standard has to be set with a system in place to record complaints similar to that of the independent police review. Thank you.

**Adams:** Thank you for your testimony. I really appreciate it. Sir?

**Joe Walsh:** Good afternoon. My name is joe walsh, i'm here today representing the Oregon progressive party. We sent you letters and we've talked to you, you know our opposition to this. We have a fundamental problem believing the fbi. The fbi throughout all of our history as of two days ago, are Liars. Straight-out liars. Whatever they promised you, whatever they told you, they lied to you. You cannot trust them. The fbi would have to spend few years sporting the constitution of the united states before we would believe anything they say. That's the problem. You can have all the regulations you want, you can have all of the restrictions you want. You can have the aclu on your side. Built the fbi are liars. They are liars, they always have been, they always will be, and they are trained to lie. That's the problem. Thank you.

**Adams:** Thank you both for your testimony. Next three.

**Felix Bordeaux:** My name is felix bordeaux, i'm here to address the issue of the joint terrorism task force. I feel that if that is implemented in today's session, it would militarize Portland, we already consider it a military state and a police state as it is. You're going to gift police, the fbi, cia, whatever agency is involved, you're going to give them more power for the Portland p.d. My arm was dislocated by the Portland p.d. Because they can't do their job right. I was racially profiled, I

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said I was -- I was just a black male walking down the street. You give these police more material, more resources, it's going to get worse. Citizenships are going to get worse, there's going to be more Racial discrimination against blacks, asians, latinos, pacific islanders, the fbi is known to be a racist entity. I'm going to say it like that. From the beginning of time, the fbi has been trying to do their job, but they were basically formed to take down the black panther party. The fbi is an evil entity and they do not need to be in our city. It will make our city more dangerous, and you will see more citizens get hurt. That's all I have.

**Adams:** Thank you for your testimony. Ma'am?

**Lisa Haynes:** My name is lisa haynes, i'm felix bordeaux's mother.

**Adams:** Would you mind getting closer to the mike?

**Haynes:** My son has been a victim of Portland police bureau. And it's not safe anymore for citizens. If we allow jttf to run our city, to come into our city without -- if we allow them to come into our city they will take over the police force. We don't need that. We've never been ran without any other outside entities. We don't need that. If we allow that, there will be more corruption, there would be more killings, the fbi are terrorists. When we're a victim in our own cities and communities, for acts that we didn't do or commit, we are victimized and -- by the terrorists, which is the police and the fbi. So when I leave here today, I would like to encourage you to take a stance today and say no to this. We're concerned about our communities. If you guys here can't get any more training for our police officers, what do we need them for? If we can't get enough funding? There's funding for them, you guys are hiring more and more police officers. We don't need them. Just give our police officers more training and more materials that they need. And cut down on the racism and racial profiling in our community. It's not only about color anymore, it's about every citizen. We the people. What happened to our constitution, people? What happened to the constitution? Our forefathers will turn over in their grave if they knew what was happening today.

**Adams:** Thanks, ms. Haines. Appreciate it. Doctor?

**Dr. Herman M. Frankel:** My name is dr. Herman frankel, my wife and I have worked and lived in Portland since 1965. Mayor Adams, commissioner Leonard, commissioner Fritz, commissioner Saltzman, commissioner Fish, in the next two minutes I want to explain why top secret security clearance for Portland police bureau commissioner in charge and the city attorney must be a precondition for any discussion about Portland participation in work directly with the fbi joint terrorism task force. You have copies of my written Testimony which will be available as public documents for anybody who is interested. In 1789, representatives of the 13 colonies did not sign on to the constitution. Without first creating a bill of rights to protect the people center a strong central government. In 2006, u.s. Department of justice office of the inspector general issued a 331-page report that I found a astonishing and terrifying. 331 pages of documentation, of ways in which federal bureau of investigation violated its own procedures as well as violating law, as well as violating standard professional practice. And its assault on Portland area attorney brandon mayfield. I think it's essential for the mayor to have top secret security clearance to be able to monitor not only the names of people who were sources of information, but as you indicated, where the information came from. How the information came to light. Because we rely upon you, our elect the officials, to be protecting our rights and our freedoms. I hope that at any time in the future any one hears the name brandon mayfield, or the name mohammed mohamed, that what comes to mind are the words written by james baldwin in 1971 to angela davis, if they take you in the morning, they will be coming for us that night. I'm grateful to you for your courage, i'm grateful to you for your integrity, I am grateful to You for repeatedly appealing for active public participation

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in this case, input and testimony. In the making of decisions that affect the lives and will affect the lives of all of us who live, work, study, travel, worship, in Portland. Thank you.

**Adams:** Thank you, doctor, very much. Appreciate it. Thank you all.

**Michelle Lundquist:** My name is michelle lundquist, thank you for the opportunity to speak today. I'm proud to be here with others from sisters of the road. Now more so than ever before, we the people must rise up and stand together to fight for our freedom. By allowing the jttf into Portland, our human links and rights will be weakened and risk being broken. Class wars, race wars, drug wars, and senseless acts of violence are taking place and being committed every day by people who are and have been appointed to serve and protect our country's people and freedom. Violations of our first, fourth, and fifth amendments have been taken place numerous times, have been taken away numerous times by the fbi and their unwarranted searches and surveillance against innocent people. In 2010, santa clara resident, the son of an islamic american community leader, had been under unwarranted surveillance for three to six months after attract -- a tracking device was placed under his car. After realizing he was uninvolved with any terrorist Activity he was approached by fbi agents at his home, demanded to return them their tracking device. We must stop these acts before they taint our city and our local law enforcement. By allowing the jttf into Portland, the opportunity for espionage, increased oppression, fear, racial profiling, and unwarranted surveillance will increase as well as create a larger divide between our community, our freedom, and our civil rights. Please, keep the jttf out of Portland.

**Adams:** Thank you for your testimony. Appreciate it.

**Harvey Thorstad:** I thank you, mayor, council members, i'm harvey, commander u.s. Navy, retired. Vietnam veteran, I was advisor there for a year. I'm past president veterans for peace in Portland. It's a great city. I've lived in many cities, saigon, Washington, dc, rhode island, san diego, long beach, bremerton, and many more. Portland is the only city I really have an affinity for I really like the way it is, I feel part of it. Washington, dc I lived there in the '60s, it was a pretty great city. I visited there a few years ago, I thought I was in saigon during the war. It's like a war zone back there. Barricades around all government buildings, when vip officials go down the street with the black cars and sirens, look on the rooftops, there are snipers up there. Being part of the audience under that does not make me feel safe. It tends to make me afraid. We have bomb-sniffing dogs under metro. And much more. It's like a combat zone there. Letting the jttf in here would be a step moving forward the same way. Keep Portland the way it is. Thank you.

**Adams:** Thank you. Mr. Smith.

**Mike Smith:** Mr. Mayor, where to start? I believe that huge tyrannies are pieced together one little law at a time, one little piece of legislation. All those of you who plan to join the jttf in any form or fashion, you have my contempt. My contempt will be felt at the ballot box. The fbi is a rapist. They've raped my civil liberties, they've raped everyone's civil liberties in this country because collectively every time they come down on any one of us, we should all act as if it's happening to us. That's what people don't get. They don't have any respect for our constitution or our bill of rights there. Are thousands of examples of the fbi trampling everything it is to be great about an american. For as long as i've been alive. Now when you find out that your daughter is planning to marry a serial rapist, the last thing that should come to anyone's mind, I think I should get a prenuptial agreement. Mr. rapist you can marry my daughter as long as you promise not to rape her. It doesn't make any sense. That's precisely the logic you're using while considering rejoining the jttf. It's infuriating for anyone who is sane and can read. The logical thing to do is to get rid of the rapist. Let's send the jttf packing, get them out of Portland. The war on terrorism is a sad joke. It defies logic and reason. 100,000 americans die every year by taking prescription medications as directed by doctors. The 10th anniversary of 9-11 is coming, that 1 million dead

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americans. That's a real problem you can address and actually do something about. Here's another fun fact. Ok, wrap your minds around this. According to a 2003 medical report, death by medicine by doctors gary knoll, carolyn dean, martin feldman, and deborah resso and Dorothy smith, 783,936 people die every year in the united states from medical mistakes. Since 9-11 let's add that up. That's 7,839,360 deaths in the years since 9-11. These are people killed by our own medical industry. It's a real problem that can be addressed.

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

**Smith:** Sure. That's 1 million more people than hitler killed. But there's only one big difference between what happened to them and what happened to us. Those people were rounded up and drug off to camps at gunpoint. We pay huge insurance premiums to have that done to us. By medical premiums. That doesn't make any sense at all.

**Adams:** Thank you for your testimony. I really appreciate it.

**Smith:** I'm sure you do.

**Adams:** Thank you all for your testimony. Miss Lewis.

**Rebecca Lewis:** I'm rebecca lewis, a member of the international socialist association, and i'm sure you've seen us on glen beck if you haven't seen us around town. I want to -- there's a couple of concerns I have after hearing of? Testimony that are even worse than the concerns I had before I got here. The main concern I have is that we're using a term to define criminal nexus that has no specific legal definition on purpose. And i'm really concerned that if we don't have a specific legal definition of what constitutes criminal nexus, that that can be interpreted however somebody in charge of interpreting it chooses to use that term. I was part of the campus antiwar network when I was in college and I was spied on by the department of defense. And those kinds of irresponsible uses of government resources are really damaging to private citizens who have no criminal history whatsoever, and I don't really trust the fbi to volunteer information to us as citizens about what their investigations entail. I don't trust a very malleable definition of what constitutes criminal nexus as something that will force the fbi to follow our state laws about how these investigations are going to happen. I've been spied on before, i'm probably going to get spied on again, i'm a socialist, that's what happens to socialists. In the strong tradition of eugene debs, I want to say I really oppose the use of our government resources to spy on peaceful activists when we could be using those resources especially here in Portland to house people, to send people to school. Thank you.

**Adams:** Thanks, ms. Lewis. Welcome.

**Mindy Stone:** Thank you. My name is mindy stone, and I just want to relay two short stories. The point of the story is that all the government security organizations violate our civil rights. And it happens all the time. And my two examples, one in melbourne, florida, on the second inauguration of george bush, our small little peace group had a rally in front of city hall, and the -- there was a police truck set up on one side of the city hall with crime scene written on it. And there was somebody across the street filming the group that was standing there with posters saying they opposed george bush's presidency. The people who were filmed filed a freedom of information act request using the aclu of florida to find out what agencies were involved, police agencies, they found out melbourne police department and the county sheriff's department was involved with homeland security and they had infiltrated the meetings up to play on this event on the inauguration, they used the videotape, they filmed somebody's license plate, at first we got a copy of the film they violated somebody's civil rights by having the plates on the film. And it turns out that neither the sheriff's department knew what the police department was doing or vice versa. They didn't know that each organization was involved with homeland security. So -- and the sad part was, the police department and the sheriff's department violated these citizens' right to express

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their concern or opposition to the presidency. I find that a terrible waste of taxpayer dollars using the federal government homeland security in that operation. The second story has to do with the fbi.

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

**Stone:** I'll wrap you up. My friend who was born from -- born in iraq who was here in 1977, became a citizen, was approached by the fbi, he called me, I came over just to sit next to him to pay attention to the conversation, they asked him all kinds of questions, he gladly offered up information, then they started asking him when was the last time he attended a mosque. When I stepped in to say don't answer that question, they accused me of standing in and stopping this conversation, and I had no business doing. So the fbi and the police department routinely violate people's freedoms of right and religion.

**Adams:** Thanks for your testimony.

**Stone:** Thank you.

**Adams:** Welcome back.

**Cherie Lambert Hostenstein:** Hi. Cherie lambert hostenstein, this is a bad law, so my opposition to the jtff is continuous. Edmund burke, 1870, said bad laws are the worst sort of tyranny. The history of this country is replete with the tax on people, exercising their civil liberties. This city's problems are enormous and this concern about terrorism is misdirected. This concern should be directed at the u.s. Killing of millions of civilians abroad, torture, poverty draft, billions and billions of dollars spent on wars, the cia becoming more militaristic, according to mr. Obama's decision, the firing of whistle blowers, the reopening of 9-11, and in 2003 the city council here opposed a resolution saying no to the invasion of iraq, resolution carries no weight, it's only a feel-good position. War doesn't feel good. Your time should be spent on the possible irradiation from the horrific Japanese tragedy. On the nuclear power plant -- on the entrapment of that young man in december 2010, if he was a relative of any of yours, wouldn't you want and expect help after different sort? Not carrying out a tran I can plan to build a bomb and potentially kill people? It should be on hand for just across the river, being named the radioactive dump site of the united states. I have handouts, it's here may 19th, 6:30 p.m., please come and oppose that. We don't need more nuclear waste in hanford. This Oregonian paper mentions one fifth of Oregon graduates, high school failed military, math, and reading schools, rudimentary. Same page mentions homeless, mentally ill, shot dead, at the bottom by paul crewingman, don't expect this to end any time soon, referring to unemployment recovery. Or water rates going up 85% and the water will be degraded, our problems are enormous in the city. We are creating terrorists as we speak. And just as a quick aside, bobby kennedy allowed a legal wire tap on martin luther king jr.

**Adams:** Thanks for your testimony.

**Nancy Newell:** I'm a proud activist, pro the rights of homosexuals in this country, and that's why i'm surprised that would be into participating with the fbi. You know what they did, I was in the wto labor activity in seattle, and what they did to the gay community is horrific. And you know what happened as a result. This is not a group you want in our city. It will have number one, no effect, on stopping terrorism. There are now viruses that can affect the cooling of towers, in nuclear power plants. I'm one of the people that helped close the trojan plant. You can now pawt medal on me. And from preventing dead zones. This is serious. This is what's serious. This jtff is a joke. And it's an insult to the muslim community. If you want to build a relationship with the muslim community, forget about the jtff now. And I mean that. I've i'm on four fbi lists, five people did a civil disobedience at the trident submarine base, they cut two fences, we're on the base for four hours, major military operation, made it to the submarine, and then they were noticed. Don't tell me that the jtff with all its research, all its suspicions, the word terrorism is equivalent to

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mccarthyism. My mother was a republican and said, this will kill our country. And she was right. And you are doing the same thing.

**Adams:** Thanks for your testimony.

**Shelly Fox-Loken:** My name is shelly, i'm just a citizen, representing myself. I'm also former law enforcement person, I worked for the state of Oregon for 17 years as a parole and probation officer.

And in other capacities. During that time when I was parole and probation officer I came to be used by various law enforcement agencies to use my powers in a way that they were not intended, in a way that met the police officers' needs, and I became more and more aware that different police agencies do that with each other on a regular basis. I have no faith or belief that the police will restrain themselves according to the Agreement that the aclu got you to agree to. I'm very concerned about the very vague wording of -- i'm losing the word -- the nexus. The more loosely defined things are, the more police officers and people in those capacities will go outside the parameters and they will push the edges always. Is my experience. And I think that Portland in addition to many of its other problems, also has a very serious problem with trust, from the citizens of the police. And most assuredly and most especially and most justifiably from those community members of color or of different religious groups or other groups, but there is a serious trust problem in this city, and I think that this will aggravate that trust problem, because I it this trust of the fbi is even worse. So if you put those together, that's not going to enhance or help the problems we currently have with our citizens. Thank you.

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

**Mark Kramer:** Mr. Mayor, members of the council, I have three minutes, I promise to be focused, direct, and analytical. I am a member of the national lawyers guild, i'm an attorney and a former red squad Portland police suspect, when I represented anti-apartheid activists, I was put on the red squad red list. I'm asking you all to you take a deep breath.

**Adams:** I need your name, sir.

**Kramer:** Marc kramer. I'm asking you to take a deep breath, and in view of the sea change from the last resolution, which had the full investigation as the threshold, to the current 48-hour notice we've gotten to analyze the criminal nexus, that's a sea change. It is major. I'm asking you to take a deep breath, consider the comments of me and other members on this nexus standard and not vote today. Secondly, because I fear the die is cast, no matter what I say I won't alter your perspective, I ask you to expressly take into account and to write into the sops a refinement of the criminal nexus standard I think that is critical. With the focus on the nexus standard, the problem is it is not known, it is not vague, it is vague, it is not precise what we ought to be using is ors, Oregon revised statute, reasonable suspicion standard. I quote it to you from ors 131615, a peace officer who reasonably suspects a person has committed or is about to commit a crime. Reasonable suspicion like probable cause has legal meaning. So let me give you an example. If three months from now an officer comes to you and says, mark kramer in a synagogue related activity, decided to send money to a social service organization affiliated with hamas, we'd like to investigate him as part of the jtff. What if they go further, because you say I don't think that's enough, they go further and say, he contacted muslim colleagues in a mosque, who is a former representative of hamas and they were joining together to raise \$10,000 to send to hamas. Is that enough? Under criminal nexus, we don't know. Under reasonable suspicion you can contact the city attorney and ask for a specific memo that will tell you about what reasonable suspicion is. I want to tell you what the fbi manual s. I'm sure you have it, but it says, and now you're saying that jtff on a criminal nexus can participate in an assessment. This is from the fbi manual this, is current sop for the fbi. It permits an agent proactively or based on leads to scrutinize a person or group for signs of criminal or national security threat. No particular factual predicate that a target to open and assessment is

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needed. Although the basis cannot be arbitrary or groundless, agents are allowed to use ethnicity, religion, or speech protected by the first amendment as a factor as long as it is not the only one. The problem with criminal nexus, it permits Portland police officers in violation of Oregon law using the fbi manual to participate in assessment activity. That is the problem. I am asking to you adopt a criminal reasonable suspicion standard and finally the last thing I want to say is, the resolution is unclear as to if the city attorney number one does not get the information it is needed, or is not able to tell you, mr. Mayor, or the Officer who poses a query, that that activity is consistent with Oregon law. This resolution does not say what it needs to say is under those two circumstances the officer may not participate. Thank you very much.

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

**Leonard:** If I could, mayor Adams, I think it's an important point, mark and I worked together on a number of issues. When I address -- I want to address the point he raises. I'm concerned you only read half of the be it further resolved. So I think it needs to be read. It says pp officers shall work with the jtff only on investigations of suspected terrorism that has criminal nexus. In situations where the statutory or common law of Oregon is more restrictive of law enforcement and comparable federal law, investigative methods employed by ppb officers working on jtff investigations shall conform to the requirements of such Oregon statutes or common law. So I would agree with you if there was a period after the term criminal nexus that we intentionally add the modifier of requiring whatever -- however one wants to identify or define criminal nexus, it must conform with Oregon law where Oregon's law is more restrictive, in specifically investigative tactics than in federal law.

**Kramer:** Mr. Mayor and mr. Leonard, thank you, I just want to alert you to the other problem with the nexus language. It says a suspected terrorism that have a criminal nexus and I would respectfully suggest that we add to that language of suspected terrorism that have a criminal nexus to the suspected terrorist investigation. The reason for that is the fbi has a history of using a criminal nexus to go after tax fraud, campaign contributions, violation of mail fraud statutes. We are to participate as ppb in the jtff investigation, it should be connected to the terrorist activity and not connected to mail fraud, charity, or a thousand of other federal applications as it is written it permits the sideshow, the diversion of police resources into those activities.

**Leonard:** I'm not actually consuming more time than would otherwise be consumed because I was going to address this point when the next person is done. So I think this is a great opportunity. I appreciate mark's dialogue with me. I have been listening to the testimony this afternoon, and I think there exists yet still some, maybe not a clear notion of what this resolution does. Your remarks make they think we haven't been as clear what this resolution does. The fbi under the terms of this resolution, does not do what they do in every other jurisdiction in the united states that assign an mou to belong to a jtff. In those jurisdictions this, has been -- if you recall, I -- mayor potter signed to the resolution I wrote in 2005 withdrawing from the jtff, so I am not coming late to this party. This is something i've initiated and felt strongly about. I object to having our officers directed by or influenced by federal agencies and/or policies where they are contrary to Oregon and local law. This resolution for the first time sets a barrier between what the federal government may or may not think is a violation of law and what our police chief and commissioner in charge under Oregon law believe exists in terms after violation. So in other words, they may think there is some nexus to a tax fraud or they may think there is a nexus connected to some other kind of violation. But what this resolution does is it speaks only to the city. It doesn't enter into an agreement with the federal government the it says to the city, only under certain conditions can you allow the federal government to access the resources of the Portland police bureau. And here are the conditions that those are. So in other words, if the federal government comes to us and says we

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think there is a criminal nexus by person a to bank fraud and under the terms of the jtff we would like to you initiate investigations, our police chief and our mayor are prevented from doing so under the terms of this resolution. It doesn't matter what the federal government thinks or says to us.

**Kramer:** I thank you, mr. Commissioner. I know my time is up. Would I ask if you pass this, that specific commentary be reflected in the sop. I think it is critically important.

**Leonard:** I agree. And I intend to have that happen. The mayor intends to have that happen.

**Adams:** That concludes the public testimony. Discussion on council?

**Leonard:** If I could just finish the thought, as i've been listening to testimony and talking to andrea meyer, she reminds me there's a couple things she thinks needs to be clarified in addition to the exchange that I just had. She in fact, nor has anybody from the joint terrorism task force, mayor Adams as you are aware, have not directly negotiated with anybody in the federal government. You have had a series of meetings with them, i've had meetings with them, you had a series of meetings with the u.s. Attorney and the fbi, I too have had a series of meetings. We have at times met together with them, we have at times met separately, other members of the council may have done so as well. She [Andrea Meyer] did not negotiate directly with the federal government on any aspect. And I want to make that clear for the record at her request. Also think that it's -- the risk of being repetitive to make clear that, especially listening to the exchange with commissioner Saltzman and the u.s. Attorney that was answering, because I was concerned some of those exchanges could be misunderstood. To be clear, when this resolution is in place, and if tomorrow the u.s. Attorney requests assistance for what they think exists that define -- that meets the definition of criminal nexus to have access for Portland police officers, that does not mean that the police chief or the commissioner will assign officers to them. The police chief and the commissioner have to on their own volition define the request by the federal government as meeting the terms of our resolution before we assign them to them that. Is a fundamental difference between what happens in other jurisdictions that have memorandums of understandings between the joint terrorism task force and a local police department. So I don't want anybody voting on this that does not clearly understand the huge distinction that we are drawing here in Portland and what happens, for instance in San francisco. Andrea mentioned san francisco in her testimony. In san francisco, the aclu made a freedom of information act request and discovered a memorandum of understanding that exists that even the police commission in san francisco is the governing body of the san francisco police department that even the police commission itself was not aware of the san francisco police department had signed. That would purport to have officers assigned to the joint terrorism task force via that memorandum of understanding between the fbi and the san francisco pd, be involved in investigations that their own local policies would prohibit them from being involved in. That's a very important thing to understand. Out of fairness, I will tell you the article I read on the subject, the san francisco police department insist they did not do anything different than what their local policy requires. But according to a member of the police commission, in san francisco, and i'll read to you the quote I read in the newspaper, it's just from two days ago, the mou is disturbing. Police commission member told the guardian. The department is assuring us that local policies are not being violated but it looks as though it's subject to interpretation. When we passed this resolution, the conditions that allowed san francisco pd to get themselves in the situation they are vis-a-vis their governing body will not exist in the city of Portland because our governing document will be this resolution that we wrote that we passed. It does not as the mou's that all the other cities assign officers to the joint terrorism task force who then work under the joint terrorism task force policies and procedures as set forth by the u.s. Department of justice and the fbi. These are conditions that our police will work under only the

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resolution of the city of Portland, and thus the resolution says we have decided not to sign a memorandum of understanding with the federal government. That is -- I don't want anybody to vote on this and not completely understand that distinction.

**Adams:** Thank you. And please call the vote.

**Fritz:** I have an amendment. It's a friendly amendment. The assertion was made in testimony that resolutions are not binding, that in fact they are binding on the city. And this one specifically says that the provisions of this resolution are binding city policy, no element can be changed without an open public hearing. So in the spirit of that I want to amend the third be it resolved on the second page to specify that in fact it's the chief police who reports actual violations to the commissioner in charge rather than the police bureau officers. The amendment is to add the chief of police after and, and before shall, in the third line down of that further resolved.

**Adams:** I accept that as a friendly amendment.

**Leonard:** The third resolved -- right after 181.850, and, and then --

**Fritz:** Police shall report violation rather than the Portland police officers.

**Adams:** An amendment of clarity, and I accept it as a friendly amendment. Karla, would you please call the vote? Thank you.

**Fish:** I want to begin by thanking everybody that took time today to come forward and testify and share their views, and in fact throughout this process, shared their views with this council. Our vote today is the culmination of almost five months of work. That began morning after an incident that tainted one of our favorite civic celebrations, the tree lighting ceremony in pioneer courthouse square. I'm pleased that this council did not rush to judgment. Mayor Adams, I believe you made the right call when you announced your work plan which has informed the council's decision on the joint terrorism task force issue. I also want to at the outset of my remarks thank you, mayor Adams, for your leadership throughout this process. Lord knows there have been many challenges along the way, but would I say persistence is one of your better virtues. The u.s. Attorney dwight Holton, who I barely knew six months ago, was on the stage with the mayor and me during the tree lighting ceremony. And has been by the side of this council every day since. I believe I can say with some certainty that without a partner like dwight, we would never have been able to craft the resolution that is before council today. This council also benefited greatly from the quiet and effective leadership of Portland police chief mike reese. Any relationship with law enforcement must be grounded in Trust. And I believe in words and in deeds, chief reese has earned our trust. We've had a wide ranging and thoughtful process. Again, I want to thank everybody that's weighed in on this matter. And I've had dozens of meetings with people in my office, attend numerous public forums, council presentations, to the individuals, to the advocacy groups, to the law enforcement professionals, to all who took this issue so seriously, I'm grateful for the time they spent educating us. As with all of my colleagues, I have carefully reviewed all the information that I received, including many letters and emails, a testimony for council and briefings that I received. I have asked some tough questions along the way, and I've always tried to keep an open mind throughout this process. As a city commissioner, I take very seriously my duty to keep Portland safe. As a former civil rights lawyer, I also take very seriously my duty to protect our cherished constitutional freedoms and liberties. For me, and for some time, this debate has boiled down to two fundamental questions. First, are we safer if we strengthen our partnership with the jtff? Second, if yes, can we do so consistent with our laws and our values? I'll start with the first question. I believe we face serious threats from al-Qaida, its allies, and from domestic terrorist groups. This september we mark the 10th anniversary of the deadliest attack on American soil in our history. And at this moment Americans are in the field fighting and dying to protect our freedoms. Every law enforcement official, local, regional, and national, who has weighed in on

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this issue before us has stated clearly and forcefully that we are safer as a city, as a state, and of a country if Portland cooperates more fully with the jttf. As has been previously noted, virtually every major city in America, including New York, San Francisco, Oakland, and Seattle, participate in one way or another with the jttf. I believe that our current policy hinders good communication, and fails to take advantage, full advantage, of the tactical and operational strengths of the Portland Police Bureau. Just as important having well-trained Portland police officers participate not only brings detailed knowledge about our community to the jttf, but it also puts Portland values at the table. We are not an island or a castle. We depend on the work of jttf members across this country to keep us safe. And I think it's important that we do our part as well. I've concluded that Portland and our nation would be safer if we participated more fully in the jttf. My second question deals with civil liberties. The debate over security and liberty is as old as our republic, and we heard some profound testimony today that reminded us that we have frequently throughout our history not been faithful to our cherished constitutional values. I take seriously the concerns raised by my friends and the Muslim American community, the Japanese American community, and other groups that have been targeted in the past and have seen their rights infringed. During this debate federal officials have made the right commitments, the general counsel of the FBI and the U.S. Attorney have pledged to follow Oregon law. But under the premise of trust but verify, I am only willing to work more closely with federal law enforcement provided we adhere strictly to the key components in this compromised resolution. They include the top secret clearance of the police chief and the opportunity for the commissioner in charge to seek secret clearance. Regular consultations between the FBI, special agent in charge, and the police chief. At least yearly training by the city attorney on applicable state and federal law, annual reports to council on police bureau, jttf activities, and legal compliance. Clear recourse for task force members who feel there may have been a violation of state law, access to the city attorney by task force participants as needed, supervision by the Portland Police Bureau chain of command, and perhaps most importantly, the judgment of the police chief on when and how to deploy our officers. With these protections in place, I believe that Portland's participation in the jttf will strengthen not just our security, but the security of our nation. And in closing, I want to thank all my colleagues for the way they've approached this issue. People can agree or disagree with the verdict of this council today, but I believe that from the beginning of this process, this debate has been one of the more thoughtful and honest and candid discussions that I participated in. We would not be here without strong leadership from this mayor. I appreciate the role that Commissioner Leonard has played throughout this process, just as much as I've also appreciated the conversations I've had with Commissioner Fritz and Commissioner Saltzman. We all come at this issue with different perspectives and different histories, different concerns, but I believe we're all united with a deep concern, and deep commitment to keeping our community safe, while protecting our values. I believe this compromise resolution achieves those goals, and therefore I vote Aye.

**Saltzman:** Well I sincerely appreciate the efforts of my colleagues, the mayor, US Attorney Dwight Holton, deputy attorney Ellen Osoinach, they have worked long and hard to reach an agreement about Portland's participation in the joint terrorism task force. And I truly believe that being at the table with the FBI, and the Oregon State police, the Washington County Sheriff's office, being at the table we can do a much better job of keeping Portlanders safe, and also respecting our civil liberties. I'm still troubled by our unwillingness to embrace the word whether we're rejoining or talking about memorandums of understanding, but I think that this agreement is leaps and bounds beyond where we started in November and it's light years ahead of where we left off in what I consider to be a disappointing 2005, when we withdrew from the joint terrorism task force. I think this is light years ahead of that. It gets us to working together. It gets us to respecting civil

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liberties. So maybe, mayor Adams has learned as I have learned in reading military history and stuff like that, like any good general, when you encounter an immovable object like the issue of join, are we in or out, mou or not mou, go around it and I think that's what we are doing here. I think we are coming up with language that all, perhaps all five of us can support and certainly as people well know, I have supported us being part of the jtff and I think that that's what we are doing here. By committing to participate in the joint terrorism task force, we are fulfilling our obligations to Portlanders to work to keep them safe, and also fulfilling the obligation we have to the rest of the nation to prevent terrorism. And I do want to say that was a very important provision to me. The resolution speaks to the fact that service on the jtff is a national obligation. And if we are requested by another jtff or another city because we have unique skills that can help, we will be there, subject to the terms of this resolution. And to me that's an important national obligation. We are not a city state. We are part of this country. And while the fbi has a checkered history, it doesn't do us any good to be sitting here and talking about things that happened 60 years ago or 50 years ago. It does us more important to figure out how we are going to move ahead. Working together for a safer Portland and a safer nation. I am pleased to vote aye.

**Leonard:** Thank you. There are some who believe that being secure from terrorism while simultaneously honoring the constitutional dictum that protects freedom of speech, religion, and assembly are two mutually exclusive goals. As chief reese said in his testimony, i, too, believe just as our founding fathers did, we can balance our sacred civil rights by simultaneously securing our citizenry from acts of terrorism. I will be the first to admit especially after this process that finding that balance is easy -- it's anything but easy. In my view, asking no questions and setting no conditions and just blindly joining the joint terrorism task force and entering into the fbi's memorandum of agreement disrupts that balance and therefore I would not support that. As I mentioned, in my remarks a few moments ago, san francisco is in the midst of a controversy as we speak here tonight surrounding their department's signing secretly a memorandum of understanding with their joint terrorism task force that may or may not have caused san francisco officers to follow their local laws that are more restrictive than federal laws. The bigger point in that story for me is that by passing this resolution tonight, the Portland police bureau is not joining the joint terrorism task force and therefore the city of Portland will not be entering into the same kind of memorandum of agreement nor any kind of memorandum of agreement such as what san francisco agreed to that set the stage for the controversy they find themselves currently embroiled in. But to be absolutely clear, we do need to have a proactive and effective working relationship with the variety of local, state, and federal agencies if and when anyone intends to inflict casualties upon civilians or sworn personnel. I believed that the 2005 resolution accomplished clear lines of authority and responsibilities to accomplish that goal. However, in reviewing the entire incident that occurred last November, at pioneer courthouse square, I am persuaded that our 2005 resolution needed to be more specific as to when and when not it is appropriate to assign Portland police officers to work in partnership with federal authorities on specific cases of terrorist threats. But to be clear, the mayor and the police chief will determine whether or not a criminal nexus exists. Before we, as a city, assign officers to work on any case related to anything that is characterized as terrorism, we will be the deciders of what is or is not a terrorist case. I do believe that this resolution does a better job than the 2005 resolution. It replaces imbalancing the need for protecting our civil rights and providing protection for our citizenry and I want to thank mayor Adams for the extraordinary effort he brought to bringing all of this together. Aye.

**Moore-Love:** Fritz.

**Fritz:** I am very proud of Portland. I am very proud of Portlanders for having this kind of open, transparent public process to make this decision. I am obviously, not everyone agrees with the

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decision. But you have to respect that there has been an open process where every step of the way citizens have had input and I thank mayor Adams for that, for having a reasoned, extended process where -- I have learned a lot from all of my colleagues and & from the public, from my office staff and from Vanessa Algen, our intern, from all the citizens who participated in this process, whether in person, by email, by telephone, I have learned a lot and I appreciate all of the input. I thank particularly the league of women voters and the human rights commission and Portland cop watch who have each provided their expert testimony and I appreciate that. I am concerned about civil rights and human rights, and I believe they have and can be violated in these types of investigations. We need to approach every investigation with the concept of doing no harm to citizens who are expressing their rights to free expression and freedom of assembly. And I know from talking with chief reese that he does uphold those constitutional rights dearly and indeed our police officers are sometimes assigned to help keep the peace for those who are opposing them. And I appreciate that challenge. The jttf is already operating in Portland. The fbi is already operating in Portland. I want our police officers to know what's going on. I want our police officers who are sworn to uphold the Oregon constitution, the laws and this resolution, to be informed about what the jttf is doing and to be communicating with the police chief and the commissioner in charge. I appreciate the mayor agreeing to my request that the annual report in january will be a public document, that every year we will get a report on the activities and citizens will be available -- will have that information and be able to comment on it. And I do want to see all of the data and statistics requested by andrea meyer in this hearing in that report. I think those kinds of details are what I will be looking for next january and I think it will be good that again Portland will be having a very public review of what our officers have been doing and maybe some, what the good outcomes or bad outcomes. This resolution is very clear we are not rejoining the jttf with a standard memorandum or -- mou. And I think that's a good thing. It's crafted to be very Portland and very clear about what our expectations of our officers, our police chief and our commissioner in charge are. In the end, the aclu is one of the standard bearers for civil liberties in our country. And with the support of andrea meyer and the aclu, with the tentative support of brandon mayfield and I did consider his comments about specifics, I think there is pieces of this that any one of us is not entirely comfortable with but as a package, and as an agreement, which is pretty historic, which the u.s. Attorney representative and the aclu, I think it moves us forward and it does make us safer. So thank you to andrea meyer and dwight holton for informing this process and again thank you to the mayor for leading it and for bringing us to this resolution. Aye.

**Adams:** Well, I want to thank the Oregon aclu and the u.s. Department of justice, the Oregon office, andrea meyer from aclu, dwight holton from the interim u.s. Attorney for Oregon. You don't agree on everything but you have agreed enough to I think impact the national debate and the national discourse on what does it mean to not just be passionate about values but to put those values into action in a way that both prevents, better prevents an investigation -- acts of terrorism while simultaneously balancing civil liberties and civil rights with an eye to ever enhancing cities. This city and others. Enhancing as open societies, inclusive societies. I hope this informs the national debate. Because I think that the work that was done here is a vast improvement on the status quo. And I think it's a vast improvement on the status quo because we are one of the few cities that have had these debates. And gone into the details that makes all of us slightly uncomfortable and depending on the details. But we are trying to strike that balance. We do reject the false choice as only being civil liberties, civil rights or safety. And we are seeking to do both. I want to again underscore my thanks for ellen Osoinach. I am so glad you are part of this. You are now a national expert on these issues, whether you like it or not. I want to underscore my thanks to mike reese as our chief. Who you know made me stay on the operational aspects and to not just

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live in the land of slogans and rhetoric, but, you know, asking the good questions, what does that mean? In terms of the daily work. And I want to thank amreet Sandhu in my office and my office team for your great work on this. It's been difficult but I am pleased with the result and again my colleagues, all of you, made important contributions and I am grateful. Aye. We are adjourned.

At 5:40 p.m., Council adjourned.