



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF NOVEMBER, 2012 AT 9:30 A.M.

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

Commissioner Leonard left at 10:53 a.m.

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

Item No. 1246 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

	Disposition:
COMMUNICATIONS	
1233 Request of Mary Eng to address Council regarding copyright or copyleft? The post-copyright City of Future (Communication)	PLACED ON FILE
1234 Request of Wade A. Varner to address Council regarding starting a homeless camp (Communication)	PLACED ON FILE
1235 Request of Jason Kersten to address Council regarding homeless camping (Communication)	PLACED ON FILE
1236 Request of Karl Schave to address Council regarding homeless camping (Communication)	PLACED ON FILE
1237 Request of Rev. Cecil Prescod to address Council regarding the foreclosure issue and Alicia Jackson's situation (Communication)	PLACED ON FILE
TIMES CERTAIN	

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<p>1238 TIME CERTAIN: 9:30 AM – Proclaim November 2012 as Native American Heritage Month (Proclamation introduced by Mayor Adams) 15 minutes requested</p>	<p>PLACED ON FILE</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>Mayor Sam Adams</p>	
<p>1239 Appoint Jim Owens to the Portland Parks Board for a term to expire June 30, 2014 (Report) (Y-5)</p>	<p>CONFIRMED</p>
<p>1240 Reappoint Kyle Busse, Allan Lazo, Damon Isiah Turner, Ashley Horne and Deyalo Bennette to the Human Rights Commission for terms to expire April 30, 2013 (Report) (Y-5)</p>	<p>CONFIRMED</p>
<p>Bureau of Police</p>	
<p>*1241 Accept and appropriate a grant in the amount of \$10,337 for FY 2012-13 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY12 Bulletproof Vest Partnership/Body Armor Safety Initiative for bulletproof vests (Ordinance) (Y-5)</p>	<p>185710</p>
<p>Office of Management and Finance</p>	
<p>1242 Grant a right-of-way use agreement to Cricket Communications, Inc. for three years for mobile telecommunications services and establish terms and conditions (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 12, 2012 AT 9:30 AM</p>
<p>1243 Grant a right-of-way use agreement to New Cingular Wireless PCS, LLC for three years for mobile telecommunications services and establish terms and conditions (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 12, 2012 AT 9:30 AM</p>
<p>1244 Grant a right-of-way use agreement to T-Mobile West Corporation for five years for mobile telecommunications services and establish terms and conditions (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 12, 2012 AT 9:30 AM</p>
<p>1245 Grant a franchise to Lewis and Clark College for a period of ten years for telecommunications services on its campus (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 12, 2012 AT 9:30 AM</p>
<p>Commissioner Randy Leonard Position No. 4</p>	
<p>Water Bureau</p>	

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<p>1246 Amend contract with CH2M Hill, Inc. to increase compensation and scope of work for Powell Butte Reservoir 2 Phase 2 Project (Ordinance; amend Contract No. 30000828)</p>	<p>PASSED TO SECOND READING NOVEMBER 14, 2012 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Parks & Recreation</p> <p>*1247 Authorize a grant agreement with Linnton Community Center for operational costs associated with after school programs for youth (Ordinance) (Y-5)</p>	<p style="text-align: center;">185711</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>*1248 Extend an Intergovernmental Agreement with Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1 and Peninsula Drainage District No. 2 through June 30, 2013 for stormwater management services (Ordinance; amend Contract No. 51358) (Y-5)</p>	<p style="text-align: center;">185712</p>
<p>1249 Authorize a contract with BergerABAM, Inc. for professional engineering services for the Tryon Creek Sewer Upgrade Project No. E10251 and provide for payment (Second Reading Agenda 1218) (Y-5)</p>	<p style="text-align: center;">185713</p>
<p>1250 Authorize three-year grant agreement with SOLV to involve community volunteers in watershed restoration, maintenance and monitoring activities (Second Reading Agenda 1219) (Y-5)</p>	<p style="text-align: center;">185714</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Sam Adams</p> <p style="text-align: center;">Office of Management and Finance</p> <p>*1251 Adopt budget adjustment recommendations and the Supplemental Budget for the FY 2012-13 Fall Budget Monitoring process and make budget adjustments in various funds (Ordinance) 20 minutes requested</p> <p>Motion to accept substitute exhibits 1-4: moved by Mayor Adams and seconded by Commissioner Fish. (Y-5) (Y-5)</p>	

<p>1252 Authorize up to \$3.5 million in 10-year interfund capital loans from CityFleet Operating, Facilities Services Operating and Technology Services Funds to the General Fund for reimbursement to the Water Bureau of expenditures for acquisition, construction and renovation of certain assets, for potential expenses associated with the Willamette Harbor Superfund site, and to transfer management responsibility for certain assets between the Parks Bureau and Water Bureau (Resolution) 10 minutes requested</p> <p>(Y-5)</p>	<p>36976</p>
<p>1253 Grant a right-of-way use agreement to Clear Wireless LLC for three years for wireless broadband Internet access services and establish terms and conditions (Second Reading Agenda 1139)</p> <p>(Y-4; Leonard absent)</p>	<p>185716</p>
<p>1254 Grant a right-of-way use agreement to Sprint Spectrum, L.P., for three years for mobile telecommunications services and establish terms and conditions (Second Reading Agenda 1140)</p> <p>(Y-4; Leonard absent)</p>	<p>185717</p>
<p style="text-align: center;">Commissioner Randy Leonard Position No. 4</p> <p style="text-align: center;">Portland Fire & Rescue</p> <p>1255 Accept the Report on Budget Note regarding Rapid Response Vehicle Pilot Program (Report) 15 minutes requested</p> <p>Motion to accept the report: Moved by Mayor Adams and seconded by Commissioner Fish.</p> <p>(Y-5)</p>	
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Housing Bureau</p> <p>1256 Authorize a Disposition Agreement with Multnomah County for the eastern lots of Block U (Second Reading Agenda 1211)</p> <p>(Y-4; Leonard absent)</p>	
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>1257 Implement Rainfall-Derived Infiltration and Inflow Reduction Program pilot projects in southwest Portland to resolve capacity problems in Fanno Creek and Burlingame sewer basins to comply with Oregon Department of Environmental Mutual Agreement and Order (Resolution)</p> <p>(Y-4; Leonard absent)</p>	

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<p>1258 Authorize grant agreement for restoration, education and stewardship services with the Johnson Creek Watershed Council (Second Reading Agenda 1226) (Y-4; Leonard absent)</p>	<p>185719</p>
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At 11:03 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 7TH DAY OF NOVEMBER, 2012 AT 2:00 P.M.

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

Commissioner Fish arrived at 2:06 p.m.

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

The meeting recessed at 3:58 p.m. and reconvened at 4:12 p.m.

	Disposition:
<p>1259 TIME CERTAIN: 2:00 PM – Recommendations of Revenue Bureau and Private For-Hire Transportation Board of Review regarding applications for new taxi company permits (Report introduced by Mayor Adams) 2.5 hours requested for items 1259 to 1264</p> <p>Motion to deny application of Always Cab Company based on recommendations in report: Moved by Mayor Adams and seconded by Commissioner Saltzman. (Y-4)</p> <p>Motion to deny application of Portland Electric Cab based on recommendations in report: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4)</p> <p>Motion to approve [accept] the application of Union Cab based on recommendations in report with the condition that company ownership cannot be transferred without Council approval: Moved by Mayor Adams and seconded by Commissioner Fish. (Y-4)</p> <p>Motion to accept the report: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4)</p>	RECOMMENDATIONS ACCEPTED WITH A CONDITION
<p>*1260 Amend Private For-Hire Transportation Regulations to add new section Paid Passenger Referrals Prohibited (Ordinance introduced by Mayor Adams; add Code Section 16.40.710)</p> <p>Motion to add emergency clause: Moved by Mayor Adams and seconded by Commissioner Saltzman. (Y-4)</p> <p>(Y-4)</p>	185720 AS AMENDED
<p>*1261 Authorize taxi company performance review for permit renewal process and for additional vehicle permit requests (Ordinance introduced by Mayor Adams; amend Code Sections 16.40.170 and 16.40.210)</p> <p>Motion to add emergency clause: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4)</p> <p>(Y-4)</p>	185721 AS AMENDED
<p>*1262 Increase taxicab fare rates (Ordinance introduced by Mayor Adams; amend Code Section 16.40.290)</p> <p>(Y-4)</p>	185722

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<p>*1263 Increase taxi company and taxi vehicle fees (Ordinance introduced by Mayor Adams; amend Code Sections 16.40.590 and 16.40.430) (Y-4)</p>	<p>185723</p>
<p>1264 Direct the Revenue Bureau and the Private For-Hire Transportation Board to prepare proposed changes to Portland City Code Chapter 16.40 and Administrative Rule changes, as necessary to implement the joint Bureau and Board Private For-Hire Transportation Program Recommendations for Taxi Industry Reform (Resolution introduced by Mayor Adams) (Y-4)</p>	<p>36978</p>

At 5:16 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF NOVEMBER, 2012 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding 2:00 p.m.- 2:30 p.m.; Commissioners Fish and Fritz, 3. Mayor Adams arrived at 2:30 p.m. and presided, 4.

Commissioner Fish arrived at 2:06 p.m.

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

The meeting recessed at 2:17 p.m. and reconvened at 2:36 p.m.

The meeting recessed at 3:02 p.m. and reconvened at 3:46 p.m.

	Disposition:
<p>1265 TIME CERTAIN: 2:00 PM – Accept the Report of the Chief Administrative Officer on the Fourth Quarterly Report of the Technology Oversight Committee (Report introduced by Mayor Adams) 30 minutes requested</p> <p>Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Fritz.</p> <p>(Y-3)</p>	ACCEPTED
<p>1266 TIME CERTAIN: 2:30 PM – Accept report on Less-Lethal Force Recommendations: A Policy and Case File Review Conducted by the Taser/Less-Lethal Workgroup of the Citizen Review Committee (Report introduced by Auditor Griffin-Valade) 1 hour requested</p> <p>Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Fritz.</p> <p>(Y-4)</p>	ACCEPTED
<p>1267 TIME CERTAIN: 3:30 PM – Authorize the Mayor to execute an Agreement with the United States Department of Justice Civil Rights Division and United States Attorney for the District of Oregon regarding changes to policies and procedures in and oversight of the Portland Police Bureau (Ordinance introduced by Mayor Adams; Previous Agenda 1232) 1 hour requested</p> <p>Motion to amend Exhibit A as presented by City Attorney and Mayor’s Office staff: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4)</p>	PASSED TO SECOND READING AS AMENDED NOVEMBER 14, 2012 AT 9:30 AM

At 5:50 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

NOVEMBER 7, 2012 9:30 AM

Adams: Good morning, everyone. Welcome to the city council chambers. We have a very special proclamation I would like to read and if our special guests could please come forward, that would be great. Native american heritage month. Who's coming forward? Come on up. Whereas native americans, the -- [applause] whereas native americans, the indigenous people of this land, flourish with vibrant cultures, developed one of the largest trade economies and are the original stewards of mother earth and whereas the city of Portland now rests on land at the confluence of the willamette and columbia rivers, a major crossroads for the economic, social, and political interactions of the indigenous tribes for thousands of years, and whereas indigenous people hand down oral history, science, governance, and distinct relationship with water, land, rocks, trees, birds, fish, and animals and invaluable cultural knowledge and rich traditions that continue to thrive in Portland, whereas indigenous people who have been here since time immemorial continue to contribute immeasurably to our county, state, city's heritage distinguishing themselves as scholars, veterans, teachers, athletes, artists, entrepreneurs, and leaders, and whereas the indigenous people of Portland is the 23rd largest in the united states, with nearly 30-odd some thousand people descended from more than 380 tribes and bands across the nation and whereas the community continues to contribute to the cultural fabric of the city of Portland through many events throughout the years, such as traditional powwows, festivals, celebrations, active community organizations and tribal intergovernmental relations, now therefore I Sam Adams, mayor of the city of Portland, Oregon, the city of roses, do here by call upon all citizens of Portland to commemorate this month with appropriate programs and activities and to celebrate the month of november 2012 as native american heritage month. Congratulations. [applause] commissioner Fish.

Fish: Thank you, mayor Adams. It's my honor to recognize and thank a number of people who made this day possible. And I want to apologize in advance. The print on the document I have is very small and my "sight is very wad -- eyesight is very bad. If I conspicuously mispronounce a name please accept my apologies. First I want to recognize the native american advisory committee that was formed in 2010. The committee has representatives from local agencies and tribes and they have been instrumental in organizing native american family day, the next one is november 16th at the east portland community center. They are working closely with bureau staff to help identify historical perspectives and opportunities. I want to on behalf of the mayor recognize the number of the committee members who put together this celebration today in the proclamation. Many of them are here with us today. From the confederated tribes of the grand ronde, david lewis and greg archuleta. From the confederated tribes of the siletz indians, katie hodland and Verdean mcguire. From the Portland youth and elder council, donita fry, lalani ovalles, and shauna. From the bow and arrow culture club, sandy allmon and shari scott and from nara solomon trimble. From the columbia river intertribal Fish commission, joe marie tessman. And from the PSU native program, judy bluehorse and dean azule. Portland public schools indian education program, karen kitchen. And we would also like to acknowledge and thank from Portland parks and rec alejandro vidales, cheryl juber, max berens, karen lee, david barrios and tanya carile. Thank you mayor. [applause]

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Adams: Thank you very much. Would anyone like to say anything?

David Lewis: Thank you, mayor and commissioners. I'm David Lewis with the Grand Ronde tribe. We would like to say that thank you for this proclamation, this helps us with programming in the Portland area and we are open for all opportunities to work in Portland to enrich the experience of Portlandians, Portlanders, whatever you call them. Thank you.

Adams: Thank you very much. Appreciate it. Congratulations.

Donita Fry: Can I add, to, we presented to the Portland Parks Board this morning and talked about the wonderful opportunities that the Native Community Advisory Council has been collaborating with in the past, two and a half years, I think, since the formation of the committee. But also just wanted to highlight this afternoon we will do a ground blessing ceremony at the Thomas Cully site in the Cully neighborhood, from 3:00 to 4:00 and I don't know but I would suspect this might be the first time in Portland's history we have actually began a project with a blessing from the Native Community on the land that we do business on. Thank you for the partnership.

Adams: That's great. Thank you all very much. Appreciate it. Karla, how are you today?

Moore: I am well, thank you.

Adams: One other special recognition before we get started and that is, a big congratulations to the recently reelected city commissioner Amanda Fritz. [applause] and could you please call the roll.

Leonard: Here.

Fritz: I'm here and I do thank the voters of Portland for giving me the honor of continuing to be here for the next four years.

Fish: Aye. Here. Excuse me.

Saltzman: Here.

Adams: Here. Let's begin with communications. Can you please read the title to item number 1233.

Item 1233.

Adams: Is Mary here?

Mary Eng: Ok. I want you guys to check out packets I'm passing out today. We have got malaria research, and we have hackers. We have some very high profile hackers that are doing amazing things for the future of humanity. We should not keep pharmaceuticals out of the hands of people in Africa who are dying of malaria. Pharmaceutical patents can often get in the way of fair prices and development for the end and eradication of disease. I would like to show you the Creative Commons website which is a very moderate approach from Harvard professor Lawrence Lessig has been instrumental in fighting corruption in government and cutting down on waste and improving efficiency. There's something from the GNU project on copyleft which elaborates on what that means and I would also like to draw your attention to the Office of Management and Budget which under Cass Sustein has been working in the White House reducing waste. I want to thank the City of Portland for your excellent archiving and digital transmissions and the more we can start to build bridges across the generations, and reach out to young kids who may perceive themselves as hackers, we can understand that their commitment towards information freedom often revolves around very important issues to humanity, such as domestic violence research, which is behind closed portals, where you have to pay \$44 for a federally funded research project on domestic violence. And we should start to see that sometimes copyright can be a good thing but sometimes it can get in the way of actual progress for humanity. One of the hackers in prison is Gottfried Swartholm who is recently apprehended and taken into custody in Sweden where he is being held in solitary confinement. To some people he's the hero because for people like me, I love to read international law and so I am very thrilled to get access to a lot of international research, which some of that is coming out through MIT. We have another high-profile hacker called Aaron Schwartz who liberated some information from the J-store databases which are often federally financed. So my idea is that we need to do technological outreach to young communities of very highly

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technologically literate young people and respect their knowledge and intelligence and world views which are often very humanitarian in interest. I have some information about a religious movement that values copying as a very sacred act and the sharing of information as a sacred act and that I have got the information on five of the 10 rapes at Portland state university and that is to show that you sharing information is a good thing for your own safety and protection.

*****: Yeah: [shouting]

Adams: Can you please read the item for number 1234.

Item 1234.

Adams: There's only one at a time. Sorry. Yeah.

Wade Varner: Hi. My name is wade varner. I am the founding director --

Adams: Can you push the button so we can hear you? Thank you very much.

Varner: I'm here today to present to you an idea of a homeless camp that will be built at no cost to the city. All we need is a place to put it and in order to do that we must have your help. We have a fully funded, fully paid for camp ready to go if you ok'd it today and gave us a place, we would set up tomorrow. It depends on the size of the plot that we get is how many people that will be allowed to house. And again, it will be no cost to the city. We will have things like a computer lab where people can come in and look for jobs, look for work. We will have people coming in to take care of the social issues and stuff like that. We intend to have 12-step programs, everything that we need to do this properly is the fact that we need to do this. We have over 50 people die on the streets of Portland last year and that's not a very good thing. We need to take and make sure that people have a safe and -- place to put their stuff even. We started that down there in old town with the check-in. We would have services like that. We would have meals I believe there. We would have computer labs. We would have the people that come from the social service agencies. We have got a lot of agencies that are willing and a lot of different people that are willing to come online and help us do this. We have fully funded and ready to go. So we are asking you guys to do, and from what I understand, we are already, have a second dignity village type of on the books from the state. So what we need to do is just take that one and make it. I mean, we have got to have a place for people to go. I mean, they have no place to go right now. They have no place to hang out during the day that's large enough for them. There's no place to hang out with cage where's they can put their animals as they are accessing these services. These right kind of things we need here in Portland and that's the way that Portland has always been. I was part of the seven-point plan that bud clark tried 30 years ago when I was homeless. If I can come and do this with programs and services, I mean, it took me years to get to where I am right now. And I have to apologize to you guys because I was very rude to you the last time itches in here. But I was having a really bad month, and that's that. But this is too important of a thing because lives are at stake here, to put away again. We could have already had something like this going for the winter because it's going to be a cold, nasty winter this year. And if we don't have this, then, we are not going to be able to save people. And that's what I am trying do now is save lives. Thank you.

Adams: Karla, can you please read the title for item 1235.

Item 1235.

Jason Kersten: My name is jason kersten, the assistant director of homeless assistance of america. I'm biggie backing what wayne said. I have doing some research. According to the united nations declaration of human arts says evening has the right to a standard of living adequate for health and well-being of himself and his family including food, clothing, housing medical care and necessary social services. With the proposal we put in front you have guys that's exactly what we are trying to do. We want to help people. As a formerly homeless veteran on the streets I wish that when I was out there, some of the services would have been made available to me. Like wade said we fully plan to do this with our money, with our money, instead of the city coffers and the taxpayer. We have got several organizations that are willing to come on board with us and help us out. We need a

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place to do this. I am tired of burying my friends every year that die on these streets. I have spent, I came out here in the '80s. You know, by the grace of god and some of the social services out there I am able to get myself off the streets and get myself clean and sober as some of you know. Now it's time I feel I need to give back to the community that took care of me when I was throughout and the only way we can do this is with the help of the city, at least just give us a spot. That's all we are asking. We are not asking for, you know, total enforcement. We can do this ourselves. We can have the security part of it, the safety part of it. Got people that are willing to come in from social services, you know, and all that and help us. Other organizations, some of them are here to help us out. I mean, it's not just our job. It's everybody's job in the stiff Portland to look out for our people. I keep hearing that Portland is for the people. So let's, why can't we do that? Why can't we as, doesn't matter if we are mayor, council members, chiefs of police, or the guy on the street. We all need come together as one and be a family and take care of our family. Thank you for your time.

Adams: Thank you. Can you please read the title for item number 1236.

Item 1236.

Karl Schave: Hi. I would like to say thank you for the opportunity to present an idea in order to help people. I am a former enlisted, air force firefighter, and the reason why I came to Portland also was to be able to get schooling. I actually, when, I served an the air base after hurricane mitch. And I went through tegucigalpa and watched people come together during a natural disaster. When I got to the air base, the air base was closed. And we didn't treat anybody. And it created a complete divide between everybody, the civilians, the army and air force. And the civilians. Once we actually started actually help people, that's when the americans and the hondurans could work together to build relationships. And I came to Portland for schooling. And I managed a single-resident occupancy dorm-style apartment. And I would regularly keep one apartment vacant in order to allow people to come in and sleep. I couldn't actually live in the place. And so I actually took all my personal belongs in storage and went camping and actually got to see for a short time in the span of three weeks of the divide between people. I believe that people want to see change in, and we are not asking for a divide between people. We are trying to collect and deliver a process in order to help people. We don't want to push anybody else. We want to actually unite people. There are a lot of people in old town that have a lot of heart. To help a lot of people. But what we are asking for is a temporary place and temporary direction in order to make sure people have, and can meet other people, during times of internal crisis and stress. Where they will not be able to organize and actually be able to talk to people and actually reach incredible services. If we actually were able to give people a temporary leaping pad, it would be able to speed up the process of already established people and services and churches. What I want to say is also thank you. I am finishing up at Portland state in economics. And I want to say thank you and there is enough for all.

Adams: Thank you very much. Appreciate it. Karla, can you please read the title to item number 1237.

Item 1237.

Adams: Hi, welcome back.

Reverend Cecil Prescod: Good morning. When we signed up to address the council this morning, we did not know who would precede us. I think it is important to note that we are all gathered here to address the need for people to remain in their homes so that they may not become homeless. I have come here today as a representative of faith leaders in or community to call upon you, our city commissioners, to stop spending public monies on policies and practices that make bank profits more important than keeping people in their homes. Spending tax dollars on foreclosure evictions, as was done recently when Portland police were deployed on october 30th to aid in the eviction of patricia williams and her husband Darren from their southeast home amount to public subsidy of bank profit s and profits of a developer industry that's poaching homes for profit in Portland. We

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also ask you that the city implement policy that specifically put the welfare of the homeowners, families and the communities before the profits of banks on the issue of confronting blight, for instance, we believe that a policy that keeps people in their homes is the best solution, preventing blight before it occurs. We write this letter in support of over 3,000 families throughout Multnomah county now facing foreclosure. The economic down turn of the last four years has caused a crisis in our community. The banks were bailed out with our tax dollars, they are not extending that similar helping hand to those who are in danger of losing their homes to foreclosure. Instead the banks are taking this opportunity to seize property and are changing our neighborhoods for the worse. Families endure the trauma of this placement -- of displacement as neighborhoods are june rooted and blighted homes sit empty. And the bank-caused economic crisis that affects our community, job, access to health care and ability to pay mortgages. Combined with the ongoing effort of banks to avoid responsibility, no foreclosure can be called fair. This is a deeply moral crisis and has the special significance to all of us who are called to be our sisters and brothers' keeper. We see the pattern of greed and destruction caused by banks and we believe that our community must take a stand with our families, with our neighborhoods and to affect a more just community here in Portland. We the undersigned community faith leaders urge you to work with us to keep families in their homes. Thank you.

Adams: Thank you, reverend. Appreciate it. [applause] we will now consider the consent agenda.

Any items to pull from the consent agenda?

Moore: We have had a request to pull 1246.

Adams: Do you want to read 1246.

Item 1246.

Adams: We will hear this at the end of our meeting. Karla, can you please call the vote on the consent agenda.

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

Adams: Aye. Consent agenda is approved. We will now turn to the regular agenda. Can you please read the budget -- can you please read item number 1251.

Item 1251.

Adams: The fall budget monitoring process known as the bump will generate a \$2.388 shortfall for the current fiscal year due to shortfall in the beginning fund balance, encumbrance and program carryover requests and new budget requests. City wide the fall equates to a .65% of the current year general fund spending. I have conferred with my colleagues here on the council. And we believe that this shortfall should be addressed immediately rather than allowing it to carry into the beginning of the fy 2013-2014 fiscal year. So this morning I am introducing a substitution or is it an amendment? Is it a substitution or amendment?

*******:** A substitution.

Adams: Introducing a substitution to the fall bump that will reduce the bureau general fund budget on a one-time basis. The reduction will be taken in the fall bump. But bureaus will have until winter bump to allocate the reduction to specific programs. As has been our approach as a city council, when we have to make cuts, we seek to limit cuts or reduce cuts as much as possible to first responders, like police, fire, and boec, and to where we can cut administration and overhead as much as possible. What we have in front of us and the substitution will be public safety, will be cut by .33%. The office of management and finance will be cut by 6.41%. And all other bureaus will be cut by .65%. Again, it's our goal to preserve public safety bureaus by a focusing a large portion of the cuts on administrative services. All right. Mid year cuts are always difficult particularly in a budget year but the way we have budgeted is to keep our budgets balanced as we proceed through a fiscal year. So with that, staff is here to answer any questions. I move the substitute.

Fish: Second.

Adams: Moved and second. Any discussion?

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Saltzman: Well, I guess go ahead and make the presentation. Is there a presentation?

Adams: Only if you want.

Saltzman: Ok.

Adams: We are going to take a vote on the substitution.

Andrew Scott: Mayor, we are substituting exhibits 1 through 4. The other exhibits didn't change.

Saltzman: Maybe I can make sure I understand this. We are now adopting a bump that will --

Adams: Cut.

Saltzman: Cut in anticipation of a shortfall.

Adams: We put 2.388.

Saltzman: Is that million?

Adams: Yes.

Saltzman: And that results in the .65?

Adams: .65.

Saltzman: Except .33 for was it police?

Adams: .65 for all bureaus except omf has a 6.41. And first responders have a .33.

Saltzman: First responders, police, fire, and boec?

Adams: They are only cut half as much as everybody else. Can you please call the vote on the substitution.

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

Adams: Aye. Any other questions for staff? All right. Would anyone like to testify on this matter -
- what's that?

Fritz: I do have a question. I'm just looking at this and it seems like the four commissioners budgets in here but not a fifth.

*******:** Should all be in there.

Scott: I think we are anticipating--

Adams: We cut yours.

Leonard: We only have four commissioners.

Fritz: We have five commissioners.

Scott: Commissioner Fritz which --

Fritz: I'm looking at the front page I just got handed and trying to figure out --

Scott: I think she is looking at, is that exhibit 2?

Fritz: Exhibit 1. I didn't get very much sleep last night. Perhaps i'm not tracking.

Scott: Four commissioners and the office of the mayor is separate.

Fritz: Got it. Thank you.

Adams: You are welcome. Would anyone wish to testify on item 1251?

Saltzman: I have a question. I corresponded with you about this last week. How many new general fund positions are in, being created in this bump?

Scott: So there are, in the bump, and this is summarized in the memo. It's sort of the end of the memo that you should all have. There are 16 new permanent positions as in the total, 16 new permanent positions, some of which are conversions from temporary to permanent and two positions being eliminated. So there's a net of 14 and of those only the minority evaluator position in procurement is funded with general fund resources pact on general fund resources. There is another --

Saltzman: One of the 14 of the positions?

Scott: There is also an administrative assistant within omf being converted but that's being funded with internal resources so it's not a new resource. Technically there are those two positions.

Adams: two out of fourteen.

Scott: Let me actually rephrase that. Let me go through very quickly the positions in each bureau so we can make sure we are getting the general fund. Housing is converting a limited term position

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to full time. It's been funded again for a number of years mostly from grant funds. Parks is eliminating a vacant position and they are adding a facilities construction specialist again funded out of their capital construction fund so not with general fund resources. Bes is converting four environmental techs from limited term to regular. Bds is converting three regular positions due to increased work load again non general fund. Within omf revenue bureau they are creating two permanent positions. And those are being funded out of, one of those is a management assistant being funded off the cable fund revenue. The other is a program specialist which will be funded with the vacant property registration program assuming that that comes to council. The position is being created now. It won't be filled or funded.

Saltzman: For the vacant property registration program?

Scott: That's right. It will be funded with program revenues if council moves forward with that program. Within omf the burau of internal business services we have a minority evaluator position which has been funded through a number ever years through an ia. It's being converted into the general fund overhead model. So that will be included for next year's budget. There's also an administrative assist --

Saltzman: That is the person who helps organize and obtain people to sit on panels that review proposals and contracts representing minority communities?

Scott: Exactly, right. There's also an administrative assistant in the bureau of internal business services being converted limited term to regular but again funded within their base budget. And pbot is creating a parking code enforcement officer and part time engineering technician again being funded there out of pbot revenue, bureau revenue.

Saltzman: Thank you.

Adams: Does anyone wish to testify?

Fritz: I have one more question.

Adams: We will take testimony first. All right. Your question.

Fritz: Could you just explain to me and anybody who might be interested why a couple of the commissioners offices having cut \$15,000, \$16,000, and others 1.4 and others getting money added in?

Scott: Again, are you back on.

Fritz: Exhibit 1.

Scott: Back on exhibit 1.

Claudio Campuzano: That's going to be a combination of some of the commissioners' offices have encumbrance carryover and I believe that there's also a new, are there any new requests? No. The office of the mayor has, no, does not have any requests. Most of that is encumbrance carryover that creates the differential.

Adams: Most of its chif.

Campuzano: And also, it was a pro rata reduction because commissioner Saltzman's office has a, the domestic --

Fritz: Is that balanced out? There is a cut to the commissioner's office and well as added back and it doesn't show?

Scott: So commissioner's office, the office budgets are being cut the same percentage in terms of the mid year cuts but some of the commissioners and the mayor have programs so the domestic violence program for instance within commissioner Saltzman's budget --

Fritz: Why doesn't the cut show up in other offices and get added back?

Scott: I may not follow your question.

Fritz: For instance, in the commissioner of public affairs it doesn't show any cut.

Scott: And I think what's happening there is it's being netted out in terms of their, what this appropriation, what the appropriation schedule is showing is a net total of all changes. If you go to the general fund reconciliation report, it will break some of those down. So we will have

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encumbrance carryovers for the domestic violence program which we could every year which shows as an add but the reductions would also be shown for those. If you look at the mid year reductions on the general fund reconciliation, the very bottom of page 1, if you have that report, again, you can see there's a larger reduction there for commissioner Saltzman's office because the domestic violence program is in there and the other three commissioners are very, very close to one another.

Campuzano: And the vacancy savings that also hits commissioner differentially.

Fritz: We didn't have a work session on this so far so I have to ask my questions. Just in terms in the way it's set out it would be helpful if that was shown as take away and given back so it's clear.

Scott: The appropriations schedule is always going to net out all the changes. What we try and do here is sort of walk through the specifics. Why don't we provide you a crosswalk in terms of how we got to those numbers.

Fritz: Thank you that would be helpful.

Scott: The other thing to mention, mayor, so everyone knows quickly we talked about the minority evaluator position being added to the office of equity also will be added in this bump 70% of it which sort of provides the city wide service into the overhead model for next year's budget.

Adams: All right. Karla, would you please call the vote.

Moore: On the --

Adams: 1251.

Moore: We have one more to testify.

Adams: I asked.

Moore: Jesse swanberg as well. This is on 1251.

*******:** I'm never one to say no.

Joe Walsh: My name is joe walsh. I am acting as a citizen. I have not qualified to argue with any of you on this budget. However, you are cutting the budget. When you got millions of dollars to spend on stuff that we don't want you to do. So the question is, why? Why are you allowing the water department to spend millions of dollars to cover reservoirs that the citizens of this city said, don't do it? But you are going to cut everybody else's budget. Which affects us. The services will not be the same. But you are going to push it through, again. You have two new people coming on this council in less than two months. But you are going to push this budget through and cut department after department after department when this man over here is spending millions of dollars. For something we don't want. Again, i'm not qualified. I am not an economist. This is wrong. It doesn't feel right. It's wrong. Don't do it. Thank you.

*******:** First, congratulations commissioner Fish.

Adams: Fritz.

Jessie Sponberg: Sorry. I didn't mean to. Well, I really, I asked joe to sign me up to speak on something else but since i'm here, I would just like to encourage you and those of you who remain on the council to look into setting up a state bank. I think it would be a service to my friend cameron whiten who is really pushing this idea. While i'm here I took the opportunity to plug it in front of a news camera. I am sure you are familiar with the identity of a state bank where we take the money we have in the bank of north dakota.

Adams: Speak to the agenda item.

Sponberg: I don't even know what the agenda item is. I just got here.

Adams: Thank you.

Sponberg: I really came up here so I could say remember what I told you? We were going to shut down that flouride shit. We shut it down ha, ha, ha, ha, ha, ha. Remove me, ha, ha, ha.

Adams: Karla, can you cut off the mic? All right. Be quiet. You are going to be removed. You are going to be removed. Keep talking, you are going to be removed. Remove him. Mr. Peterson, would you remove him. Please. [inaudible] Karla, can you please call the vote. Come on.

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*****: Remove me.

Moore: Leonard.

Adams: This isn't a circus. This isn't a circus. This is city council.

*****: This is a circus.

Adams: You are going to either leave, you are either going to leave now or I will have you removed. It is your decision.

*****: I want to be removed.

Adams: Would you have him be removed, please. Don't give mr. Peterson a bad time here. All right. Karla, can you please call the vote?

Moore: We have one more who wanted to speak.

*****: Ha, ha, ha, ha, ha, ha. I told you.

Crystal Elinsky: Hello. My name is crystal elinsky and I represent 10,000 residents of Portland. And I would like to comment on this vote or budget decision. I am woefully unprepared because I actually tried to be a part of the budget process as citizen. And it was very difficult and I really don't know how we got to this budget. I haven't been able to follow it. So over the last three or four years, I have tried to attend meetings. And I don't, I think the website is wonderful but because of my situation with homelessness, you all know me pretty well. It was difficult to get on line I asked to be contacted by the groups that I was attending, the budget groups. And I wasn't contacted. And I am sorry that mayor sam Adams is so upset that he is not even looking at me today.

Adams: I'm listening to you. Would you continue. You have another minute and 54 seconds.

Elinsky: I find it very, very difficult to be a part of my city and to sit here on a regular basis as often as I can to go out of my way to be here and not be heard. And when I attend the budget meetings, I don't feel like we are having any concrete input. I haven't even gotten my bus tickets to attend. And though the individuals are nice, oftentimes, the security, some of the security here have been difficult. In fact, there was a point where I wasn't even allowed to get into the building to attend the budget meeting. So I would like to make it a lot more accessible to people. And I understand that respect is foremost in a lot of our books. But every person is trying to have their voice heard in different ways. And the way jesse to me is a huge hero in our, in cascadia, in general. He cares about things that this budget, cutting here and there, just to -- I don't even know why we have to cover the water reservoirs when new york has figured out a way beyond it. Meanwhile hanford is leaking and jesse is out there on a regular basis. We have heros amongst us and they may speak differently than you and they may look differently than you and may not be sitting back there but please listen to us. Please make it easier for me to attend the budget meetings. Thank you.

Adams: Karla, can you please call the vote.

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

Saltzman: I do appreciate this council under the major's leadership making general fund reductions at this point in time we have to be very mindful of an upcoming budget year that looks very difficult so making these cuts at this time, I think, will avoid, it's not going to avoid the pain later on but it will make it a little more tractable to deal with. Pleased to vote aye.

Adams: I want to thank the budget shop, bureau of financial planning for your great work and city council and your team, and city council for keeping us on top of the budget. Aye. All right. Can you please -- did you want to move yours up?

Leonard: Yeah. I have a previously approved absence starting at 11:00. 1246.

Adams: Can you read the item 1246.

Item 1246.

Adams: Commissioner randy Leonard.

Leonard: David shaff director of the water bureau.

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David Shaff: I am david shaff, director of Portland water bureau. With me is chief engineer mike Stuhr. The purpose of this amendment or ordinance is to amend the contract, the design contract for our powell butte project. The original budget for powell butte was approximately \$137 million. Our current project is that we will come in at about \$105 million. This is our second 50 million gallon reservoir at powell butte. It's part of our overall long range plan to provide adequate, reliable in town terminal storage facilities and powell butte is the first of several steps to replace the in town open drinking water reservoirs at mount tabor and Washington park as part of the It2 rule. This project as you remember will remember was separated into two phases. The first phase was to excavate the first 20 feet for the 50 million gallon reservoir. Do erosion control, fencing, road improvements for the construction of the project. It was completed in 2010. We originally estimate the a \$12 million cost and it came in at about \$4.5 million. This particular contract provides engineering services for the design and construction during the second phase of that reservoir. The associated piping, the maintenance building, the interpret receive center, park lots, trails, roads, bridges and ancillary items. If you will remember, phase two required an extensive landscape review with an appeal to the city council which occurred while the project was being bid. One of the conditions of the land use was construction of the water and park improvements be done concurrently in the same contract. To make sure that the city fulfilled the obligations and requirements in the land use. Following the land use we had 24 permits that were required which required a number of design modifications in addition to the ones modified in previous amendments. So what's the purpose of this amendment? Amendment 8 provides additional engineering assistance during construction of the project. The added work includes the operation of additional interpretive elements, additional drawings, additional aerial photos, continued construction support including an engineer of record, observations and review, special inspections and observations and review by geotechs architects and the structural and mechanical engineers as well as the design modifications during construction for permit compliance and field fit changes. So why do we have a design schedule for a project that we are already under construction in? Well, it's complete, the project is still in construction and there are a number of engineering services required during the construction of the project through the start-up and commissioning of the reservoir itself, as well as during the contract closeout. We expect that the reservoir will be operational in august or september of next year, 2013, and the contract will be substantially in april of 2014. Mike is here to talk about this specifics to amendment number 8, which is the purpose of the reservoir or purpose of the ordinance today.

Mike Stuhr, Chief Engineer, Water Bureau: At this point, the project is probably about 60% complete. The floor and the side walls of the reservoir are done and they are putting in the false work so we can put the roof on it. It's really quite spectacular and looking at the drawings, I don't think give you justice for the size. It's also very complex project in the sense that it's pretty heavy-duty structural engineering because of the seismic code, and we also have a mix of things that you don't typically find in a project like this, where in some ways building a small city. We have water facilities. We have a maintenance facilities. We have a house. We have park facilities all being built under this contract. Specific items that are covered in this change order are additional interpretive elements. We're adding eight additional maps to the interpretive facility. The way that happens is we have a project advisory group that has its 12 different groups that have interest in powell butte, and we have been doing our best to be responsive to things that they would like to see in the interpretive center. So we are building eight additional maps. We are adding 30 mountain finder directional wall mount signs. These were originally added by the boy scouts, actually put them up but they keep getting vandalized and we have been asked to make something a bit more substantial and vandal-proof so we are taking care of that. When we originally put the project together, we expected about 1500 submittals. What are submittals? We write pages and pages of specifications but we can't sole source what we tell people to use. So from many of these

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specifications, the contractor has to submit what his exact choice is, and then we have to check that that, in fact, complies with the specifications and fits in the project. We expected about 1500 submittals. We are going to end up with something we figure on the order of 3300 submittals. And all of these have to be gone through in detail by someone who is knowledgeable of the project and the specific codes involved. As you can imagine, just the sheer numbers of that is quite an amount of paper that has to be managed. And our projects right now we are going to have something on the order of \$200 million worth of construction under way and one of the ways that we manage that, we can't afford to have permanent staff as we use contractor staff to help us manage that. So we have got submittal coordination and liaison and moving all these pieces of paper back and forth and doing what we call responding to rfis, request for information, from the contractor.

Adams: You'll have a chance to talk in a minute.

Stuhr: Code and noncode observations, we have to make sure that everything complies with code. We are having additional aerial photographs done because the project is taking a bit longer than we had expected. And the project also adds on site construction management support. That's basically what's in the change order. I would also note that even with this change order, we are still well under what we had programmed the project to be, and for a typical design contract for this type of workings it's about 12 to 15% of the construction. We will be cooking right up on 15% of construction with this change order. I don't expect there will be any other change orders that come out of this. We are sort of out of the zone of where you get change site conditions and so on. And this thing should proceed to completion with no problem.

Adams: Commissioner Fritz.

Fritz: If I could summarize the change order, is due to requests we have made for additional work? Is that correct?

Stuhr: Additional work and assistance to us in managing the construction contract.

Fritz: And this may not be a question for you but rather for procurement services but if you do know the answer I would like to know. Was this a low bid or was this a general contract -- pgmc?

Stuhr: It was a bid contract. The construction contract design portion is done by rfp.

Fritz: So is there any consequence in the next time we have a round of bidding if there are additional charges that might have affected who was the low bid?

Stuhr: I am not sure I understand the question.

Fritz: Well, it's fairly routine and indeed in the code when there is changes of more than 25% that it comes back to council. But when you start with a low bid, is there any, in the next time that there's something up for bid, is there any looking at whether a bidder previously came in as the number that they had bid for?

Shaff: This isn't the low bid. The contract for construction was the low bid but we are talking about the design contract which was an rfp process.

Fritz: I see. Thank you.

Stuhr: In either case, we require justification for the change orders in either type of contract. And if we change the scope or we add things, we have an obligation to pay additionally.

Saltzman: What percent complete are we on this is powell butte two right?

Stuhr: Yes, probably a two. I am going to estimate there's so many different parts of this thing, it's about 60%, I would say.

Saltzman: 60% complete.

Stuhr: Yeah.

Saltzman: So I don't know if i'm putting words in your mouth mike. Are you saying this probably is the last amendment to this ch2m hill contract?

Stuhr: I would say so, yes, sir. This covers everything. We have construction management support provided by contractors or personal services contract to handle peaks and valleys in our work and the construction management support, which we are utilizing on this contract, for

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example, we don't have construction management support on the two towers which is underway at the same time. We have staff to handle that. We are going to end that construction management support next August when the reservoir is complete. There will be other things going on in the project finishing many of the other features but we don't need construction management support for that. We will be able to staff this internally.

Saltzman: So the, you mentioned with the design cost typically --

Stuhr: 12 to 15%.

Saltzman: So with this amendment we are at 15%?

Stuhr: At 15.

Saltzman: 15. Ok. And the cost is going to be closer to \$105 million than \$137 million?

Shaff: That's correct.

Stuhr: Right. We are still receiving, even now with things we put out now we are still receiving I think really good benefit from the economic environment as a good news story for us.

Saltzman: Ok. Thanks.

Adams: All right. Unless there's discussion we will hear testimony.

Moore: I didn't have a sign-up sheet for this.

Adams: If you would like to testify, please come forward. There are four seats at a time. Anyone wants to testify, now is your time. All right. Anyone else?

Floy Jones: Floy Jones. I'm with friends of the reservoirs and I am here because we object to this pattern of extending these types of contract repeatedly. This extends it for two years and increases the total compensation by 45%. And this was the second time, second year in a row that we have added \$2 million to this contract. So I just handed you a graph that I put together a couple of years ago, and this addresses this consultant, you know this was an It-2 project which was awarded to the consultant who was hired by the Portland water bureau to go back to Washington, d.c., and help craft this EPA rule. So they were the only utility, Portland water bureau, was the only utility in the nation that was seated at the table in Washington, d.c., crafting this EPA rule which is now under revision, and viewed as flawed by just about everyone who has examined the rule. And you can see from this chart starting in 1995, when this consultant, this water bureau manager, left the bureau, that he's been awarded this endless string of overlapping and interconnected contracts. He had a contract, two contracts in 1995, the minute he left the bureau that went on for nine years. Amended nine times. One of them was the Powell Butte master plan. And although it's, of course, too late to impact this project, we don't have any designs on this project stopping, but the motive behind all these other projects being in the water bureau plans, you will hear the bureau often say, well, this project has long been in our plans. Yes, it was in their plans based on a faulty modeling program that said, water demand was going to go up. And you have seen the charts from the Portland water bureau. These are directly from their files. I sent them to you before. That shows that since 1986, water demand has declined for 26 years. We use less water today than we did in 1986. And yet we are building all these tanks. We have two empty tanks up at Mount Tabor, 75 million gallons this winter. We will use half the storage up at Washington Park because we have too much in town storage. And you have seen from this last budget cycle how water demand is even more drastically declined as water rates sky rocketed in 2008. You have raised our water rates repeatedly just because water demand has declined. So if you are going to restore, if you would like to see a good relationship with your customers in the future, this is one of the things that needs to stop, this conflict of interest awarding of contract. And Commissioner Fritz, you asked about the bid process. And this case and in most cases, and in this case there were only two corporations that bid. Both were associated with this consultant who moved from MWH Global in 2006 to CH2M Hill. MWH Global with Tetra Tech applied for this contract as did CH2M Hill.

Adams: Your time is up. Hi. Welcome.

*******:** Hi. Can I give her my three minutes? Would you like to continue?

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Adams: No.

*******:** I can't give her my three minutes.

Fritz: I thought you said, do I have three minutes?

Beth Giansiracusa: I see. My name is beth giansiracusa. I represent me. We the people. I, too, have read the open reservoir manual in which joe glicker is the man I believe that is being talked about. He's on it all over it. And he worked here. He went ahead and crafted the It-2 rule inside and the 2 as we all know took out grandfathered status that we have up there. I read a lot of information. And one of them that really disturbs me is the fact that we have a variance. And we have the city lawyer talking about the variance, and talking about running the whole entire system at the same time the variance is going on. So that we really don't have a variance. We are just playing with the 10 years that that variance gives us. And got the seven permits to bury and do all the different things that y'all want to do up there instead of addressing the fact that we really do want to keep those open reservoirs. And they are not, they are not even being addressed that way by the city council. You know, I know randy said to me, you think i'm stupid? You think I really want to close those reservoirs? You know, I don't know, randy, because, you know, the whole time you say, one thing and you do another. And that's what I am finding with this whole nine yards the water bureau, with what's going on. They need to drain something or check something all of a sudden there's an e. Coli scare. May be e. Coli. Or may be cryptosporidium. That's like snakes. There are some that are not poisonous. Matter of fact, most of it and the water and sun take care of cryptosporidium you would find in reservoirs. The bad kind doesn't get in our reservoirs as randy well knows unless you bring buses of kids and start creating places where it would be very easy for the boy who cries wolf over there to say, could be e. Coli. We are going to close down west hills water and the restaurants for one day. Because sam Adams is tweeting, randy gets there the next day, no, there's not e. Coli. I just don't get it. Because I feel like we are all being manipulated one way or the other depending upon what you want to do with the water. And I think the hidden agendas are just really bad news because they don't bring anybody any satisfaction, none. There's no win in a hidden agenda. There's regionalization plans, mayor Adams, yes, I have read them and I have talked to young people who have been in the water bureau who have left because there's no way for them to interject anything that they would have a great idea with.

Adams: Your time is up. Hi.

Crystal Elinski: I am crystal elinski. I would like to apologize for my outburst earlier. I am actually, I am trying to come on a regular basis but I came today to, I did not know I would be testifying for the second time already. Came today to follow up on the Portland police bureau recommendations to answer the department of justice. And the issue with medical care in this city, social services. And as reverend cecil prescod was saying earlier, everything is connected. When I come here on Wednesdays and I see --

Adams: I need you to speak to the agenda item.

Elinski: This is what I am --

Adams: Water.

Elinski: I'm actually referring to this right now.

Adams: You have to speak to the agenda item.

Elinski: This is what I am doing.

Adams: All right.

Elinski: The reason I am here I was following up on last week's decision to vote in the recommendations for the Portland police bureau. And we as citizens try to stop that. We gave us a weeks extension and here I am, on issues as a citizen really bother me. I hear on a regular basis what beth is saying, this is what -- maybe we follow the news and we are just shocked at the decisions that are being made here at city hall. And I don't follow this as well as I would, the mental health situation or the police situation in this city. But this is all connected. We can't be

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throwing \$200 million here. The reason I had the outburst it sound the -- I think the crc came back to me. This kind of bureaucracy that goes on. And like I said it's really hard to be a part of the process because you can't even get to the budget meetings. And it's not that open to the average citizen. This is ridiculous. This is such a sham.

Adams: And your comments on this are?

Elinski: Well, as I said earlier, in my early testimony, is that everybody knows that we don't need to cover the reservoirs. This is a joke. We could be implementing the situation -- the things that work really well. Like the depave project, taking care of our environment. The rates I guess help a lot of people because we are considering gray water. Portland citizens have the answers and you just need to listen to them and you would save a lot of money. Oftentimes we have got this room filled with hundreds of people with great ideas and this is one of the ideas that I can see just as an average citizen is a joke. And it's a waste of our money. And why we have to cut other budget items for this, and push it through. It's just like the neon rose. Why is this being pushed through? It's bizarre.

Adams: Thank you for your testimony. Appreciate it. All right that gets us to, this is an emergency or is it a nonemergency?

Moore: Nonemergency.

Adams: so this moves to further council consideration next week, regular agenda. [gavel pounded]. Can you please read item number 1252. did you have another one commissioner Leonard?

Leonard: This one. Unless you have emergency ordinances that you think I might need to.

Adams: I don't think so.

Item 1252.

Adams: I think that's the longest title to a resolution in the history of the council. Can you give us an overview of what we're looking at here?

Andrew Scott: Yes. Thank you. So what this does is it's an interfund loan for \$3.5 million. The funds come from the title of the ordinance. It provides for the general fund loans to reimburse the water bureau for rose festival renovation and maintenance expenses, the total is about \$1.6 million. Also there's some additional. The remainder of interfund loan is general fund money for Willamette harbor superfund capital expenses and other city capital needs. It finally revise the 2009 land swap between water and parks. Parks gets the rose festival building back and Water would get back the mount tabor land.

Adams: The superfund relates to epa's request of the city to engage in early planning for remedial design on river mile 11, and it's likely that the contamination in river mile 11 is not related to the city's sewerage functions, so that's why it's general fund. Any questions from council? Anyone wish to testify on this matter?

Saltzman: So we're reimbursing, on the superfund item, were reimbursing the water bureau?

Adams: No. This is general fund. And it's set aside for the potential expenditures on river mile 11 which are not sewer related. It's not reimbursing the stand-alone.

Saltzman: Got it.

Adams: Anyone wish to testify?

Moore: No one signed up.

Adams: Please call the vote on the resolution.

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

Adams: Aye. [gavel pounding]

Leonard: Mayor Adams, would you mind if we did 1255?

Adams: Please read the title for 1255.

Item 1255.

Leonard: As the council will recall, as part of the 2010 bond proposal, we included money in that bond for what are called rapid response vehicles. Most emergency medical personnel would refer

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to them as basic life support vehicles. And as part of that, we want to give regular briefings to the council as to the success and effectiveness of this program. So fire chief erin janssens.

*****: Thank you, commissioner, mayor, commissioners. Commissioner Fritz, congratulations.

Fritz: Thank you.

*****: We'd like to discuss --

Adams: For the record, who are you?

Erin Janssens, Fire Chief, Fire Bureau: Erin janssens, fire chief, Portland fire and rescue.

Jay Guo, Fire Bureau: jay guo, fire bureau.

Janssens: We're here to discuss with you today our view of rapid response vehicle report. I believe it was presented to you through proper channels. The rapid response vehicles were initially designed to respond to low-priority calls as modeled after the tualatin fire and valley rescue cars program. While that was our intent to make that successful, through further research, we discovered that the number of low-priority calls would be relatively low. We found that looking citywide and throughout the response of an r.r.v. car within a 20-minute time, the r.r.v.s would be going out very, very infrequently, perhaps once or twice a day, because there are larger volumes of higher priority calls that we actually go on. Indeed most of the calls that Portland fire and rescue responds to are emergency-type calls. We did an analysis of the higher priority calls and made the determination how to make the program successful and also improve the response reliability and response times for our emergency apparatus on the higher priority emergencies. With that, we included sk threes, which are general sick calls, trauma calls that aren't high priority trauma calls. For example, something where someone may have broken an arm or something, but it's not necessarily life-threatening and an abdominal call where they need to be assessed by a trained responder but not necessarily involved advance life support measures. So in doing this, we were able to successfully improve the call volume and the response of our rrv program with an average of, I believe, approximately eight calls per day during the four ten-hour operational periods that they were functioning. That is improving our response reliability to those areas that they're serving.

Leonard: Just so that the council understands what that means, response reliability of fire engines and trucks were there to be a fire in their first response area.

Janssens: Correct.

Leonard: So we have more likelihood of them being in service and not on a low-priority ems call so they're available to actually save lives.

Janssens: Correct. Correct. As I said, Portland fire and rescue primarily responds to high-priority emergencies where oftentimes people's lives are in jeopardy. A great example just occurred on friday where we had an apartment fire. I'm not sure if people saw the media release on that, but we had a fire at an apartment building, morning hours. I believe it was just before 9:00 a.m. And unfortunately one person perished in that fire. However, in the apartment above, people were also trapped. And because our units were in position, they were able to get to the fire, place ladders, ventilate the structures, begin attacking the fire, and also were able to extricate and save two people who, if there had been a delay with that truck crew -- I don't want to sound extreme, but those people likely would have perished in that fire, so it was critical that we had that reliability and that response there for the citizens that we could respond in a timely fashion. It was critical. So the rrvs are an integral part of that response and how we provide the response to our citizens, I believe. Bureau wide the response reliability averages hovers at about 91%. We were able to improve that dramatically with the implementation of the rrvs.

Leonard: Acronyms.

Janssens: Sorry, rapid response vehicle. And fire management areas or first response area.

Leonard: And ffa's are fire management areas.

Janssens: Fire management areas.

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Leonard: First response area.

Janssens: Thank you. So the rapid response vehicles are designed to take the low-priority calls, and that's within a 20-minute time period, because they're generally a lower priority call. They can be dispatched over an area that may include 5 to 7 different fire management areas. Depending on the time of dispatch, time of day, road conditions, their availability and position, the crews actually do an assessment of whether they believe they can make that low-priority call and take that for a higher priority apparatus, being a fire engine or fire truck, and then get there within a 20-minute timeframe. So there are times that they may be dispatched, but in fact they may have to cancel so that we can provide a reasonable time response to the citizens, and therefore then they'll dispatch the first-end fire apparatus to that location in those instances. But generally the rapid response vehicles are taking those calls. They're also taking, as I said earlier, the general sick calls, the abdominal calls, and the trauma -- lower priority trauma calls where they can intervene and then provide response reliability within their first-in fire management area. Through that, we were able to assess response times, response reliability, the impact on those within their first-in fire management area as well as the surrounding fire management areas, were able to look at the miles traveled and saved. We did an analysis on the cost of the apparatus to operate, and we actually were able to calculate that, over a 10-year period, we believe that the rrvs can save and extend the life of a front line apparatus by almost a year when used in conjunction with that apparatus. The program background was initially designed to improve response reliability and response times for critical fire apparatus, reduce the mileage and therefore the wear and tear on that more expensive apparatus, and also save fuel, maintenance, and replacement costs. We believe the rrv program is successful in doing those things when used in conjunction with our fire apparatus, and we believe that it's a positive model. We would like to continue to assess that. We have recognized that there is data that we have not been collecting throughout the system, and we have identified some of those gaps are we are looking to improve and correct that deficiency and collect more data to provide better service. We can clarify anything if you have any questions.

Saltzman: I appreciate this report and I appreciate your hard work to make the rapid response vehicles work as a philosophy, which is to recognize a majority of calls are medical, to see if we can use more nimble light response vehicles to deal with some of those calls and then preserve our heavier engines and improve overall reliability time. I think there's some good positive information in this report that indicates, as you just stated, that we are having an impact with the rapid response vehicles. And I also feel that, as you highlighted the sort of taking on more basic life support calls - I know you've had conversations with the county medical director, and I think that's a very positive indication that the medical director is attuned to this need as well for these lighter vehicles. I think that gets back to the tri-data study which highlighted that rrv can oftentimes be the most appropriate response other than the heavier stock trucks. We know more and more people are using the 9-1-1 system as their emergency rooms and as their healthcare. I understand we need to make sure the most appropriate vehicle is dispatched. I do want to thank you. I guess I just want to reiterate -- there's a sentence in here that says that the rapid response vehicles likely have a positive impact on response times of front line emergency apparatus in the rrv area, so it's moving in the right direction. A long way to get to my question. We talked about, with the bond measure, acquiring four rapid response vehicles. I realize right now you've acquired two and you're using two, and then you're using -- well, I guess you were just using two right now. Are you using two rescues?

Janssens: No. We're using two rapid response vehicles.

Saltzman: I guess the question is when do you plan to purchase the remaining two -- not the remaining two but the two of the four that were specified?

Janssens: We have the four. We just don't have the permanent staffing for four vehicles right now.

Saltzman: You had the four?

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Janssens: We had them in place. We simply just don't have the staffing -- permanent staffing -- for those. Now, when we have the ability to staff, if we have a number of people off due to vacations, we are utilizing the people and trying to staff them, but it's been very consistent. So we have those two additional units --

Saltzman: It's been inconsistent on those ladders?

Janssens: Correct. So we're doing our best to try and improve the response reliability as much as we can by utilizing those if we have any additional staffing whatsoever. The additional staffing are used solely to reduce overtime costs. We happen to be needing them generally for to reduce the overtime.

Saltzman: You mentioned more analysis. Is that something done by the fire bureau?

Janssens: We're trying to improve the data collection so that we can provide more informed decisions, and we'll provide that to you.

Saltzman: Is that something the office of management and finance can assist you in?

Janssens: Some of it is simply the way -- it would probably be great, but initially it's about the information that we're collecting. We need to collect more information on the front end. Another analyst would be great, but --

Saltzman: That's what I was offering, the people at the office of management and finance. The great existing people.

Adams: Would anyone like to testify on item number 1255? Karla, this is a resolution. Can you please -- it's a report. Move acceptance. There is a second?

Fish: Seconded.

Adams: Moved and seconded. Please call the vote on the motion to accept the report.

Leonard: Well, this program is being closely monitored and analyzed by chief janssens. Personally she has invested a lot of her time and energy as her analysis reflected. And I know jay is helping her a lot as well collect the data. I really appreciate how chief janssens has worked to make sure this succeeds. What she didn't say maybe as boldly as I will tell you now is to implement this program based on the direction of the council it would not have been a success and could have easily come back and said, the direction you gave us to respond to these low-priority calls shows that these are not productive means with which to use our resources. But she, on her own, decided to increase the kinds of ems calls that these rapid response vehicles respond to so they succeed. I didn't ask her to do that. She did that. It's one of the reasons I picked her to be fire chief is because she is a tremendous, thoughtful initiator of good ideas. And where she sees a good idea needing some work, she works to improve it. I will miss a lot of things when I leave, most of which will be working with the fire bureau and chief janssens. So thank you for your good work. Aye.

Fritz: Thank you for your good work. Aye.

Fish: Thank you, commissioner Leonard. Aye.

Saltzman: I want to echo commissioner Leonard's remarks. I think chief janssens has really done a lot to help make the rapid response vehicle as reality. We need to get all four of them up and operating. At least four. I think the results from your reports -- and I get your monthly reports -- are, I think, encouraging as you presented today. We are getting care of those people who need it. We're also reducing the wear and tear on our heavier stock engines and improving, I think, overall response times. Good work. Aye.

Adams: Thanks to commissioners Leonard and Saltzman for your work on this. Again, thanks to commissioner Leonard for getting the bond measure passed so that we could be having this opportunity to innovate. And thanks to you, chief, and your team for great work on this. Aye. So approved. Please read the title and call the vote on item second reading 1253.

Item 1253.

Moore: Leonard.

Adams: He's gone.

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

Adams: Aye. Please read item 1254.

Item 1254.

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

Adams: Aye. So approved. Please read the title, second reading, item number 1256.

Item 1256.

Fritz: Aye.

Fish: I want to thank my colleagues for their strong support of this transaction, and I want to acknowledge a really dynamic partnership with Multnomah county. To put this in context, much of the work that we do at the city around housing and serving vulnerable populations is done in partnership with the county, and this is an area where both of our missions overlap. And we have an opportunity, working together to, create even more value for this community. We saw that with the big look process where the city and the county took a hard look attacks abatements and came up with a reform proposal. Thank you, commissioner Fritz, for the help you gave in that endeavor. We now have a more cost-effective program with more accountability built in. We're currently working on an update to the 10-year plan. We call it the reset. We're looking at how can the city and the county partner better and smarter together to deliver services to people who need our help. And this is another example. When this council authorized what we now call bud clark commons, the original design called for a full block building of two and three stories. Mayor Adams, as you'll recall, it was lovely building, but it was out of step with some of our other city goals, particularly around density and how we use a scarce space downtown. At my request, the design team reconsidered the building and created a half block urban form building literally by stacking the various functions into the building we now know today. That freed up a half block, which could be used for some compatible purpose. Lots of people have had ideas about what could happen on that half block we call block u. The best idea that really came to us was the idea of building a new county health department there. It was an idea well received by the community, which made sense, and it was -- it's a use that is compatible with bud clark commons in that many of the people who either call bud clark commons home or come through that building would also be able to access services to the county health department building. And frankly, in structuring this deal, we've ensured that there will be a building adjacent to bud clark commons which is not only compatible in terms of service delivery but also in terms of design, and we're going to take great care to make sure that the outdoor space on the east side of bud clark commons where people, during the day, have a chance to sit outside and enjoy themselves will not be unduly impacted by the design. To me, this is a win/win. The primary finance forking this deal is urban renewal money, and that was an agreement, mayor, that you led in conjunction with the expansion of the district. I think that was appropriate. But the additional piece that we're authorizing today is that we deem the half block -- we are contributing the half block to the deal. It is dirt that has a value of somewhere around 1.3 to \$1.5 million. It qualifies under our 30% set-aside for an investment, because the county health department is a community facility which meets our guidelines. But beyond that, because that's the technical stuff, this would not happen if we didn't have a robust partnership with the county in looking at these issues. I want to thank director traci manning and the talented people at the Portland housing bureau who helped structure this, our friends at Portland development commission, and in particular chair cogan and his team. I think this, as dan mentioned last week, the idea of a new and modern county health department located in an area where a number of many people who need the services are located, which has also been embraced by the community, is a big win. So I thank everyone who made this possible. Aye.

Saltzman: Aye.

Adams: Congratulations, commissioner Fish. Congratulations, chair jeff cogan. This is, I think, a fantastic use of the second half of the block, and I appreciate the creativity that you both employed

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to make this happen. I think Portlanders will be very well served. Aye. So approved. Please read the title for resolution item 1257.

Item 1257.

Adams: Commissioner Saltzman.

Saltzman: Scott gibson.

Scott Gibson: Commissioners, Mayor. I'm here to talk to you today about rainfall-derived infiltration and in flow.

Adams: Beg your pardon? Go ahead.

Gibson: About technical sewer projects we want in southwest. We have a sanitary sewer in the southwest Portland neighborhoods which has a problem of receiving inflow from direct-connected sources, meaning roof drains, area drains, and also infiltration through cracks in the pipes. When it rains heavily, these pipes are only designed to carry the sewage, but they are struggling to carry the water that comes in through these defects. There is so much of this rainfall-derived inflow and infiltration that sewers back up through manholes in southwest and frequently drift down the street and go back into fanno creek. In fact the Oregon department of environmental quality, we've come to an agreement with them to solve the infiltration and inflow failures at southwest dewitt and 25th, and we're working under time lines with the deq to carry out that action. The bureau also has an agreement with clean water services, reciprocal, to serve the areas in southwest. We've committed to an aggressive infiltration inflow abatement program. The bureau of environmental services is designing a pilot project for a bid early next year, which would be our first major construction effort to solve this problem, and two other pilot projects coming in the following years. Based on the success of similar projects throughout the nation, bes hopes to work with private property owners who would give the city permission to make repairs to their private system. Literature says that addressing the ini add sources is significantly less expensive than building larger sewers downstream to handle the rainfall that gets into the sewer system. We've done our analysis of the pilot projects and the alternatives, and our estimate is that addressing the program at the source is estimated to cost \$26 million. The approximate cost of designing and installing sewers with the capacity to convey the ini added approximately \$38 million. What we're asking for in this resolution is concurrence with the council for the enactment of three pilot projects intended to both make measurable progress to our ultimate goal but also help us understand which solutions are going to be most effective, how effective they'll be, and to verify our analysis of the cost and benefits. I'm here to take any questions if you have any.

Adams: Would anyone like to testify on this matter? Then this is a resolution. Please call the vote.

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

Adams: Aye. So approved. Please read the title, second reading, and call the vote for item 1258.

Item 1258.

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

Adams: Aye. We're in recess until 2:00 p.m.

At 11:03 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 and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

NOVEMBER 7, 2012 2:00 PM

[gavel pounding]

Adams: Today is wednesday, november 7, 2012 it is 2pm. Karla, how are you?

Moore: Fine, thank you.

Adams: Did you have a good lunch?

Moore: I did.

Adams: What did you have?

Moore: I had the spring salad mix.

Adams: Oh, that sounds good. Can you please call the roll. [roll call]

Adams: A quorum is present, so the first thing I need to -- can you please read the title for item 1259.

Item 1259.

Adams: We're now in quasi judicial hearing regarding three new company applications. The applications are union cab, Portland electric cab, and always cab company. And the first thing I need to do, do any members of the city council need to declare conflicts or ex parte communications?

Saltzman: I've had meetings with union cab representatives, broadway cab representatives, many drivers representing the cabdrivers alliance. I think that's everybody.

Fritz: I had meetings with representatives from broadway cab, communications workers of American and the union cab company.

Adams: I've had communication was a variety of potential current folks that work as taxi drivers, i've also met with representatives of the Portland electric cab, the union cab, broadway cab, radio cab, almost all the cab companies. And i've heard a variety of communications on all sides of this issue. All right. Do you have any ex parte contacts?

Fish: Yeah. Thank you, mayor. This project has been bubbling for about a year, year and a half. It was determined -- we were advised earlier today that this is a quasi judicial process, and for the record, I do not have any conflicts, but to the best of my knowledge, I have put together my ex parte contacts that I can identify on short notice. They're as follows -- union cab representatives who attended my regular meetings with aflcio representatives, broadway cab representatives, Portland electric cab representatives. These exparte contacts do not influence my participation in this hearing today, and I am able to listen to the testimony with an open mind without bias.

Roland Iparraguirre, Senior Deputy Attorney, Office of the City Attorney: I would add with these ex parte contacts that have been disclosed that there be a declaration whether they have had any impact on whether you can proceed with the unbiased manner.

Adams: Can you proceed --

Saltzman: They've provided me information, but will not affect my ability to provide an unbiased decision.

Fritz: Yes, I was trying to make a point of having a balanced view of hearing the same number of opinions from both sides. All sides sometimes.

Adams: I would amend my declaration in a meeting with union -- potential union cab application proponents that included representatives at the afl/cio and also communication workers of america.

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So to the best of my ability, and I've heard from most all sides, and it does -- and I can hear -- and I am able to can and can hear this issue in an unbiased manner. All right. We will now hear from the revenue bureau staff that will submit the report as evidence in this hearing. Also a presentation as to the board recommendation on applications. Then we will hear testimony. I will hear testimony from representatives of the new applicant companies, testimony from others on these applications, and council deliberation. Director Lannon.

Thomas Lannon, Director, Revenue Bureau: Thank you. Good afternoon mayor and city council. My name is Thomas Lannon, director of the city's revenue bureau. Joining me are Kathleen Butler and Frank Dufay of our regulatory division. We need to introduce into evidence the board and staff recommendations report as an exhibit to item 1259. And this should be in your packets before you. It's this memo right here. I'm going to give you a broad presentation with staff today. It will -- it's a presentation that touches upon many of the considerations and issues that we had to look at prior to developing and finalizing our recommendations with respect to the new company. So you'll permit some latitude. The city of Portland has regulated the taxi industry since 1854. The charter that year granted city council the power to, and I quote, license, tax, and regulate hackney carriages, wagons, carts, drays, omnibuses, and to fix the rates therefore. By 1948 the Portland city code for taxi regulation ran to 20 pages and covered many of the same issues we're discussing here today. Taxi fare rates, company vehicle fees and most importantly the number of taxi permits allowed by the city. Taxi regulations are not new. They are as old as the city itself. A lot has changed in the taxi industry the past few decades. One of the biggest changes is the transition from drivers being company employees to being independent contractors, and the unbalanced dynamic that has created in the labor market. Portland's outdated taxi regulations and changes in the marketplace over the years have resulted in drivers working very long hours for very little pay. The city's code and regulations have never expressly considered or addressed the issue of driver equity as it relates to the industry as a whole. So the recommendations before you today are a step toward addressing that dynamic. So I'll direct your attention to the power point presentation. We should be on -- I just wanted to give you a little bit of road map of where we're headed. We'll talk about the background and applications, criteria, some demand metrics. Our public involvement conclusion and recommendations. That sounds like a lot. We're going to move quickly because we know you have a lot of people here today to speak. So this slide talks about -- basically the rolls of the bureau, the board, and the council, because those rules are very different depending on whether we're talking about the new companies, which is the purpose of this hearing at the moment, whether or not we're talking about existing companies adding new vehicles, and so the various responsibilities of the parties are listed therein, so the city council is in fact the decision-making body in terms of a new company, it doesn't have an official role in terms of any new permits for existing companies until such time as the companies agree by board action later, and then it may come back to this body as an appeal. Is that complicated enough? Next slide, please. So there are a number of ordinances before you today that are going to be coming up later after this hearing, but I want to touch upon them now. Just to give you a road map. One of the ordinances increases taxi fare rates to immediately raise income for drivers. The proposed increase is 10 cents per mile, or 4%, and is not out of line with what we've seen in other jurisdictions. There's a second ordinance before you to raise fees for taxi company and vehicle permits. To increase on-street enforcement, and ensure equity between taxis and other market segments. There's a third ordinance that prohibits payments in return for fare referrals to ensure drivers are not forced to pay for their customers. A fourth ordinance would authorize taxi company performance standards to ensure drivers are being considered when companies renew their permits. And lastly, there's a resolution directing the bureau and the board to implement numerous reforms to the industry, and that's also attached as an exhibit to the resolution coming before you. Each of these actions are interdependent, and I urge you to consider that as you make your decisions today. If you fail to vote for any one, it may have

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implications on the other, and we'd want to discuss those before final decision was made. So I will stop there and ask kathleen to speak about the report.

Kathleen Butler: Actually, frank is up next.

Frank Dufay, Regulator Program Administrator, Revenue Bureau: What we have before us are three company applications requesting a total of 90 new taxi vehicle permits. The existing companies have asked for 167 new taxi vehicle permits. The bureau and subsequently the board recommend approval for a total of 78 new taxi vehicle permits in the first year. 50 for the new company, 28 for existing companies. Today the council will act on the requests from the new companies. These are the requests. Always cab requesting 15 Portland electric, 25, solidarity cab cooperative, otherwise know as union cab, 50. This is a history of the applications for additional taxi vehicle permits. You can see we have not issued any new permits since 1998. That's kind of the key number. That's a long time to go without issuing permits. In 2000 there were requests all along the line, frankly there have been requests for new permits from the companies, but up until now we've not put forward anything to city council recommending new companies or permits. And the board has not approved any new permits since 1998. The criteria for determining who gets permits and how is pretty broad. Really the only demand metric that we have in the code is the ratio of cabs to population. That's right there in the code, that's one of the things that's generally looked at. And generally looked at across the country. This is just a quick summary. Back to 79 we had 241 permits, since 1999, we've had a static number of permits at 382. Going to 1990, '90-'99, 261 permitted cabs by the end of '99, by the end of '98 and in '99 we brought it up to 382, in the mean time, population of Portland has increased every year. If you look at this slide, it shows taxicabs per population. You'll notice Portland is in blue, all the way at the bottom of the line there. This is an important metric used by many jurisdictions, and most of these cities are comparable, so we got it from the city auditor's office. All the ones we got from the city auditors office are in here, and we added a few others. We're going to skip that one. Taxi service demand metrics. One of the things there was a demand study done in 1999 -- i'm sorry, 2009, right after the recession where basically they were looking at segments of the economy, not the entire employment rate, but looking at education, health, government, leisure professional services, those segments of population that typically travel more. And you can see it took a dip back in 2009, and then it's really gone back up in 2012. This chart only goes back to 2001, remembering again that last time we issued permits back in 1998. Some of the metrics we looked at are taxi service at the airport. 2008 was kind of a high point, and then we had the recession kick in, drop down in 2009 by 2012 you could see it's gone back up again. And we looked at one month when we were putting this together, because we're trying to get the most recent data, and we expect that the airport will have record numbers of embankments and disembarkments.

Adams: This year, right?

Dufay: This year, 2012. This is the number of passengers in july between 2006-2012. You see the dip in 2009. But then we're back up there again in 2012. Radio cab dispatched fares, radio cab does a very good job in keeping track of their dispatched fares. They don't typically go to the airport. They don't have very many airport permits, so they rely on dispatched fares. Even from 2006, they're up 26%, or 25%. Between 2006-2012. Portland overnight visitor volume, again, that's up as well. We got those figures from travel Portland. Medical transportation program rides, again, the metric is even just looking at 2006-2011 is up, and you need to remember we have an aging population that is going to rely more and more on taxicabs to get to their doctor appointments, go to safeway, just general use. And then what we have next is we were directed by the mayor to do a taxi driver labor market study and kathleen is going to talk about that.

Butler: Thank you. Yes. So --

Adams: If you could introduce yourself for the record.

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Kathleen Butler, Regulatory Division Manager, Revenue Bureau: Kathleen butler, regulatory division manager at the revenue bureau. Nice to see you all today. Frank had a slide up a few minutes ago that went through the criteria for considering new taxi company applications, and he mentioned they're very broad. They do include the current status of the public transportation system, and the demonstrated need for additional service and the ratio of population, but they also include such things as the present utilization patterns of taxicabs currently in operation, and the interests of the applicant who is applying for permits. Given the broadness of those criteria, one of the things that mayor Adams asked us to do when union cab put in the application for the new company permit in 2011 was to look at some of the complaints about taxi driver economic and working conditions. And we embarked upon the taxi driver labor market study in april of 2011. We requested financial and operating data from all the companies, and the audit division staff and the revenue bureau considered the financial reports and also tax data, and made some conclusions about some of the current conditions for taxi drivers in the city of Portland. Taxi drivers work long hours for low net income. Because of the independent contractor status, they don't have benefits or employment protections, and these low wages and long hours are associated with erosion of public safety and service in the taxi business. Also a major finding was the large payments made by the drivers to the taxi companies is a major factor in low net driver income. So how does all this relate to the issuance of a new taxi company permit? We had the same number of permits issued to the six companies since 1998. With relatively few performance standards, and none of those performance standards are linked at all to an evaluation of taxi driver working conditions, there is no regulation of the amount and types of payments that the drivers have to give to the companies. For that reason, there are too few incentives for the companies to provide sustainable working conditions for the drivers. It not a condition of permit renewal. So the conclusions of the taxi driver labor market study, and this was in conjunction with the private for hire transportation board and their consideration and public discussion of our findings was that the permit renewal process should consider company performance including driver conditions, and that to balance regulations for the companies and the drivers, the bureau and the board should together develop necessary regulations to promote more sustainable working conditions. As a part of all these discussions, of course the applications for the new permits were included in the public involvement process, resulting from the driver labor market study. And i'm going to try and quickly go through what was a very extensive process. The private for hire transportation board held meetings throughout 2010-2012 to consider many issues related to driver working conditions and driver income, this included things like prohibiting the payments to hotel valets in exchange for fares to the airport. That is an issue that you will be considering later on but the board also talked about how an application for new permits from the drivers was a part of this picture. In january 2012 the taxi driver labor market study was sent to over a thousand stakeholders, and very widely publicized the study findings were distributed to taxi drivers at many different locations. The board had two meetings to discuss the official findings, and then it had six dedicated workshops in february and march of 2012 where hundreds of drivers testified to the board. We also had separate meetings and discussed written feedback with taxi company managers and owners. And then we consulted with the office of equity regarding general taxi industry issues. We issued a recommendations regarding the new permits, which everyone had been waiting for throughout this long process. On september 26th, and then the private for hire board met to consider those recommendations and voted by a substantial margin to concur with them on october 10th. We did receive 259 completed comment forms online, and 580 paper forms. And some separate commentary from managers and taxi drivers alike. And we have summarized what this commentary included. And because I think it's so -- the public involvement portion of this is so important, I am going to take a minute to summarize the comments that we got. Most people agreed with the general findings of the labor market study. Most people called upon city officials to take action to improve conditions for taxi drivers. Most people

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expressed approval and support for attention to the issue and many said directly they support driver cooperatives and driver-owned companies. Many people specifically asked that the city grant permits to union cab cooperative. Some people stated it was clear the city needed more taxis, a few people favored total deregulation of taxi permit numbers. A few people stated they didn't believe the conditions were as bad as described in the report. A few people commented that the study wasn't accurate or incomplete. The conclusions of the labor market study and the conclusions of our demand analysis are all relevant to the requests for new permits that are before you today. Demand indicators support the need for additional taxi permits. We are lagging behind cities that are comparable to us, and customer service is suffering as is customer safety with the stagnant permit numbers. Permit caps must be balanced with legitimate needs of smaller companies to expand as well. Drivers are the main source of revenue now for taxi companies because of changes in the industry. The companies receive very large payments from drivers and there are too few incentives for companies to provide adequate services at reasonable cost to drivers. Conditions and services for drivers must be considered when issuing permits and when renewing new permits, and permit renewal must also be linked through broad and rigorous regulation evaluation of company performance. In conclusion, additional permits for the city of Portland will improve the value and service to the public, support innovation, encourage companies to provide better services and conditions for drivers, and provide more choices for drivers. The slide showing the request for permits includes requests from the existing companies as well as the new companies, and you can see that in our report to you we have recommended that several of the existing companies also receive permits. But what's before you today is the three new company requests, Always, Portland electric, and Union Cab, and only the 2013 recommendations have been forwarded by us and by the board for approval. We have recommended because always cab company has some outstanding violations and unpaid penalties, they were according to city code requirements, not eligible for permits, and we've recommend a denial. Portland electric cab put forward an application for an all-electric company, and the private for hire board did consider the benefits of sustainable transportation, but there were some issues regarding no -- nothing being put forward, in that request, that specifically addressed driver conditions and also the question of all companies being able to try and meet sustainability requirements. The union cab company request addressed the main issues that had been brought before the board and the revenue bureau regarding driver economic and working conditions. And in combination with the increased demand for taxis, we recommend that that application for new permits be approved. If you look at the next slide, it's an illustration of where Portland will stand in -- in comparison to other cities, even after the permits are issued that we're recommending today for the new company. Also the permits we've recommended for existing companies, and then if you if you considered the recommendations for 2014 and 2015, we would still be all the way at the low end of the scale in terms of taxicabs per population.

Adams: If I could just note, some of these cities are the benchmark cities that the auditor established many years ago. Some are beyond that. You'll note that some of the cities, for example, denver, seattle, vancouver, british columbia, charlotte, arlington, these are cities with extensive transit service as well that is comparable to the city of Portland's transit service. So I just want to make sure that was noted for the record.

Butler: And that concludes our presentation of the report findings.

Adams: Initial questions, comments? Commissioner Saltzman.

Saltzman: We have a lot of people who want to testify, so i'll ask maybe what I hope are straightforward questions. The ordinance about increasing the cab fare, you said it's going to go to - to increased driver pay.

Adams: That's not part --

Saltzman: Ok.

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Adams: Were still in discussion even though it was mentioned in the slide, it's mentioned as an exhibit.

Saltzman: Ok.

Adams: So this is just about the new applications.

Saltzman: We're looking at recommendation of 50 permits for the union cab company, no new permits for Portland electric or --

Butler: Or always.

Saltzman: Ok.

Butler: That's the recommendation. And that's a joint recommendation. It was put forward by the private for hire transportation revenue bureau staff, and then we brought that to the private for hire board, and they concurred with that recommendation by substantial margin.

Lannon: Just to be clear, the city council does have the latitude to grant all three companies their requests today. But those are the recommendations that have been brought forward by the bureau and the board.

Saltzman: Do we have the latitude to say less than 50 for union cabs?

Lannon: Yes.

Saltzman: It's my understanding any new company also has to go through some analysis by an auditor? I guess to assure the ability to perform? I assume that's what it's about?

Butler: There's a required financial analysis, and I did check today what exactly that would consist of. And it would be a review of the financial statement from an accounting perspective. There would be a ratio analysis and checking of industry standards, they would thoroughly review assets, expenses, expected revenues, liabilities, and equity compared to industry averages to guarantee that there would be enough financial stability to go forward and be successful.

Saltzman: Who does that review?

Butler: That is done by the audit staff in the revenue bureau. And that's consistent with what was done in 1998 when the new companies came on.

Saltzman: And if we grant a new company today, either one, or either of the three, they're all subject to the same analysis, and if we make a decision to grant today, and then the analysis shows there's not the capital or whatever for this company to perform to support that number of permits, what happens then?

Butler: We would come back and report that to you, but we certainly wouldn't be able to issue the permits, because the code requires that we make that check and determination before --

Saltzman: Before the permits are actually issued --

Butler: Yes.

Saltzman: Ok. Thanks.

Fritz: Just to clarify, I thought your slide was helpful, we are -- the board that decides on additional permits next year, not the council.

Lannon: The board will make the decision with respect to permits for existing companies. So existing companies have also requested permits, the bureau is recommending, and the board has recommended that those -- the three of those companies get permits. Any company aggrieved by that decision, in other words, any company not allowed to get new permits, has the ability to come forward to the city council and appeal that decision.

Fritz: So today we're looking at the 50 for the new company, but also more or less than the 28 in addition, that's part of today's hearing.

Lannon: You are looking at all three new companies. The recommendation is that only one go forward, but there are three before the council.

Fritz: Thank you.

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Fish: You said in your opening statement that they were all -- all the matters before us were connected. And we had to be careful about pulling one out. So i'm just curious, what would be the effect, for example, of pulling out the fare increase?

Lannon: The fare increase, I would make a clarifying comment. What I meant was the ordinances at the tail end following this hearing are the pieces that are intertwined. That said, if the rate increase didn't go forward, then you would have a position -- be in a position where drivers right now wouldn't actually see any -- .

Adams: That's not part of this hearing.

Lannon: That's correct. So I --

Adams: That would be in our next hearing.

Lannon: I was commenting about all the ordinances to follow as well, trying to give one Presentation.

Fish: I think we need to look at it holistically.

Adams: The state law doesn't -- you know how this is. It's like land use but for taxicabs. Thank you all. Could I have jeff miller, dante james. Welcome right now we're just discussing, I don't know -- we're just discussing the request for new -- for the new companies. And the recommendation from the board on union cab, Portland electric cab, and always cab companies. So you have to limit your remarks to that.

Jeff Miller, President of Travel Portland: I'm jeff miller the president of travel Portland and I'm here with my colleague veronica rinard who's are director of community relations and private for hire board. We come representing the visitors to Portland, of which there are many, and it's nice to see the growth. We're in support of adding permits to Portland taxis. And the new company. It is important from our standpoint to have more cabs on the street, and we get a lot of anecdotal evidence that says that we have a need. Like during feast when a person tweeted they waited 90 minutes for a taxi. It's also important from a standpoint of the big conventions in town, because we had a meeting last week with a large convention meeting planner, and made their way over to the world trade center and could not get back to the convention center at 10:00 in the morning. So we need that extra capacity on the streets. And certainly the customer service that goes along with that as a person who takes taxis a fair amount up to Washington Park, i've almost been diverted twice to Washington square mall. So it would be important to have the training that goes along with these new permits and the customer service levels that is needed. With that i'll turn it over to veronica.

Veronica Rinard, Director of Community Relations, Travel Portland: For the record, i'm veronica rinard, director of community relations at travel Portland. And the a member of the private-for-hire transportation board. And jeff asked me to come today because of my position with the board. I've been a little more intimately involved with this, we took this issue to travel Portland's community action committee, which is our board level committee that looks at different public policy issues and advises us on those. The feedback from that committee was that more taxis are needed in Portland. Our partners and their customers are experiencing issues with availability and level of service. But there are also concerns that there are reforms needed, customer service reform, customer security, for example, the back seat customer operated credit card machines, say that three times fast, and there was some concern about issuing new permits before those reforms are in place. As we discussed this, we concluded that a proposal to grant the new company and its permits and to issue the first year's permits that had been proposed by staff, but then to require a one-year review of both the impacts on the industry and on drivers and on customer service before issuing any additional permits would be a good compromise. It would ease the current shortage of taxis, but also require that significant progress is made on those reforms and that we are looking at the impacts on the industry. It would also allow this creation of the new driver-owned company and we share the staff's hopes that that will improve conditions for drivers and also thereby improve customer service and safety. Thank you.

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Adams: Mr. James, director james.

Dante James, Director Office of Equity and Human Rights: Thank you, mr. Mayor. Good afternoon councilman. My name is Dante James, the director of the office of equity and human rights. First I get to say congratulations to commissioner Fritz on her election yesterday. Reelection yesterday. I'm here on behalf of a request of the revenue bureau. As they said, the revenue bureau and my office and I did sit down and discuss what essentially is the equity of the process by which they are considering awarding new taxi companies. I applaud the revenue bureau for taking a specific interest in the equity of this question. This issue concerns the driver population consisting of in large numbers, immigrants to this country and how they're being treated. Or at least allowed to become a part of the fabric of Portland. I'm not here to speak specifically regarding granting or denying any one company. I believe the revenue bureau does that well, however as you know I come from denver. And denver as noted in the slide is the comparable city to Portland. I was in denver, working in the political realm at the time that denver went through this same issue in 2009. So I think I do have ability to spoke on the comparison aspect of this process. And the company in denver was very similar to union cab, it was ethiopian-owned company was a cooperative, the concerns and issues were very, very similar. And i'll speak a little bit more about that. But i'm really here to address the equity of the process and give a little background of the living and working in denver that went through a similar process. As I said, in 2009 denver granted a new license to a cab company comprised mostly of ethiopian and somalia drivers who after a four-year effort received permission for their taxi cooperatives. Prior to that it had been 15 years, almost 15 years before -- since a new cab company was granted in the city of denver. This effort in the granting of the license was made easier because there was a change to state law. It shifted the burden from the new company having to prove that the current companies were insufficient to the current companies having to prove the licensing of a new company would be detrimental to the public interest. It's a significant and huge shift of the burden, and if you consider the resources of having to prove sufficiency or insufficiency of the status quo by a company that's not even in business yet, and compare that to those who have the capacity who are currently in business and have those resources to protest and demonstrate differently, I think there's a significant difference and burden on that new company trying to do that. I would urge council to consider this approach as they review and consider this request. Drivers of the new company in denver had concerns very similar to those as stated for a new company here in general, poor working conditions. Poor working conditions of drivers who are mostly again immigrants to this country, mostly immigrants of color, working long hours, for low pay, often without health benefits, without an ability to enjoy the family they're working to support. They want the same things that you and I want. The opportunity to be masters of their own fate. I believe with the recommendations being made in regard to the granting of continued licenses or new licenses, which include criteria about driver working conditions is essential if this city no longer wishes to remain a part of the fostering of the continuation of less than ideal working conditions. I am not aware of the concerns of oversaturation, or less fares being available to those companies in denver once the new company was granted. I believe the competition fostered improved passenger safety, because the drivers were able to work less and still make a living wage. Working less means the drivers who are not -- they are not tired, drivers are not rushing from one fare to the next. So they can pick up another fare and try to make more money. No other companies have gone out of business in denver. In fact, there are companies to this day still requesting additional licenses. Interestingly enough, the most recent entry to denver's market, the ethiopian-owned company, has also testified on behalf of granting licenses to competitors, because they believe in the free market and the opportunity for other companies to do what they did. The analysis by the bureau here indicates the market here is not saturated. Testimony was heard about the long hours and low pay, and the lack of care for driver concerns shown by current cab companies. Maintain the status quo here in Portland, given all of

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these factors, would be to maintain an inequitable system in my not so humble opinion. And secondly, I also want to address the issue regarding accessibility of any new cab company. The benefits from providing performance standards for an increasing availability of those cabs available for wheelchairs I think is a very important issue. It provides for greater safety in a vulnerable population, reduction of wait times for people who are exposed to health issues and risks waiting outdoors in inclement weather. Providing an adequate supply of cabs when tri-met uses a large percentage of those cabs for their own use. It addresses a growing number of Portlanders whose age and -- who age and then develop a mobility concern given americans over 65 statistically have twice the rate of disability as the overall population. And finally it's a direct response to the ada concerns in a government regulated industry. Also as anecdotally, denver does not allow you to flag a cab in the middle of the street. You have to call. Whereas in Portland in my understanding is, you can flag it in the middle of the street. And so I think there's a distinction that there is greater availability and opportunity for customers to get a cab if there is more of them, and I can flag one in the street as opposed to to have to call and use dispatch to wait for my fare. Overall those have some of the concerns and considerations I would ask of you from a position of equity as you review this recommendation. Thank you very much.

Adams: Thank you director james. Since its quasi judicial I need to give equal time to those that support the application and those that are against.

Roland Iparraguirre, Senior Deputy City Attorney, Office of the City Attorney: You have a board recommendation with two denials and one approval. I'm sure there are adverse parties to those board recommendations. So we have heard from the board and now I think you start with the officials for each company and if union cab is adverse -- feels they have an adverse opinion from the board, they can testify in support of their -- of the approval or they -- other people can come in and testify as to their approval, but we should start with the officials of the companies. The interested parties.

Adams: We're going to start in alphabetical order. I'm going to give five minutes, maximum, to each of the three. Is there someone from always cab company here that wishes to testify regarding the recommendation of the board? To deny the application.

Jaldo Abino, Owner, Always Cab Company: Thank you, commissioner -- mayor sam Adams. My name is jaldo abino. I am owner of always cab company. I am the first applicant for new company back in 2010, and before that I drove a cab in a different company for more than -- almost 15 years. And I realize I can start my own business not without the capital or no need of backing by the union or capital. And I am confident that I can start a run for the number of cabs that I request, 15 cabs, and -- self-operated, like any other business. So I put application, I get incorporated in Oregon, and I know the business, I know how to run it, and I know this is free country where any citizen can succeed if he knows how to do it. So I put the application, in may of 2010 to the city, and ask -- waited one year, still driving in Broadway cab, and finally I started operating after I give up hope from the city. And but still have permits from the other cities from beaverton, from Oregon city, still I have kids and family here, i've been seen here in the city so I get fine and i've been accused of that, and I was denied. The process to me it is unfair. I'm legally registered in the city business. There's a car in the city I have registered it. I'm paying tax for operating business that is not only in Portland, but in the surrounding city. So i'm fairly denied the permit that I requested for 15 vehicles. It is unfair, I'm a minority business certified, I did everything legal, but for minor incidents that i'm accused of, I can pay the penalty, I wasn't asked, but I cannot pay penalty, and I can ---- the number vehicle permits I requested. So I must -- I request the board to look at the process who first applied, who is legally running the business, that incorporated, registered in the city. The problem is getting permits for the board which is unfair of me, the way its organized. So I think this opportunity will let the city to look back why the criteria is put high for ordinary citizen to run a small-scale business. Maybe the opportunity change the policy to let ordinary citizen to run

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a small scale business -- without backing out by union, or backing up by a big monopoly, and this is ordinary business that I can assure -- I can control and serve customers. So this is -- I request that this board to look into the process and request for my application review again, and then look into more relaxed policies to our business. Business is complex here, and -- i'm sorry, yeah. I have permits in other cities.

Adams: Thank you, sir, your time is up. Appreciate it. Next we'll hear from Portland electric cab. For the record, I don't see anyone seeking to comment on the board's recommendation about Portland electric cab. Next, union cab. Good afternoon.

Kadir Wako: Good afternoon mayor. To avoid babbling I would like to read my testimony. Thank you for this opportunity to present our goals to the city council. My name is kadir wako I work for Broadway cab since 1999. I'm also the chairman of Portland drivers association. Many times cabdrivers are -- to give our members support in times of sickness, accidents as we do not get benefits or insurance from the cab company -- you might ask me what motivated me to organize an association. In 2008 I get home late, when I wake up the next morning my face was paralyzed. I couldn't -- speak clearly. I couldn't go to a doctor because I didn't have insurance or cash to pay a doctor. I couldn't work because I couldn't speak to my customers. I went to the Broadway cab company office to explain my situation. Broadway told me I still have to pay the kitty even if I stayed home. I stayed home a full week because I didn't have insurance to go to a doctor. Having to pay the kitty without getting any fare at all in order to keep eye my cab driving privilege created a heavy financial burden. After a month I went -- when I finally could afford a doctor I found out I had bell's palsy. This happened because of long hours and low financial reward as cab driver. Currently a group of mostly immigrant cab drivers who have worked over three years to form a taxi cab corporation. All our working cab drivers right now have at least five years experience driving in portland metro area. We have passed the city of portland general geographic knowledge test. It is our dream to have time for our family, health insurance, to work 40 hours a week as other jobs do. Under current cab company domination of the industry in Portland, drivers don't have access to group health care or life insurance. In fact we are unable to have vacation without paying for kitty even though we are not driving cab during vacation. We are unable to take days off because we must secure fare to pay kitty. More of us drive even seven days sometimes the full 14 hour day allowed by the city. Our health suffers from so many hours at the wheel and we don't have health insurance to help us heal. Our application and business plan will bring us closer to environmental and economic sustainability. A nonprofit cooperative can pull our resources that our kitty covers expense including insurance, health benefits yet remain affordable. We propose a hundred percent alternative in a few years but can happen more -- we all own our own cab we will have to buy our own dispatch system including credit card. We will include more wheelchair accessible cars that will be available on a rotating basis during the night. We want to offer senior citizen discount without heavy sacrifice. Believe that competition in this arena will be good for all portland. We also believe that economy sustainability is a chance for reliving [indiscernible] job benefit is possible for cab drivers under our proposal. We believe that there is a room in portland for differences sustainability business model in the cab industry. Our proposal will lead to real competition for the industry which would benefit the public, better customer service and eventually low fares. -- kitty for drivers. We intend to cover several neighborhoods under covered house. Thanks to all those people who have supported us during our organizing effort. We appreciate that -- the transportation hire board review members and the staff who have attended the many work sessions and hearing over the past year. -- dr martin luther king junior don't judge people by the color of their skin but by the content of their character please we ask the city council to approve our application for the union cab corporation. Thank you very much.

Adams: Thank you, sir. [applause] there's no clapping. You like this, you do like that. Everybody try it. You don't like it, you go like that. Ok. We're now going to -- because of the number of

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people that have signed up i'm going to limit testimony to two minutes. We have found what can be said in three minutes in a very compelling way can even be said more compellingly in two minutes. That way we get people through. We're going to go to the sign-up sheet.

Adams: The issue is whether or not you support the recommendations of the board.

Tom Chamberlain, President, Oregon AFLCIO: Mayor Adams, commissioners, tom chamberlain, the president of the Oregon afl/cio. Just for clarification, these aren't beaver fans who are in the audience. Their supporters of union cab. I want to thank the mayor and his leadership to move forward almost a year ago on a study that showed some inadequacies in the cab system in Portland. One of the recommendations that we support is the establishments a driver-owned cab company. Which is an opportunity to keep cab driving professionals moving from the low road to the high road. Where it can become an occupation where you can support your families. You can give your kids opportunities for a good education, provide food, shelter, and hopefully some day through this co-op, health care benefits and a pension. Thank you very much.

Adams: Thank you mr. president. Hi welcome.

Cathy Hight, Attorney, Union Cab: I'm kathy Hight, an attorney for union cab and I want to reiterate mr. Chamberlain's thanks for the hard work that's gotten us here today, the excellent quality study, the extensive community involvement. Among the factors the code asks to you consider today are the core goals of chapter 1640, these are promoting the public safety and convenience and favoring innovation and competition over monopoly and regulation. Right now the dominant structure of Portland's taxicab industry does exactly the opposite. A small number of taxi companies control a small number of permits, we have nearly an unlimited supply of drivers seeking the opportunity to use them. This creates an extreme imbalance in bargaining power. It's resulting in monopolistic behavior. Kitty's at \$500 a week for the opportunity to net \$294. Kitty's that are twice as high as the investor owned company as the one driver-owned company. Kitty's that don't change price according to the level of service provided by the company. What union cab proposes to do is merge the owners and the users of the permits into the same body, eliminating this imbalance of marketed power. You'll see the importance of this to the driver, but it's also important to the public safety because that need to make the kitty push its drivers to drive too fast, too long, to drive when they are too sick to drive safely. In addition, union cab structure puts the decision making power into the hands about whether to make improvements in customer service into the hands of those who will benefit from the increased business if they do. You have today an opportunity to change -- to add a new model to the mix. Right now the dominant model is the market forces that are at fundamentally odds with the goals of chapter 1640, to protect these values you have to push back against the market forces of regulation. Union cab proposes to align the market forces with the goals of the code. It is so much more effective, so much more efficient, and it is in line with the Portland spirit of do it yourself entrepreneurship and a fundamental belief in dignity and opportunity for all. Thank you.

Adams: Thank you. Welcome.

Fayine Hussien: Hello. My name is Fayine Hussien. I'm kadir's oldest daughter. As long as I can remember, my father has driven a taxi. It has -- it's almost a part of his identity. When I was younger I used to dream about going to disneyland and seeing all the princesses and cartoons like any 5 year old. And my dad would tell me when we save enough money we'll go in a few years. Every year I would look at him with my hopeful eyes and ask me him can we go this year, and he would say not this year, but the next. After a few years I just gave up. As a child I never understood the logistics of buying the plane tickets for the whole family, the hotels and park and still having to bay bills at home. So I was really resentful. I always felt he put his work before his family but because he would work 14 hour days, seven days a week and I would be lucky if I saw him a few times a week. Because he was usually gone for -- he was usually gone at 4:00 in the morning before I woke up and would come home after I was asleep I used to think he didn't care for us.

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Once I got older I understood it was because he cared for us and wanted to provide was why he worked those crazy hours. It was because he wanted to put food on the table and make ends meet that I rarely saw him in my childhood. My resentment turn into admiration as I got older and got my own job. I'll admit when I got my first job I was whining and crying about working 16 hours a week and how tired I was. And then I would look at my parents and was driven to work harder. I was motivated and pushed to succeed at everything I did and never give up so I would get a good career to support my family. I got straight a's in school and graduated high school with high honors. I worked hard to prove to my parents I was going to succeed because of them. I am now the in my second year at the university of Oregon. With my school and my tuition paid for by scholarships and my own hard work. I feel overwhelmed at times, there are days when I don't want to go to work or school but then I think of everything my parents gave up me and I keep going. My father has put all his time and energy into creating the union cab and this business endeavor. So many times my mother would beg him to stop wasting so much time on it because it was taking time away from his work which meant less money for us and to make ends meet. My father was determined to make a difference. If this application for union cab is approved I believe it will change the lives of 50 cab members and their families. It would mean all of my parents sleepless nights and all of my father's hard work would not have been for nothing. I'm missing three classes, work and a mid-term to be here right now because this is how much I believe in my father's work. If you knew me you would understand how crazy that is because I'm a complete nerd.

Adams: Thank you. Your time is up, but we appreciate you being here. You're going to university of Oregon?

Hussen: Yes, i'm a duck. Orange is very, very weird to me.

Adams: Is it burning your skin?

Hussen: Yes, it really is.

Fritz: If you need me to write a letter to your professor asking you to let the mid term late, I can.

Hussen: I talked to him about that.

Ruhama Mame: Hello, my name is Ruhama Mame and I'm unfortunately still in high school. So what is it that you think the life of a cabdriver is? Some of you may think that they wake up every morning, go to work and come back in the evening after long hours of work. This is a dream. The reality is cabdrivers work long and tedious jobs struggling to make ends meet. As a daughter of a cabdriver I see my father every morning working 14 hours a day, seven days a week. Growing up I lived in environment in which my father was always absent, not because I have a family problem or didn't live with my father but because he was always out working struggling to make ends meet. Drivers, it is not fair drivers must pay \$580 a week -- \$580 a week for money -- of the money they work themselves. It is not fair drivers must continue to pay this \$580 a week even after taking leave from work. It is not fair these cabdrivers do not receive any kind of health benefits. I'm sure that you and I can both agree this is not a job that anyone in this country deserves. So I am not here asking for your pity, but i'm here asking for city council to approve the application of the union cab. Thank you.

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

Marco Mejia: Thank you my name is Marco Mejia I'm with jobs with justice. A coalition of 92 members in portland. Many of them are unions, community organizations, faith communities and other community organizations. We all come here to express that we support the recommendation of the board to approve the permit for the cabdriver. I think that we're basically in two basic principles for us, and our work which first is the living wage. I think having the cab union will bring up the wages, which right now it's about \$6 per hour that cabdrivers earn. And they work in between 12 and 14 or more hours a day, which is not sustainable economically, it is not sustainable humanly to be able to be with a family and to have some vacation time as a human being. The other principle is the right to organize. I think when workers -- we work together, things are going to be

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much better for themselves. And it's going to change and create a precedent in the city of Portland where workers in the business of the cab business will put the priorities and workers. Workers are able to make decisions about their conditions of work and overall of the business they are running. So it is very important to have the moral of the union cab business owned by the cab workers. The last thing I wanted to say is it is important also to -- in terms of equity in the city of Portland, and I think the city is welcoming to immigrants and this is a business where immigrants are participating in being working on -- one of those hard work run business. So it is important we also allow the communities that are more -- my broken english is going a little bad -- .

Adams: Your English is fine but your time is up.

Mejia: The other things we support in other communities -- I support union cab. Thank you.

Adams: Thanks for your testimony. Sir.

Red Diamond: Good afternoon mayor Adams and city commissioners. I'm sure you're familiar with the labor market study and i'm sure you can imagine how optimistic cabdrivers are when this study was released. With the release of a taxi permit recommendations, cabdrivers feel betrayed. The proposals don't fail in their efforts to improve conditions for Portland cabdrivers, they represent a violent degradation of our already tenuous economic status. The fleet expansion you proposed calls for an increase of 35% above the 382 currently permitted taxis in our city. How can you identify our economic hardships in january and in september ask us to absorb a 35% loss of market share to new competition? Consider the economic indicators you've used to justify fleet expansion. It is well known in our industry that employment rates and passenger volumes at pdx are the two most reliable indicators of taxi service demand. But when data from the -- for the last available month when data was available, prior to the issue of this report was available, unemployment in the state of Oregon stood at 8.9%. And the port of Portland website shows total passenger volume in 2011 was actually lower than in 2001. That's an 11-year loss for us. Although we have seen a modest increase in 2012, it's still amounts to a 2.3% increase over 12 years, not nearly enough to justify a 35% increase in our fleet. Yet the report states that all indicators have moved beyond levels reached prior to the economic slowdown. This statement is false. As Portland's elected taxi driver representative I speak on behalf of the overwhelming majority of the Portland's 900 or so working cabdrivers when I tell you Portland taxi drivers emphatically and absolutely reject these proposals. There is a far more eloquent way to improve taxi efficiencies, and these would include giving the permits directly to the drivers. In closing I will call your attention to the petitions signed by over 300 cabdrivers each council member has received and I would direct you to the driver's attorney mr. martin dolan of dolan, grigg who will further represent our position. Our message is please, no new taxis to any taxi company at this time. It will cause great harm to all Portland cab drivers. Thank you.

Adams: Thanks for your testimony.

Fritz: Could you tell us your name?

Diamond: Red diamond.

Fritz: Thank you.

Negusie Sado: Good afternoon and thank you for this opportunity. My name is Negusie Sado. I am one of the leaders in african refugees and immigrant community. According to the census of 2000, foreign born population nationally grew 57%. As the same time the foreign born population in Oregon grew by 108%. According to the community-based survey the current African refugee immigrant population in portland metro area is about 32,000. Why do people come to this wonderful city and wonderful country? I'll give you my personal witness. I have lived in four different countries. Visited six or seven different countries around the world. But until now, or as of today I have never been able to find another wonderful country like the wonderful country that we live in that is based on the spirit of cooperation and tolerance. People come to this wonderful country and city because it is a land of opportunity. In america, we believe that the sky is the limit

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for those who think positive. Take responsibility, and work very hard. People come here to work hard for opportunities of a better life. The united states is known as a country where one can begin with nothing and achieve their dream of financial independence. I want you all to know that when we talk about the wonderful america and who made the america that great nation in the world, we are talking about the fair minded leaders who are determined to provide equal opportunity to all citizens, from the day of its inception to the day that we are here in front of our leaders. Today I am here to thank you our leaders in behalf of my community. Thank you mayor Adams, and the city council, for your fair minded leadership. The majority of taxi drivers from my community as you see are family men who are doing their very best to provide for their children and spouses.

Adams: And your time is up. I got you in between a breath. Thank you very much for your testimony. You can submit in anyone -- you can submit your written testimony to our council clerk Karla. And we'll read the rest of it. Well come back.

Madelyn Elder: Hi. Mayors, city commissioners. My name is madelyn elder, i'm president of communications workers local 7901 here in Portland. About three years ago we were approached by the Portland Drivers self-help association to help organize a cooperative similar to denver's union taxi cooperative. Portland working drivers got together with denver cabbies to discuss how we could achieve self-empowerment here in Portland. They spent a year amassing capital, building a business plan and working closely with those in denver who are successful. When they were ready, they applied for the cab company permit at the end of 2010. Drivers did this while working under the thumbs of the for-profit cab companies, working long hours, missing family time, doing the research, and in general working their rear ends off. In the past two years, the drivers have reached out to over 2,000 riders, to community organizations from one end of Portland to the other, to their own extended families and communities and to other drivers. Cwa considers the union cab cooperative part of the movement for economic sustainability environmental sustainability, and self-empowerment. I urge you to approve the application for union cab cooperative, and I thank you very much.

Adams: Thank you all very much.

Saltzman: Can I ask mr. Diamond a question? So the primary concern you have is with the increase of permits, you say you were heartened by the revenue bureau's recommendations around working conditions for drivers. Is that correct?

Diamond: Correct. We are primarily concerned with increasing the number of permits as any increase will cause established drivers to lose market share proportionate to the number of shares that are out there.

Saltzman: I know you said -- you presented a proposal that would give the permits to the drivers. Let the drivers then freely affiliate with a company, but then they could pick and choose who has the most favorable working conditions or kitty or whatever. Was that proposal presented to the private for hire board?

Diamond: Yes.

Saltzman: Was that formally presented and rejected?

Diamond: Yes. It was presented to the private for hire transportation board, it was actually very popular with the drivers. If there's one thing the drivers want above anything else, it is permits. But giving permits to the drivers themselves is a different model from giving it to the companies. When you give them to the companies, the companies are able to in many cases turn around and lease them back out to the drivers at a profit. Giving them to the drivers would allow the drivers to -- would force the companies to compete against one another in their efforts to bring drivers in just as any companies can compete for its customers.

Saltzman: Are there any cities that have used this model?

Diamond: it's based in part on the medallion system. But without the shortcomings of the medallion system. Medallions get to be very expensive and they become a problem because they become a

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commodity that is bought and sold. The proposal which we call the prodan legacy permit proposal, eliminated that complexity, and allowed the city to retain legal ownership of the permits and allow the drivers to control them. It's basically the same system that exists today where the companies control the permits only this system would allow the drivers to control them.

Saltzman: Thank you.

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

Arnold Arutyunov: My name is Arnold arutyunov, i've been working since 1998 with Portland cab, rose city cab, broadway cab, what can I tell within two minutes? God lord. I've heard many smart statements based on the studies and everything else, i've heard some beautiful voices of sweet girls, myself I have a daughter 15-year-old, and I just don't understand the logics why some kids should be benefited and the others should be hurt. I don't get it. We've been told it's going to take care of us to ease our hours. I don't see how 132 more cabs are going to ease my hours to make it. I don't understand how some people who are trying to start a new cab company work very long hours for a very low pay, save up the money to start a new company. I don't get these logics. Because I know how it is out there. I've been driving for over 15 years. I don't understand how they're going to run their good company and in the past the city official's revenue bureau leader said if we're going to issue permits we're going to issue to the good companies, and two companies I know that are good, they're getting their jobs done, is radio cab and broadway cab. How come a known cab company ran by 50 drivers who don't know how to run cab company, will basically make it and I know a lot of those people personally, and I know that most of time I see them, sometimes I stop by the plaza to get a cup of coffee at the very busiest time when there's plenty of work. Some of those guys, the union guys, union cab guys, they're sitting for an hour, hour and a half drinking coffee. Not working. It raises a lot of question for me. How it's going to help me and my daughter thank you very much.

Adams: You have a lot of hand and thumbs behind you. But no noise, remember, we're here to hear all points of view. [applause] no noise. No, no, hey. No clapping. Or we'll have you exited from the room. Sir welcome.

Martin Dolan: My name is martin dolan. I'm from the law firm dolan griggs. I represent individual cabdrivers who have pooled their funds to pay my absorb anent fees to come and address some issues with you. All those issues are in a document that's been submitted by email to all the commissioners and the mayor yesterday as well as the city attorney. To an extent the rules require me to offer them into evidence I would do that now. The argument basically is we're asking to slow this process down. And it's not just a favor we're asking for, we're asking that because as we laid out in the letter, basic due process has been violated in this proceeding because the issue is not -- did not comport with your own code. So if you look at your code section 164160, and 164210, it requires that the staff recommendations be considered at a regular scheduled meeting. They were not. They were considered at a special meeting. You're supposed to give the 10 days prior to the regular scheduled meeting, you're supposed to give notice to everybody. Notice was not given. This is a due process issue. There are serious property interests at stake here, there's no one who has even suggested that you have followed the rules. You have -- the board hasn't followed the rules, and the bureau hasn't followed the rules. You're supposed to do that, as the mayor has said, there's rules we've got to follow in this proceeding and there's rules you have to follow in this process. What's the harm? We lay that out in our letter. The harm was that the taxi drivers were not given sufficient time to prepare response to -- respond to the recommendations. You're supposed to do that. That's what's supposed to be done. It wasn't done. So to the extent that the rules have been violated and they deprive the taxi drivers of due process, we ask you to stop this process at this point, allow the process to take its course, give the proper notice before regular scheduled meeting and let's do it the right way instead of the wrong way. Thank you.

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Fish: I need to ask a question if I could. Sir, your primary argument is that there's a procedural flaw in how this was considered.

Dolan: Correct.

Fish: Assuming there wasn't a procedural flaw, what is the substantive argument you want us to consider?

Dolan: And that is detailed here extensively in my letter. I will --

Fish: If you could summarize, because this is a public forum, and not everyone is going to have a chance to read your letter. Give us the essence of your substantive argument.

Dolan: I would be glad to. By failing to give the requisite notice and failing to allow the drivers and others to present material, there's a direct impact on their daily income. And what we know is that why do we know it's true? Because the study concluded that. The study said there's going to be a short-term negative impact on the drivers, but they don't say what that is. Someone needs to say here's what that impact is, here's the data of how our hourly wage is going to be impacted, how many hours your going to have to do, that is not our argument its what they say. So it's to give the data, number one, for the economic impact. That's one thing that needs to be done. We also say that one of the requirements for issuing -- allowing a new company to come into effect is that a study is done about the relationship to the transportation system. And that's a requirement in the rules. It also should be done when you're giving new permits to do a study of how our transportation system itself is affected. Portland is not like every other city. There is some major differences, and those differences if you'll note, were laid out in the port of Portland's letter to you, it said that we're not very fond of having any more taxis at all at the airport and we're not like other cities. And they said look at your own transportation goals and facilities and resources, and then when you do that, then come up with recommendations. That's another one of our arguments. Another argument that we say is there should be some environmental impact issues addressed here. New york city, if you want to compare to other cities, requires an environmental impact statement to be given whenever the city council issues new permits. That hasn't even been discussed yet. Is it a requirement? No. But it's something Portland should do because we're Portland and because we're interested in those issues? Yes. You can have 50 cabs running 14 hours a day sitting in front of hotels and at the airport, the airport -- the port of Portland said they don't even want the cabs there. What's the impact? Some? None? We don't know. That's the problem. There hasn't been sufficient time to develop a record, and a record is required under the rules.

Fish: One other question, mr. Dolan.

Dolan: Yes.

Fish: Because one of our jobs here is to listen to the substance of the arguments people are making, but another one of our roles is to be like a referee. We need to make sure the process has been fair. Did you have an opportunity to appear at the special meeting that was held?

Dolan: I did not. I was not retained at that time.

Fish: You were not retained. Did your client have an opportunity to appear?

Dolan: He was. Mr. Diamond was there, yes. And --

Fish: Was your client allowed to present at that hearing?

Dolan: He was. But we've attached an affidavit of mr. Diamond. He was there, he was given the opportunity. They got -- the report did come out prior to the special meeting. But what mr. Diamond says so importantly, I would urge you to read, it's fairly lengthy affidavit, but he says here is why I couldn't present anything of substance because he had to meet with his drivers. He's got 300 drivers, men and women, that meet with him. What he couldn't do because the regular meetings are two months apart, so what they did was at the september 26th meeting they came out with recommendations, then they considered it at the october 10th meeting. You say, did he have a chance to appear? Yes. But he have a chance to meaningfully participate, no. Because as he said, my drivers and I are set up to meet every two months. We have to get a room to meet, to get

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everybody together to meet. I have to have the chance to get the word out. It's not an easy system to get 300 independent contractors involved. And so he said I showed up, but there was no way since you told me it was going to be at a regular scheduled meeting, and it wasn't, there's no way for me to meaningfully participate. And that process is, it requires meaningful participation, not just participation.

Fish: Thank you, sir.

Saltzman: Mr. Dolan I just have one question. You mentioned there's been no study about how this -- these recommendations affect hourly wages. So I want to make sure I understand the industry right. There is no hourly wage per se paid by the company -- you're saying gross revenue -

Dolan: Hourly income -- I should haven't said wages. Hourly income. In the study itself it shows what the hourly amount is, but it's not a wage because they're not paid by employer.

Saltzman: I just want to make sure i'm tracking everything.

Dolan: The only thing i'd ask --

Adams: No. You're done. Hi. Welcome.

Dolan: Is to say thank you.

Adams: I'll take that. You can stay there, though your not going anywhere just yet. You'll learn our procedure. It's not to hard. Welcome.

Steve Entler, General Manager, Radio Cab: Good afternoon, mayor Adams and city council. My name is steve entler, the general manager of radio cab. I'd like to start out by thanking the revenue bureau staff and especially kathleen butler and frank Dufay for all the hard work they've done in response to concerns from all the people involved with the private for hire transportation industry. Our city has never seen a more dedicated or hard working bunch, and it has been an honor for me to work with all of these fine people and also to serve on the private for hire board. Unlikely as it must sound, I would also like to thank mayor Adams for initiating the investigation of the existing permitted taxicab companies. At first I think that all the taxi company managers were reluctant to submit all of the financial and operating data that was requested by the city, including me. But then I realized it could become a mechanism for me to point out the strength of radio cab. So I submitted everything that was requested, interviewed with bureau staff and mayor Adams. A lot of our drivers were investigated as well as drivers from other companies. The final results of the investigation were printed in a report from bureau staff titled taxi driver labor market study, long hours, low wages. And sure enough, just as I suspected would happen, the report clearly separate the working conditions, work hours, wages, and general experiences of radio cabdrivers from those of the drivers of all the other permitted taxi companies. The report showed that our drivers earn about twice as much as the drivers from other companies, and work fewer hours as well. I couldn't have been happier.

Adams: So I am getting the evil eye from the attorney. Is this related to the new applications?

Entler: Well, no.

Adams: Ok. Well, it's been nice hearing from you, but I need you to -- otherwise I get into trouble with state law. I need you --

Entler: They didn't have a separate sign-up sheet outside. They lumped them all together.

Adams: No problem. So thank you. But I can't let you continue Unless you would like something to say about the new -- the request for new permits from the new company.

Entler: I choose not to. Is there going to be a separate --

Adams: Yeah.

Entler: Can I be called on that.

Adams: Yes, absolutely. Hi welcome.

Darin Campbell: Mayor Adams and commissioner my name is darin Campbell. I am a lobbyist for radio cab and I am also an owner and serve on the board of directors for radio cab. Your going to

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hear a lot of opposition and your going to hear a lot of support today so I'm going to limit my testimony to my concerns. A new company without having some sort of plan written into it, what happens to those permits if for some reason they fail. I'm not saying they are going to. Their fine people involved in that group but if you look at radio cab a big contract with the VA, Kaiser hospitals, Broadway has trimet to fall on. We have airport stickers to pick up at the airport. Airport said they will not issue new stickers. This is a company that started from scratch and has a big uphill battle. I don't want to see denver orange or another investor come in when they fall on hard times and buy those permits and fall back into the same situation that this originated from already. I would like to see something written into the application that would prevent that from happening. If -- if they can't make ends meet, that the permits go back to the city for reallocation or not. I don't want to see another conglomerately owned cab company. I want to mention is that when this application came forward was from existing cab companies or cab drivers in the portland area and I want to make sure that when this process takes place and you accept the new company, that they are, in fact, currently permitted cab drivers in Portland and its not six of them and then 30 from across the country coming in to Portland. We have plenty of drivers here. And i'd like to make sure that that happens. So, with that being said, I appreciate your time.

Adams: Thank you for your testimony.

Saltzman: Can I ask Mr. Entler a question. Maybe this isn't the right time either but in your october 31st letter to us, I guess you expressed great concern about my letter of october 9th to the private for hire transportation board, expressing my concerns about the saturation impact of upwards of 167 new taxi permits. I didn't mention where I stood on the new company per se but just for the record, I wasn't intending to express any other concern than my concern about the saturation and the subsequent impact that that has on drivers wages. It wasn't by any means to take a position on the union cab company or the other two companies.

Entler: There was one particular sentence in the letter that indicated that you had already taken a position prior to this. And that was -- that was the main thing.

Saltzman: My sentence was if we are going to do a new cab company that we should hold off on other permits for additional companies because of my concern about saturation, just to clarify that.

Entler: Thank you.

Adams: Thank you for your testimony. Do we have anyone with children that would like to testify as a courtesy? I mean young children, not adult children. No? All right.

Adams: Would you like to begin, sir?

David G. Gwyther: Yes, my name is david G. Gwyther. I would like to commend amanda Fritz for a great campaign. Congratulations. Anyway, i'm testifying -- I have been a lobbyist in the past for radio cab. I'm testifying on my own today trying to step back and look at the cab business from an economic standpoint. The theory of unions, the idea is to upgrade the workers by limiting the supply and increasing the skill level so that increased productivity flows back to the workers. What we have here in Portland is a collection of small businessmen. Almost all cab drivers in Portland are licensed as a business. We're all small business people. We compete against each other both internally within the companies and externally especially with other companies. So, looking at that dynamic, the word wage or salary or benefits doesn't really apply. We have to pay that out of the net profit that is derived each day, each month, etc. Now, the kitty's that people pay to various companies are a function of several costs. First of all the cost of insurance. That is probably the biggest single barrier to starting a cab company. A million dollars of liability insurance my understanding is \$200,000 a year, is sort of where you start at if you are lucky, if you have an existing company and it is probably higher in other fields. So the kitties in judging whether or not an individual driver or not will be successful, are only a small variable. Biggest variable is the number of fares and the quality of the fares, whether you get tips, pick up a fare, second fare in a

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row, etc. Working 40 hours a week in the cab business, I have only seen happen once in 30 years, los angeles, when 70% of the cabs disappeared and there were people literally waving money at us done there.

Adams: Time is up. Hi welcome.

Michael Huggins: Michael huggins, member of the private for hire transportation board and the manager of lands at operations at portland international airport. At PDX I oversee the taxi shuttle and car transportation -- town car transportation access program among other operations. Fundamentally I believe the proposed increase in new taxi permits will not achieve the city of Portland stated objectives of approving driver conditions, including living wage, health and wellness benefits and working conditions. Recommendations to add additional taxis will not address these issues, but will add more competition to the marketplace. Concerns exist with the addition of permits to meet the city's needs. Where will these taxis stage? Taxi stands are already beyond capacity. Will taxis circle the street to look for available taxi stand space, park illegally, or leave the city? There have been no side by side evaluation of the data provided to the portland for hire board by the revenue bureau. This information provided by each company and their respective applications varies greatly. There was no clear expectations presented to the companies on what documents were required to be provided. In february, 2010, the airport did an extensive review of airport taxi activity, conditions in the back field and airport service levels. As a result the moratorium on the number of taxis at the airport was not lifted. Additional, the airport instituted an alternate permit process whereby only one half of the already permitted taxis operate at the airport on any one day. This change of operations added an additional 128 taxis to the downtown market per day. These additional taxis were not accounted for in the recommendation. During the demand peaks all permitted vehicles are called into the passengers. This system worked very well to meet customer demand. The bureau asserts that the ratio of taxis to citizens is far beyond -- far below other cities. Portland is unique in its transportation needs and not similar to other cities of like size. Portland has an extensive public transportation system, including light rail service that spans the area and continues to grow each year. Light rail service to the airport departs and arrives every 15 minutes and serves more than 7% of the passengers and that number continues to grow.

Adding more taxis --

Adams: Your time is up.

Fish: I have a question.

Mayor: I have one before you. So is this the position of the port of Portland board?

Huggins: It is the position of land set operations -- we currently have permitted process in place --

Adams: Is what you are reading -- you just represented yourself from being from the port. Is this a position of the port of Portland board?

Huggins: It is a position of the port of Portland operations department within the port of Portland and it has been reviewed by our public affairs as well as attorney's office.

Adams: Not the board.

Huggins: Correct.

Adams: All right. Are you familiar -- does light rail go to the airport in vancouver british columbia?

Huggins: I'm not sure.

Adams: It does. The other -- you mention that our transit system was very unique compared to some of the other cities. How much knowledge do you have of the transit systems and airports in the other cities?

Huggins: I have pretty extensive knowledge of other airport ground transportation systems as well.

Adams: Seattle?

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Huggins: Seattle light rail system that opened a couple of years ago, serves the airport --

Adams: Any others?

Huggins: Minneapolis, St. Paul have light rail systems to the airport as well.

Adams: Ok, so those are similar to the port of Portland's airport.

Huggins: Theirs other things that weren't considered --

Adams: Thank you, that's all.

Fish: I have a question, if I could. I want a clarification of something in your letter. Because you say that you have -- you have instituted an alternate day permit process where only a certain number of taxis are permitted to operate at the airport any given day. How does that work? If I take a taxi from downtown to the airport, under this permit process, does that mean that depending on the day, that cab driver may or may not be able to get a return fare?

Huggins: That's correct. We have 256 permitted taxis at the airport. We alternate the days so that 128 are permitted by color one day and the other 128 operate on the other day.

Fish: I understand. This might not be the right place to take this up. The idea that we are telling a taxi cab, in a city where we're trying to reduce our carbon emissions, they can take someone to the airport and drop off but not permitted to take a fare back seems inconsistent with a number of other policies we put in place. That is not specifically before us but it is in your letter. I think the council will be interested in, possibly regulatory bodies will be interested in following up on that. It sounds to me what we're saying is through the luck of the draw, you could take a fare to the airport and not be allowed to bring someone back. You have to make a trip back to the city to pick up a fair which will reduce someone's income and unnecessarily add to trips without passengers which is i'm not sure something we want to be encouraging. Thank you for the clarification.

Adams: I would like to know what the position of the board is. Thank you. Hi.

Butch Miller: Mr. Mayor, good afternoon, commissioners, thank you for your time. My name is Butch Miller. I'm a driver for Broadway cab. I'm a former member of the private for hire transportation board. In 1998, the city issued more permits. After these permits were issued, taxi drivers started having to work longer hours for lower wages. It culminated with an accident out at the airport with a driver driving more than 18 hours with a death of a passenger. In 2009, the Soren Garber the man study said the private for-hire transportation providers were saturated. Primarily because that report said there should be one town car per 16 cabs. The city has one town car per 2.1 cab. So, most of those town cars worked out of downtown. Also the staff report is nothing more than a field of dreams theory. They're saying that more cabs will create more business. That's wrong. The market size is only so large. The more cabs does not increase the market. It just decreases the individual share. So, adding more cabs at this time, especially when economists are predicting a double-dip recession in this coming year, would be -- I don't think a good move at this time. And I would urge you not to issue anymore permits at this time. Thank you.

Adams: Thank you. All right. Next.

Adams: Hi, welcome. Would you like to begin?

Owen Blank, Attorney, Representing New Rose City Cab: My name is Owen Blank an attorney represent the New Rose City Cab. We are here to provide information relevant to your decision. We are not here to take a position for or against the new cab company or a position regarding the number of permits, but we're here primarily because I think Commissioner Saltzman correctly noted in a letter to the private for-hire taxi board that there is a relationship between the pending applications for increased permits by the existing companies and the council's action on a new company. And so that board deferred our application for additional permits pending some guidance from the city council. Our company was formed over 40 years ago primarily because Mr. Arthur Palmer was a good two-fisted entrepreneur and also out of the discrimination that existed in the city at the time because people of color and people in particular neighborhoods lacked the ability to get

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cab service. As ms. Nicholas, who is the third generation of the family to be involved in the business, will let you know, we have unmet demands and increasing costs. And so we need to have additional permits to survive and thrive in this city, and in order for us to have additional permits, since you are engaged in the very difficult task --

Adams: I need you to stick to new permits for these companies, not about your request for additional permits.

Blank: Right. But the -- the reason our request was deferred was because of the pending applications --

Adams: I need you to -- I need you -- you need to talk about these applications.

Blank: You're engaged in micro economic regulation, an extraordinarily difficult task for the government. The number of permits outstanding all together, including for a new company, impacts your regulatory duties when you make decisions like the ones pending before you for this agenda item. I will ask ms. Nicholas to let you know about the demands in the -- that the cab companies face.

Leativa Nicholas, Executive Assistant, New Rose City Cab Company: Hi, my name is Leativa Nicholas, our cab company has counted from 2011-2012, our dispatchers have counted 63 applications for taxi and dispatch operators. They count a total range from 52 to 127 calls a week within the past eight months that could not be serviced to. We feel the city is issuing anymore permits then New Rose City is entitled to some of them. We feel creating a new company will not help fix the current issues in the system, only create more competition and longer overall wages. We ask that you help fix a part of the industry that is working before starting and -- before starting an untested new business theory in Portland. I'm finished. Thank you for letting me speak.

Adams: Thank you. Sir, would you like to testify?

*****: Me?

Adams: Yes.

Arthur Bantu Palmer: Yes, sir. I'm Arthur Bantu Palmer. I think I have met you sometime before.

Adams: Yes, you have.

Bantu Palmer: I'm a citizen by birth. I have a little objection to my Ethiopian Bantu brothers making a living driving cab. I'm not objecting to working and having a job. I received 19 permits in 35 years. Companies who had permits received over 100 -- I just wonder why. Wonder why. I read somewhere in the city of Philadelphia there's a bell, the Liberty bell, ringer cracked, I wonder why it cracked. Was it because it is misnamed liberty bell, liberty bell be the equality and justice under our constitution. Therefore, it may be -- may be that reason to crack. I don't feel like I've got justice and in denying me justice by giving me what I think I've earned for 35 years -- like the sound of the bell. The tone -- you can help it by granting New Rose City cab permits.

Adams: Sir.

Lewis Stark: I'm Lewis Stark. Independent contractor with Broadway cab. I see all of these orange shirts. It is very impressive. These are fine, experienced dedicated workers. They work long hours, 68 hours a week. I'm against them getting new permits. Here is why. They're all working now for an existing company, everyone of them will be replaced. When they go to work as a new cab driver with a new company, they will be starting totally from scratch. If they try to do the same thing they're doing now, they will have 50 more competitors on the street. Now, if they can't survive earning an income at 68 hours a week under current conditions, how are they going to do it with one-third greater competition. The airport tells us we do not need more cabs at the airport. Another thing that has changed, you talked about this 10 to 12-year period. What was it like 10 to 12 years ago? How many town cars existed then? Virtually none. Did we have an airport rail line at that time -- no. A phenomenon in downtown Portland you can see business travelers toting their luggage down the city blocks to take a \$2.50 trip that they pay and at \$15 that our employers pay so

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that they can go through that employee tax. We're supplementing outside businesses with our light rail. Those trips used to be taxi cabs. Those trips used to be shuttle trips. Now we lost them. We also have increased the number of medical transportation. We call sats. There is dozens of them fulfilling parts of our business. All of these things are taking a piece of the pie. The pie is not growing that fast. You have increased the consumers, not increasing the food.

Adams: Do you know off the top of your head what increase in the availability of town car trips have been since 1998?

Stark: No, I don't know that, sir. That is not my profession. My profession is out there --

Adams: Thank you. Who is next? **Adams:** Hi, how are you?

*******:** I'm fine.

Adams: Thank you for your perseverance. Please begin.

Brenda Hiatt: That's okay. Mayor Adams and commissioners -- my name is Brenda Hiatt. I am a Broadway cab driver. I have attended the majority of these meetings. And I have some recommendations. I am not for or necessarily against these permits because I feel there is really good arguments on both sides. What I am asking this commission to do is to please put in place the recommendations of the board if you are going to issue these permits.

Adams: I need you to stick with just the application.

Hiatt: Okay. In order for the permits to enable it so that the drivers do not lose their market share. We need things put in place and it is a recommendation of the board for these things to be put in place. I have outlined it in a written document. So I won't go through it all here or even try to do it in the two minutes. The one thing that I would ask is that you set a timeline on the implementation of these standards that the board is talking about. The private for-hire transportation committee is notorious for not being quick about anything. They told us we were going to have these reports back in May and we finally got them the end of September or October to comment on shortly thereafter. I am asking you, Mayor, to please set a time line, hopefully by the end of your term and, if not, at least within the next 90 days that the standards are enacted. Because I do believe that the permits could be successful without affecting the market share providing there is accountability on the parts of the people that are holding those permits. Without that accountability, we're all in trouble. One of those again is -- one of my recommendations is the elimination of the taxi companies to be able to run SAT vehicles. I don't believe the taxi companies should be in the business of competing with their own drivers and that is exactly what SAT vehicles are, an internal competition with their own drivers. Thank you.

Adams: Hi, sir.

Frank Choto: Hello. My name is Frank. I own a town car company called Alliance Town Car. I have been around for awhile. Over quarter century now. I rise in support of union cab's application to operate in the city of Portland. It will alleviate a suffering that those individuals are going through. They live in a gulag, work in a gulag that houses yellow cars. When they go to work and -- their income is taken away from them. They cannot determine their destiny any. It is a road I walked painfully for a long time. That is why I own my own business and I am willing to go through that struggle. I would encourage the city to expeditiously approve their permits. I would also encourage the council to the extent that you can, to intervene on their behalf at the airport so that they're not denied operating privileges there. As is currently being planned if recent testimony is anything to go by. I will also encourage you in Portland's spirit -- I have been around awhile. Connie was in the chair when I got here, McCready. To be innovative as we always have been. I think 50 is a small number. If I had my say, I would say give them 150 permits. It is not revolutionary, that where Broadway was. It was drive owned before it was taken away by the money makers. So be bold about this and I encourage the Mayor to please stay in public service once you leave the city, don't be going around hiding in suburbia. We need you. You don't get fooled

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easily. I saw these well dressed guys coming here telling you stories. You asked them the questions that you needed to ask them. This is a smart city.

Adams: Thank you, sir. Ms. Campbell, welcome back.

Jan Campbell: Thank you, thank you mayor and commissioners and commissioner Fritz, I want to really say how happy I am of your victory. You have done so much for people with disabilities in our city and we hopefully will continue to work with you. So, thank you again. I do want to talk about the accessible cabs. Some of you probably remember John Hamilton and I when I worked for the city got the first ordinance passed to have a certain percentage of cabs accessible to people in the city. And -- yes --

Adams: I need you to -- are you talking about these applicants?

Campbell: Yes, I'm just talking about the more cabs that we can get in the city will also help to have the access for people with disabilities. Some of the things, though, that I do have a little concern about is it is still very, very difficult, and this is, again, why we need to have more accessible cabs, for people who are private pay, it is very difficult to get accessible cabs. As you have already heard, they are contracted out. And so since they're contracted out, they're not on the street. People who private pay cannot get them during the peak hours, or even in the evenings, sometimes even during the weekends. It is very, very difficult. When you talk about accessible cabs, the design, these new credit machines now are making it harder for people to use the cabs. Even though they say they're accessible, because you can't get your chair and maneuver it around. Also --

Adams: What was that part you said?

Campbell: To maneuver around, because the credit card machine comes into the space so that you can't maneuver. Also rates are very different for people with disabilities, depending how the driver wants to secure your chair. So, the longer it takes the driver to secure a chair, the more the person pays. And so that has also been an issue. So, again, I really support it. But I think that we need to put some standards on the accessible cab so that it really is equal to people who need to use them can use them.

Adams: Great. Thank you all very much. Okay. So testimony is now closed. We're going to take a 10 minute break. It is 4:00. We will come back at 4:10. Could I have staff and council come up here?

Recessed at 3:58 p.m.

Reconvened at 4:12 p.m.

Adams: If I could please have staff come forward starting with our city attorney on this issue, I'm going to ask -- come on up. I'm going to ask for the response from a few of the issues that were raised and then -- oh, I'm sorry. Mr. Kafoury, would you come up. I forgot -- one more. We will let -- come on up. Do we have another chair? Could you vacate your chair for just a second? All right. Hi. Sorry we missed you. Would you like to begin?

Steve Kafoury, Representing Broadway Cab: Thank you Mr. Mayor. Members of the council. I'm Steve Kafoury I'm here representing Broadway Cab. Three congratulations are in order first Commissioner Fritz on your victory, Mr. Mayor on your arts victory and Mr. Fish on not having to run this time.

Adams: You might have heard us earlier, no more tributes to commissioner Fritz. We are grandfathering you in.

Kafoury: The staff report from January made it quite clear taxi drivers in Portland do not make as much money as they should. While we disagree with many of the specific findings in the study, we do agree with this conclusion. Thus we were stunned to see the recommendation from the staff and board that additional taxi licenses be granted. Simple economics dictates as the supply of taxis

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increase, the available revenue to existing taxi drivers would decrease absent an increase in demand for taxi service. In recommending this increase in taxis, the staff has made several assertions that we challenge as we see no documented evidence to support these assertions. First a faith based suggestion, quote, if we build it, they will come, unquote. Somehow having more taxis on the street will cause more folks to want to utilize a taxi service and Portland will become a city where taxis are hailed, maybe. Second is the statement, because some small companies cannot meet requests for service, there is a shortage of taxis. Aside from a few anecdotes, there is no evidence to support that proposition. Then there's the statistically based assertion because Portland's population is growing and no new licenses have been granted in several years, there must be a shortage of taxis. They point to an increase in air traffic to prove their point. However, as you have heard tonight, port of Portland has placed a cap. The port has not seen huge increase in demand for new taxis. Staff provides comparisons of taxis to population ratios in cities of comparable size showing that Portland has fewer taxis per person. But they did not analyze the differences among the cities in terms of public transportation systems geographical features, economics, taxi cultures, etc. might explain why this is true. Reading these recommendations would show several rationales for increasing license numbers where there is neither hard proof nor anecdotal evidence that existing drivers will not be harmed by increasing the supply of taxis. Our experience at Broadway Cab has been that any increase in taxi licenses creates hardships for existing taxi drivers. We respectfully suggest that you do not grant any new licenses. If you do grant union licenses, let that be all. Use that as an experiment, using rigorous methods to determine the additional facts of the city licenses before adding any on top of it. Then and only then will you have the hard evidence that you need to ascertain whether this city needs and can handle additional licenses. In the meantime, please direct the industry and the staff to work together on developing the performance standards recommended in this.

Adams: Thank you. Karla, did the timer break?

Raye Miles, Broadway Cab: This is real quick. I'm Raye Miles with Broadway Cab. I am just going to ask you not to add any additional permits at this time. While I don't speak for the drivers, I have visited with many of them over the last few weeks and to be honest they feel betrayed by the city. At a time when the city had promised to help, the city is on the brink to do them a lot of harm. I would relay that to you for your consideration.

Adams: Thank you very much. Mr. -- So, if council would bear with me, I will ask a series of questions and then I will give you a chance to ask your own as well. Can you -- what is your response to Mr. Donnelley's contention that they're hearing that we are -- the hearing we are in right now does not comport with our own rules?

Ken McGair, Deputy City Attorney, Office of the City Attorney: For the record, Ken McGair from the city attorney's office. I was handed the letter during the break. I have had an opportunity to read it. I think it is important that the -- onset to note that the code and I think Director Lannom laid this out. The code has two very specific procedures, one for existing companies requesting additional permits and one for new companies requesting additional permits. As I read the code, the private for-hire board has complied with the requirements and process regarding new companies requesting permits. Mr. Dolan, as I understand, the argument, has conflated the two provisions with regard to the notice requirements for existing companies requesting additional permits, which is not the hearing we're here on right now. We're only here on a -- on a hearing for the -- the three new applicants and not the existing companies requesting additional permits, which is in the purview of the private for hire board. So, having a chance to look at his letter and not the affidavit that was attached to it, admittedly the requirements, the process requirements were complied with during the September 26th and subsequent meeting that was held on October 10th.

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Adams: Okay. Thank you. The issue of -- the whole reason I asked for the driver quality of work life study was to make sure that we did a better job as a city council and you as the regulatory compliance folks and you're relatively new at the job, so it's been great to have your experience, fresh eyes on this. That the city needs to do more regulating around the quality of work life and economic viability for drivers. One of the statistics that relates to the question of whether or not any new permit should be issued is obviously does that dilute? This particular hearing is about the new applications. We will move into the other part of the hearing that talks about the other reforms. But I would like you to comment on the town car, because one of the striking trends that I have seen is a very large increase in market share for town cars. Which we all agree the city has only recently, staff given the resources and we have more resources coming to really clamp down on illegal use or whatever it is called of town cars. And that part of the goal here is to have taxi -- the taxi rides with taxis and not with town cars. Can you talk a little bit about those trends? Is my observation correct?

Butler: Sure, unless you have been coming to the meetings for the last two years, it is hard to understand how an increase in taxi permits will help drivers. But there are several other factors that come along with it. Back in 2008, when Sorin Garber did the demand study, one thing that he found was if you ask taxi customers as they leave the airport whether they want a taxi or town car, you have very good statistics about the proportion of the population that wants each and Portland had at that point way more town cars proportionally to taxis than were needed. This was a result of 1998 to 2008, where town cars, shuttles, other modes increased but taxis were not allowed to increase. Starting in 2009, we really started doing some upgraded enforcement on the town car drivers who are acting as taxis and thus breaking city code. As a result of that, we have significantly decreased actually the number of town car drivers, but the number of taxis is out of proportion with that. And so, along with the performance standards that we're going to put in place and the other partnerships with travel Portland and driver training, we really do believe that there is a significant unmet need for taxis out there right now. Part of it is being filled by illegal operators. Part of it is being filled by town cars operating outside of the rules. So, everything -- that's the holistic aspect of it that all goes together. You can increase taxis and still increase the amount of business that is available to all of the drivers of taxis.

Saltzman: Why is that again? I'm still having a hard time understanding that.

Adams: Right now there is a significant amount of leakage from what should be rides taken by taxis that are right now being taken by town cars. And it is only in recent years that we have started to get tough on town cars. We need to provide more taxis and town cars have been allowed to increase in terms of how many they are and the amount of trips they take, while taxis have remained flat in terms of the number of taxis.

Butler: Town cars and SAT permits which has been mentioned repeatedly by the drivers as taking fares away that were taxi fares before.

Saltzman: So you are saying, in essence, in the downtown core, because that is -- if I'm not mistaken, that is where town cars and cabs really compete, that we can clamp down on illegal town cars, which we should, and I know we have taken actions for, and that in of itself will justify demand of --

Butler: It is one of the factors.

Saltzman: -- fifty to a hundred different permits and improve demand.

Butler: It's one of the factors. We also do definitely believe there's unmet demand for taxis even downtown gave -- although we have not commissioned any formal study, we have taken information from a couple of different sources, people who need accessible transportation, wheelchair transportation. We are receiving complaints of lots of uncovered time periods. We did our own -- we went out and we tried to get taxis in different parts of the city, including downtown at different times of the day or night. There is definitely a very long, one half hour to two hour

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wait time sometimes even during non-peak times. There is also times when you cannot get a taxi at downtown stands, particularly late at night, and there is also a lot of unmet demand on the weekend when the bars are closing. These are typical problems that cities have when such a long period of time and no new permits issued.

Adams: The other question I want to air out, I was troubled by the testimony from the port of Portland. Division manager of the port of Portland because it is now quite common to have rail transit to and from airports. This is no longer, Portland might have been one of the earliest after San Francisco, but it isn't unique anymore. I understand, although not scientific, you did some research on this issue, related issues at other markets.

Lannon: Our conversation really had more to do with the academic literature that we reviewed about the New York City experience, which is the only credible research that you can find out there. There is a correlation between expansion and demand because of greater availability of cabs on very short notice. And an increased number of permits. So, that was the piece that we were talking about in the break. As to demand from the port, we have some very specific statistics in the report that indicate that the number of vehicles moving in and out of the port of Portland has dramatically increased over the last few years. Another statement that was made --

Adams: You mean private vehicles?

Lannon: No, private for-hire vehicles, taxis particularly. A further statement made as of the voracity of the data in the report around whether or not there was an increase in the number of departures and arrivals out at PDX. I think what I would state there is whenever you cherry pick a base year and decide to carry that base year forward, you will come up with a different result. When we first heard that criticism we took a hard look at that data. I had my auditors pour over it a separate division then the regulatory division. We fitted trend lines to every bit of that data, it is a gentle upward slope no matter how you choose to look at that data over that decade.

Adams: A gentle upward slope --

Lannon: Increase.

Adams: Passengers leaving and entering the airport?

Lannon: Yes, and the source data was from the port itself.

Adams: Other questions, Commissioner Fish?

Fish: Thank you, Mayor. It is at this point in our hearing where we try to make sure that questions or comments that were raised before come back to staff so that the record is clear. And one of the comments that someone previously made was that if we issue these new permits and the company fails, then what happens to the permit? Would you address that question?

Lannon: Yes, it is within the purview of the regulatory division to take those permits back. Furthermore, if one company changes ownership, the city must approve the change of ownership. There are some good checks in place to make that these permits don't end up catawampus in the market screwing things up in ways that people never intended.

Fish: And that is our insurance that someone doesn't come before us as an entity and at some point be taken over by another entity or morph into something else and assume that those permits continue with the new operator.

Lannon: The -- the intent of the code and the way the code is built is to address that exact issue.

Fish: If there was a change of ownership with solidarity cab cooperative or some other significant legal change, that would come back to council as -- rather than the permits being transferred to some third party automatically?

Adams: Automatically.

Butler: In the past it actually hasn't come back to council, but it has been approved by the city attorney's office. But if you wanted to make a condition on this new company, I think you have the option of making any condition you want.

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Fish: I want to be clear. I'm not singling out any particular applicant as raising concerns with me, but since there has been presented as an issue of concern, I think that we ought to have some mechanism so that they are being -- if they -- if it is the will of this council to issue them, they go to a specific entity and not be assigned or transferred to a third party without our knowledge or consent.

Butler: My understanding is if somebody buys the entire company, all assets and liabilities, then it probably would only have to pass through city attorney review. If you want to make a condition that it would stay with these owners, if you issue a new company permit, you want to explicitly make that condition.

Saltzman: Are we at the point of offering amendments? Because I think that is a great condition. I would like to offer that condition.

Adams: We will make motion -- this is more like a land use thing.

Saltzman: I realize that maybe I am getting off course here, but I'm still --

Adams: That's why Roland is here.

Saltzman: How is the new company -- union cab company, is it going to pay a wage or a salary to its drivers? How do we know the union drivers are going to have a better standard of living, better working hours, better working conditions than have been described to us today by cab drivers working for other companies?

Butler: Currently the city does not regulate the conditions under which the taxi drivers work for each of the taxi companies. And one of the main things that came out of all of the meetings was that it was important to put performance standards in place that would be reviewed every time a taxi company renewed their permits to make sure that driver conditions were a part of the picture and a part of the consideration. One thing that we did find very clearly in the taxi driver labor market study is that there was a clear difference in Portland between all of the other companies and the one company that is now drive owned. And I guess it is kind of -- if the drivers own the company and they're running the company and making all of the policy decisions, it's thought that perhaps that will make for better conditions for drivers. It gives them more control.

Saltzman: Is that sort of the rising tide lifts all ships apply here --

Butler: That is what a part of the hope is and it is what happened in Denver. We understand that you have about 1,000 drivers and you have 382 permits, and they have stayed the same for a long time. If the companies have to compete a little harder for the drivers, then it should make conditions better for drivers at all of the companies, if there are more options for drivers.

Saltzman: The question about accessible cabs. Is there a requirement right now that fleets have a certain number of accessible cabs or not.

Butler: There is a requirement in code that it's 20%. There is also a loophole whereby if companies join together and cover each other's calls, they can bring it down to 10%. We're looking to remove that loophole and make the performance standard be 20 or 25%.

Saltzman: Does that take into account this growing market for prepaid medical visits --

Butler: Probably not. Probably not. It should probably be a higher percentage. But there is an a --

Saltzman: Ability to make it a higher percentage? Do we have that authority or the private for hire board have that authority?

Butler: I think ultimately you would have that authority.

Adams: Let's note your legislative intent that the staff and the board look at that issue and come back either under their own auspices or back to council. All right. Commissioner Fritz.

Fritz: I am wondering what the next steps are. This is a report. We accept the report and direct?

Adams: I'm about to make a motion. It is more like a land use issue. I move to deny the application of always cab company based on the report's recommendation.

Fish: Second.

Adams: Its been moved and seconded. We have to do each of these individually.

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Saltzman: Where's the amendments?

Adams: That's being denied. When you get to union cab -- it has been a long day. It has been a long fall. Motion has been made and seconded. Karla, can you please call the vote on the motion?

Fritz: Aye.

Fish: Aye.

Saltzman: Aye.

Adams: You have to play by the rules in order to get approved by -- a positive recommendation from the board and a positive vote from me. You have to clear up your violations. You can eapply, but until you clear up your violations we can't be approving -- I don't believe we can be approving this under our own code. Aye. I move to deny the application of Portland electric cab based on the report's recommendations?

Fritz: Second.

Adams: Karla can you call the vote on the motion,

Fritz: Aye.

Fish: I will support the motion, but I would like my legislative intent, I would like to see us explore opportunities in the future to encourage a move to more of an electric fleet generally and how we might do that and ask that the board to come back to the council with recommendations.

Aye.

Saltzman:: Aye.

Adams: I agree with the statements of commissioner Fish. Aye. All right. I move to accept the application of union cab based on the reports recommendations with the following conditions. Thank you, mayor Adams. I offered this amendment with commissioner Saltzman not because of -- not to cast dispersions on the applicant, but because staff has said that it is within our purview, and if it is the intent to issue these permits to a single entity, if that entity is acquired by a third party as a condition of our action today, we would like that to come back to council. That is my motion.

Adams: You are amending my motion which I'm accepting as a friendly amendment. Do you second?

Saltzman: Yes.

Adams: Moved and seconded. Discussion of the motion? Karla, call the vote.

Fritz: Very pleased to support the motion, aye.

Fish: Aye.

Saltzman: Aye.

Adams: To cast no aspersions on the non-driver consortium companies, I think it is very clear and compelling the review that was completed by staff that there really are potential advantages to an owner, a driver-owned cooperative cab that is being proposed like union cab. Very clear and convincing evidence. I think a number of models can work in this market. The home work done and study by staff i'm pleased to vote aye. Motion is approved.

Saltzman: One potential amendment, and that is on the accessible cabs.

Adams: We will do that in the next. We are going to the next hearing. Karla can you please read items -- the rest of the item titles.

Adams: For those of you that are here in orange shirts, I will take the liberties as chair of the meeting, if you want to clap right now, you can. [applause]

Adams: Now that we got that out of our system, can you please read the titles to the next portion of the gathering?

Adams: So, we are going to have to continue our hearing here. So, we now -- I move acceptance of item 1259 as a report. That was approval as a quasi judicial item, and this is now accepted as a report, moved and seconded. Karla call the vote.

Fritz: Aye.

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Fish: Aye.

Saltzman: Aye.

Adams: Aye. All right. Please read the title for the other items?

Items 1260, 1261, 1262, 1263 and 1264.

Adams: This past January at my direction, revenue bureau released a study of the economic working conditions of Portland taxi drivers. You heard some of the previous of that -- the review found that the average hourly wage, hourly income of Portland taxi drivers is \$6.22, more than \$2 below the Oregon minimum wage. Driver wages are not supplanted with health care or retirement benefits, not often, paid vacation or sick leave. Many drivers work long hours, 12 to 14, the max per day, six, seven days per week. Currently the city regulates taxi fares and number of permits. Regulations are found in my mind to be insufficient to promote sustainable and reasonably fair working conditions for drivers. This has not been an easy issue. Like any of our regulated industries, and we regulate for example all of the -- all of the garbage collection in the city for all of our regulated industries, we do want to be very careful and thoughtful about the changes that we make. This has been a well study and we have taken the time, longer time than some would have wanted us to, but we have taken the time to learn everything that there is we think possible to learn short of actual experience with the changes. We must do better. This council has absolutely set as one of the four goals of the city, in addition of prosperity, education, health is equity. In this case its equity for both those who invest in the companies and also for the folks that work for them. I want to thank the private for hire transportation board which heard significant amounts of public testimony as I understand scheduled additional meetings to consider the issue over a longer period of time and weighed each element of the proposal in a very diligent manner. Their work was supported by excellent staff work from the folks you see in front of the city council. I have made two recommendations of my own to this package with an eye towards enhancing taxi drivers, the life of taxi drivers. One I have asked the bureau of transportation to work with the private for hire board of review and taxi companies to provide taxi stands at locations where they are needed. And by the end of this calendar year, hopefully before the holiday season, we are going to be opening up significant new taxi stands in the city at no charge to bone fide taxi companies and where people are looking for them. One approach is to convert some of the truck loading zones into split-use zones. The zones will function as loading zones when there are trucks to park in them and unload but also can serve as taxi stands when there isn't -- as long as someone is at the vehicle when there is not a truck or delivery vehicle that needs that zone. That alone could open up dozens and dozens of new places for taxis to queue. I've directed the bureau of revenue to add language to the fees ordinance requiring review and approval by the revenue bureau director before making any changes to fees or payments charged to the drivers. There will need to be changes over the years but we are regulating not only for the customers, not only for the investors, but now also regulating for the drivers. We need to take the recommendations related to new company applications. We already did that as a separate matter and we will now open up for staff presentations on this portion of our hearing.

Thomas Lannon: Thank you, mayor. You summed it up very well. I will keep my remarks brief. I have been associated with the revenue bureau for eight years in various roles. On and off responsibility for the regulatory division of the bureau -- one of my observations as a director and also in the office of neighborhood involvement, my 15 years in the city in general is that this is the most understaffed, overworked unit that I have ever seen. In terms of the -- the number of people that we have, including Kathleen, three fte to manage all of the various activities that you have heard about today. To keep the different market segments separate as they are under code, and to attempt to regulate and enforce portions of the code that are quite difficult to enforce, and infractions going on at 2:00 in the morning and I have to pay overtime. I can't tell you enough how critical it is that we actually have additional staff support to take care of the enforcement that

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needs to occur. Some of the changes before you today would allow me to add two fte to do that. Kathleen has eight or nine other programs underneath the regulatory division. This happens to be the one that she gets tasked to work on the most. That said -- the other observation that I would offer is that I have watched the regulatory division over the years because of staff limitations. Really what we have done over time is to implement one-off changes over the course of decades. There was no manager for a long period of time. There was no concerted effort to have any kind of strategic viewpoint about our regulation. That is why the city of Portland is in the position it is today, inadvertently, over time, different supervision, promulgated a set of administrative rules and city code that doesn't make sense anymore. That's why today as I have offered my initial thoughts about a wide range of topics, this is why that we spent over two years studying this issue and took some criticism for taking that long, we didn't want to continue to do this one-off kind of change and environment that got us into this position in the first place. So, that is why you see a series of ordinances before you that we think are necessary to implement to start to address the equity issues that you see, enforcement issues that you have heard about today and finally the resolution at the back end that tells the bureau, by the way, go do all of the other things you said you need to do. The resolution directs the bureau to come back to the city council in april of 2013, five months from now and report on the status of the program as a whole. Not just decisions you are making today, but our progress going forward. Success or failure of some of the reforms we have introduced today in the extent that we can report on them in such a short timeframe. I will stop there.

Butler: If anyone wants it amend that date and make it further out --

Saltzman: You have just given a great prelude to can you come back to us in april on a recommendation on increasing or perhaps increasing the number of accessible cabs as a percentage of all fleets from --

Lannon: Yes.

Saltzman: Currently 20, to -- that will come back to us in april?

Lannon: Yes.

Adams: Let's go through what the changes are really quick.

Butler: Sure, there's an ordinance that would prohibit the practice of giving or receiving payments in returns for fares, particularly hotel valets and sometimes dispatchers require these payments in order to give good fares to taxi drivers. This is a significant problem for driver income and also for public safety, and this prohibition was brought forward by drivers and voted unanimously by the board as a recommendation. We're also -- one of the biggest proposals that joined together everything during all of these months of meetings was the drivers, the companies, the bureau, all agree that what we need is really rigorous performance standards that we actually review before we renewed permits in the future. So, there is an ordinance here that authorizes us developing these performance standards and making sure that they're reviewed when permits are renewed. There is an ordinance to increase taxi cab fare rates. There has been a 20 cent per mile -- what's it called?

Dufay: Surcharge.

Butler: Surcharge. Gasoline surcharge that has been in effect for over a year now. And we want to make that a part of the permanent rate and add an additional 10 cent cost of living increase to that. And also there is an ordinance to increase taxi company and vehicle permit renewal fees. Currently the average that a company can get at a minimum per permit is \$26,000 a year. And we're asking to increase the vehicle permit fee that the city would receive to \$600 a year.

Right now it is \$180. So, it is a -- and this was voted by the board as a very reasonable fee increase. The company fees will be broken out into a sliding fee scale depending on how many permits the company has. That will become more equitable. And then the resolution just directs the board and bureau to go forward with the other recommendations that were considered crucial,

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such as requiring the companies to have back seat credit card machines and other kinds of improvements that will be better for customer service and also driver equity.

Adams: Commissioner Fritz.

Fritz: A clarification on the april date. Director Lannon, I do appreciate your comment about the hard working staff and you have done an amazing job here.

Butler: Thank you.

Fritz: To me that ordinance resolution 1264 said september of next year rather than april of next year?

Lannon: The resolution says that the -- resolution 1264 speaks to the 13 reform items, many of which are before you today. Some of which are not. And directs the bureau to get them implemented by december of 2013 but report back as to progress generally, I believe, unless I misread it, no later than april 1, 2013. The intent of this resolution isn't to say get these all done and report on them -- and report on them -- but rather to report back to the program. You are being asked to make a fairly significant changes to an industry with a lot of moving parts out there.

Fritz: You obviously will get them done as soon as possibly. I appreciate that. you may find like me you don't have a lot of other things on your plate, things can get done a lot faster. The concern you mentioned about the meters in the back, and the credit card making it easier for some folks, you will look at the issue of accessibility and --

Butler: We have already started discussing it. And part of that has to do with the vehicles that are older. The newer vehicles actually make more accommodations for maneuverability, and you might recall that we had an ordinance before you recently that makes them have newer vehicles. It is a 10 year limit rather than a 15-year limit.

Fritz: I have been very impressed with the whole process and the report and the clarity and this hearing today has been fantastic.

Lannon: Thank you.

Butler: Thank you.

Adams: Commissioner Saltzman.

Saltzman: You mentioned a part of the fare goes to cost of living. The drivers now pay a kitty, but don't get a wage so how does that fare increase translate into an increase for the drivers.

Butler: The driver keeps the fare and pays the kitty to the company. So, if the per mile rate is increased, then there --

Saltzman: I got it.

Butler: The revenue increases, we also have to regulate on the other end and make sure that company payments don't go up.

Saltzman: All right. Thank you.

Lannon: Part of the language has to do with the fact that we looked at cpiw in salem/portland - determined that everybody else in every other sector is getting significant increases in their income but absolutely not in the taxi industry.

Adams: How many people have signed up? 12. We will do two minutes each.

Moore: The first four please come on up.

Adams: Call the next two.

Adams: Please begin, sir.

Red Diamond: Good afternoon, red diamond, Portland tax driver representative. I don't have a prepared statement but I want to mention that the -- this schedule and procedure has been complicated by certain conditions whereby I, as a board member, was not given adequate opportunity to prepare to respond to these proposals, and that is becoming a legal matter and I guess it is best for the attorneys to speak of that directly. But I have read the ordinances as they appear on the Portland online web site. They all state that these ordinances have been debated and approved by the private for-hire transportation board. This is incorrect. Point of fact, the

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private for-hire transportation board has not debated, not voted on and has not approved these ordinances with the exception of the anti-kickback ordinance. It has never even gone to the agenda.

We have never had an opportunity to discuss these matters and debate them and vote on them. That is a very significant concern of mine. I will state as taxi driver representative that we are not asking for a rate increase for the meter. We are small business operators, and as such, we know when you increase your prices to the customer, it helps to drive them away. Ours is a competitive market place. We see the new streetcar, the new max line going out to Milwaukie. We see these cars to go popping up everywhere, they get free parking downtown. They are whittling away our market share and increasing the cost of our service to our customers will help drive them away so we are not asking for this. The fact that the revenue bureau is asking for this and not the cab drivers is telling to me about the process that we're seeing here. Also as far as increasing the licensing fees go, we have heard already from one taxi company that they plan to increase the kitty to the drivers in direct response to increasing the permitting and licensing fees. History demonstrates this in the city, it is invariably the taxi driver that absorbs the increase in these expenses. We certainly don't want that to occur. Thank you.

Adams: Welcome back.

Martin Dolan: Martin Dolan. What mr. Diamond said in his affidavit that the october 10 the board meeting did not discuss the issues that are being addressed in this recommendation. What is very important now is -- now that the permit issue has been voted on would be to understand what impact those new permits are going to have on exactly the recommendations that we're talking about here. You have heard all of the testimony. If you really want to know what is going to work for the taxi drivers and you have heard the impact, there needs to be a discussion. There needs to be -- well, some more due process about now what is -- what is the impact these permits going to be. So, you should get feedback. You should know how these recommendations, which are fairly general, how they are going to be impacted by what the council has just done. So, for that reason, again, we would ask that we just go to the next board meeting. Process the information, present the information, and then those recommendations are going to be make more sense. Now they're pretty general. If you look at -- if you can do a study, plan on getting an economists, cpa, going to look at now the effect of permits on the drivers conditions, you kind of owe them that. Give them a chance to look at what has just been done. Let the board look at maybe they'll come out with the same recommendations maybe they won't. This whole process is going so fast. Drivers have not had a chance to get their teeth into some of this stuff. You guys have been taking Portland residents all over the city for a long time and you would think you would give them just that chance, give them to the next regularly scheduled board meeting. For the record I conflated nothing in these rules. Nothing further thank you.

Adams: Hi, welcome.

Robel Berhan: Hi. My name is robel berhan from union cab corporation I wrote this before we get approval. Anyway I thank you, private for-hire commissioners all the way from secretaries and everyone in between. Congratulations for your re-election. But anyway, mr. dolan here is supposed to be a drivers representative, from day one, from the get-go we talked to him about what we are trying to do. And his response was he don't want to help the companies -- and we the driver suffer by the -- unfair business practices. Our wages -- outrageous. I have one driver friend of mine that I know. He got fined \$8,000 in one year. I can bring out the document. But instead of helping the drivers, he kept talking about he don't want to help the company. How about me? How about everyone else? The companies are individuals. We have a lot of families. Those companies have smaller families than us. Now he's talking about he didn't have anything [inaudible] He doesn't represent the drivers at all period. We put him here. I gave him personally, 20, 30 drivers, to become the driver's representative. But anyway, this is all I have got to say.

Adams: Thank you. Appreciate. Sir, welcome back. Can you push the button on that red light?

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Tesfaye Aleme: Thank you very much. Commissioner Fish, commissioner Saltzman, mayor sam Adams and commissioner Fritz, congratulations, by the way, again. Okay.

Adams: Have her moment --

Fish: commissioner Fritz will be at west hayden island this evening accepting further praise for her re-election.

Adams: Please begin.

Aleme: I'm here -- when the work is done, there should be -- you know, people who work have to be commended. I came here to say thank you -- to just say staff and the bureau of revenue bureau has to be commended for the job for the time they took the work they did was outstanding for me. It is not because I got, you know, the first increase, but the work they have done is commended for me. And I have to say thank you to them. Because I have been coming to the meetings from 1994. And this is the first time I have seen a good process, you know, there might be some mistakes which is going to be corrected through the process, not by, you know, doing this and that.

I'm not saying this or that or the other. But I have to say they have to be commended. They have done a good job. That is what I will say.

Adams: Thank you, sir. Thank you all. Appreciate it. The next four.

Adams: Anybody else wish to testify? Anyone else wish to testify? Come on up, sir. Come on up. We're now closing testimony. All right. You will be our last folks to testify. So, would you like to begin, sir?

Vyacheslav Karkhn: Portland taxi. Thank you for this chance. A lot has been said -- how is it fair for us being a company in business for 34 years, loyal to the citizens of this state and of this city, and yet we're 26 vehicles, and brand new company will start with 50 cabs at once. Even with the increase proposed which I'm not complaining, but it is going to bring us 38 vehicles in three years after this. And we're still going to be the smallest cab company, how is it fair? And yet, you know, all of the calls that were transferring to different cab companies, because we couldn't handle the business volume because we were a small fleet and we just cannot be on every corner in five minutes.

This year alone, we give out more than 8,000 phone calls to cab companies. How is it fair you guys giving out -- a chance to the new company that just letting the -- something out of the box, the business model, company that has been working and everything, and we're going to be still miniature. And just to the record, you know, what is hurting the drivers. It is not the kitty, it is the bad mismanagement of the company and also the gas guzzlers that they drive. They drive very inefficient vehicles. Just for the record.

Adams: Thank you. Appreciate it. Hi, welcome back.

Brenda Hiatt: Hi, mayor Adams and commissioners. My name is Brenda Hiatt. I testified earlier and figured out that this is where I should have been, but I would implore you guys not to allow this to stretch on for a year. I understand the private for-hire transportation board is understaffed and overworked and they have done a very commendable job. But even if you have to use temporary workers, interns, volunteers, this is impacting the lives of a thousand drivers or pretty close to that number. So, I would ask that that time frame be reduced drastically so that we can get these standards improved. I would also ask that you pay attention to all 12 of the things I outlined in the testimony that I handed out. There are a couple that I would like to mention. The need for a 24 hour code enforcement officer. That program could be patterned after the department of public safety standards and training that does security guards and police department and self supporting enforcement officers by increasing taxi license fees, by increasing taxi company fees, and that way it would also increase the amount of revenue that is given to each, you know, is available to every driver. I would like to see companies not be allowed to make more money off of their drivers than they are in the weekly kitties. I would like the weekly kitties reduced, but right now most of the companies, or at least Broadway, for instance, is making additional money off of the drivers' labor on their medical transportation contracts and they have not bothered to tell the drivers this.

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We also, as I stated earlier, definitely need to eliminate the taxi companies, taxi owners with substantial interest in the taxi company's ability to control or own Sat vehicles. That should be an independent agency. They should not be allowed to compete with their own drivers. Thank you.

Adams: And we have your written testimony and appreciate you very much. Hi, welcome back.

Steve Entler, Radio Cab: Steve, radio cab. To continue on. Final results of the investigation were printed in a report from bureau staff title taxi driver labor market study. Long hours, low wages. Sure enough, as I suspected would happen, the report clearly separated the working conditions -- work hours, wages, general experiences of radio cab drivers from those of the drivers of all of the other permitted taxi companies. Reports show that our drivers earn about twice as much as the drivers from the other companies, work fewer hours as well. I couldn't have been happier, because you see, as a driver-owned company, the focus of the profitability is on the driver's wallet and working conditions are largely determined by the drivers themselves. Any access corporate profits returned to the owner operator drivers that own the company, rather than to an outsider who is simply looking for a return on his investment. I have been involved with radio cab for more than 41 years. There are many drivers that have been there much longer than me. They have raised families and put their kids through college while pounding out a living giving service to the citizens of Portland. We now have a lot of second generation, and even third generation people working for the company. Radio cab is a way of life for many people. At one point, I mentioned that we had experienced a lot of difficulty diversifying our fleet because very few people that ever left. We had to wait for them to either retire or die in order to make room for new drivers. Yesterday the public cast their votes by way of ballot boxes and mailboxes. Overwhelmingly voted to stay the course and build on the successes of the recent past. They picked their favorite candidates and chose to stick with the ones that were succeeding at the things that concern them the most. More importantly, they voted not to gamble on unknown ventures or candidates that would possibly proceed down a path that could lead to worse problems for our country than we are already experiencing. In the taxi industry, the public also votes but they vote in a different way. They vote by telephone. The public chooses to call radio cab more than all of the other cab companies combined. Data that has been submitted substantiates this and shows that the public chooses to stay the course.

Adams: And you are out of time. Thank you for your testimony. You submitted the written testimony, right?

Entler: I didn't. But I do have one.

Adams: Sir.

Kadir Wako: Thank you my name is kadir wako --

Saltzman: Hit the red button in front of you.

Fish: Then we can hear you, sir.

Wako: Thank you, better now. Thank you to mayor sam Adams. Nothing would have happened without your effort and the effort of our office. You are the first mayor in the city of Portland to meet with us immigrant cab drivers. You have used your power in the political to help immigrant drivers and we appreciate that very much. Mayor Adams, we have a place in our hearts for you and good luck in your future endeavors. We also thanks to the other commissioners, especially amanda Fritz and randy Leonard for their open mind and their courage in listening to driver grievances as we pursue the american dream. We also are grateful to the city of Portland regulatory division which carried out the driver labor market study, especially kathleen butler. Thanks also to the portland community organization, church, malls, union and other organizations who gave over 48 endorsement letters in support of union cab. Special thanks to City local 79 president Madelyn elder, Oregon afl/cio president tom chamberlain and the staff - and to margaret butler with the jobs with justice. Nothing would have happened without your support and help. Finally, I want to show

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appreciation for the Portland drivers association member for the bravery for the last four years in spite of the fear of cab company retaliation. It is my privilege to represent you. Our current mission is accomplished but we begin a new venture. Thank you very much.

Adams: Thank you all very much. All right. I move -- we're now going to go through and -- we're going to move quick.

Saltzman: Clarification. We're not voting on the 28 new permits recommended by the private for-hire board.

Adams: They do that.

Saltzman: For existing companies.

Adams: Correct. They do that the board.

Saltzman: The private for-hire board did agree they want to review in a year -- let me bring kathleen or thomas or frank up here. Private for-hire board did agree to revisit further new permits for existing companies beyond the 28 they approved -- to factor in the impact of union cab --

Butler: The motion that they approved was that they were in favor of issuing the first year additional permits. Which is 28 total. They will take that official action at their next meeting. They wanted to wait until this process was complete. Everything will be reviewed before any of the additional years.

Saltzman: Okay. Thank you.

Adams: I move to attach the emergency to item 1260. Moved and seconded. Specify a specific basis for the emergency?

Fritz: Second.

Adams: Its been moved and seconded.

Iparraguirre: Specify a specific basis for the emergency.

Adams: the -- that this will -- we currently have a problem, a problem at -- where town cars and where taxis are getting --

Butler: We call them payments in return for fares.

Adams: Payments in return for fares and this is undermining the ability of -- and intent of the laws related to taxis versus town cars and taxis selection based on availability as opposed to payment in return for a favor of treatment.

Butler: Yes, and it creates a safety issue as well.

Adams: It's a safety issue. Please call the vote on the motion to add the emergency clause?

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

Adams: Aye. Can you please call the vote on the now emergency ordinance item number 1260?

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

Adams: Bribes are now against local law. Aye. Can you please -- I move to have the emergency to 1261.

Fritz: Second.

Adams: Moved and seconded. I do so for the purposes of health safety of drivers and quality of life of drivers. Can you please call the vote on the motion to add the emergency?

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

Adams: Aye. Can you please call the vote on the now emergency ordinance item number 1261?

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

Adams: Aye. Please call the vote on emergency ordinance item number 1262?

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

Adams: Aye. Approved. Call the vote on emergency ordinance 1263?

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

Adams: Aye. 1263 is approved. Please call the vote on resolution item number 1264.

Fritz: Thank you everybody for a very good process, very good hearing for all of the input we had before the hearing and today. Thank you all for staying for so long and children for behaving

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so well. Staff, really great job, and I do share the concern about the amount of time it may take to get these necessary regulations done. I heard you say that you would do it as fast as humanly possible and I know you will do that. You often have done wonders in shorter time frames than I would have thought humanly possible. Thank you all. Congratulations. Aye.

Fish: I think amanda just spoke for the council. Aye.

Saltzman: I'm really pleased to support these changes, but I do so with still a sort of a nagging feeling that -- of market saturation and lower standard of living. I think the union cab is a good addition. I like what it stands for. What it is about. But I do want to express I have that nagging concern that we can set up new taxi stands. We can hope for people to serve places in Portland outside of the downtown core and not the airport, but I think that is going to be a tough, tough thing to do. Because downtown and the airport are where the fares are. And I don't think any amount of taxi stands or good intentions is going to deal with the issues of cabs in other parts of the city. I am concerned, as I said, I will say it a third time. Concerned about saturation impact on standard of living for drivers. Nevertheless, I am prepared to vote for these reforms in the hopes that they will turn out well. Aye.

Adams: There is innovation coming to the private for-hire taxi industry. You are seeing that pop up in major cities around the united states. It is apps and smartphones and this industry has the opportunity to capture more of the share of trips in the city. This bureau is going to have to get on top of that. They have already begun the research on that. It is also very important that the bribery ends and that people have a fair shot, taxis have a fair shot at getting the rides that we have them in place to provide. Town cars need to know they're supposed to be doing the work of town cars. And there has been a huge, massive increase in town car service in this city, illegally so in my opinion. That is going to change with the new money and the new inspectors that we're going to be able to hire. So, i'm very optimistic about what we can do here. This is assertive and if we're wrong, what you have is an agency that will have the person power and I think the board has the interest to continue to make changes. If we need to continue to tweak these changes, we will. So that this industry is more successful for more stakeholders, including the drivers. So, I want to thank the city council for their consideration. I want to thank frank dufay through good times and bad was sort of the one person that -- inspector and so much others. Thank you for your dogged work over the years. It has been exhausting I know. I want to thank kathleen for just the great work that you have brought to this, and under thomas lannom who is doing a fantastic job at the bureau of revenue. I also want to thank Amy ruiz in my office who worked on this project. For me it is a simple matter of fairness and i'm very pleased to vote aye. All right. We are in recess until 2:00 p.m. tomorrow. [gavel pounding]

Butler: Thank you so much. [applause]

At 5:16 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

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2:00 PM

Saltzman: Ok the city council will come to order. Karla please call the roll [roll taken]. A quorum is present. Karla, please read the first item.

Item 1265.

Saltzman: It's my pleasure to have the technology oversight members to give us their fourth quarterly report. Is there somebody -- you're all going to come up -- ben, you've been acting as the -
-

Abby Coppock: Good afternoon, my name is abby Coppock I work in omf's business operations. I'm joined by dan bower of the technology services and we provide staff support to the technology oversight committee. We're also joined by two citizens of the committee today, ben berry and ken neubauer. Our other member is dave lister, doretta schock, and will penfold, who were unable to attend. On behalf of jack graham, the chief administrative officer, we're submitting the fourth quarterly report of the technology oversight committee. This report covers committee business from july to the end of september, 2012. This quarter the toc has continued to consider methods for managing the workload as more projects come under toc oversight. Toc transition from hearing in-person updates at each meeting from all five projects to just one or two projects at each meeting. The toc still receives monthly written updates on all projects and quality assurance reports. However, we only allow time for one to two projects, and this allows us to have more time for in-depth discussion and questions. Projects are selected to present based on their upcoming milestones and any risk factors. The toc continues to improve the monthly reports used by the project bureaus to increase the consistency and accuracy of the reporting. Two new additions will be implemented in the coming months. One is a new personnel tracking template that records the number of staff and the role of staff working on each project. This is intended to help bureaus and the toc better track personal resources. And the itap project will be piloting a new budget template that creates a baseline budget --

Saltzman: Itap?

Coppock: Yes.

Saltzman: Too many acronyms.

Coppock: That's fine. I have to make sure I get it correct, information technology advancement project.

Saltzman: For the bureau of development services.

Coppock: Yes. This budget template they're piloting will create a baseline budget, and it uses standard sap budget categories and time periods for the monthly reporting. This will help the committee, the toc committee better discern a project's condition and whether there are any risks related to the financial resources or spending. Summaries of the five toc projects are on pages 3-8 of the report. We're not going to take the time to go into detail about each of the project updates, but project staff are currently on hand if you have questions about any of the current status on those projects at the end of the presentation. Now i'd like to introduce ben berry, one of our toc members, who would like to say a few words.

Ben Berry: Good afternoon, commissioners. It's great to be back with you today. I want to highlight a couple things beyond the administrative report today. Just two. Number one, as noted

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in the quarterly report, the rfps for projects that are formally under the oversight work being done by the city's sap system, as well as planning work for developing a 3-1-1 system. Though these projects are not technically in the toc portfolio, we continue to keep -- to be kept informed of these projects' development. And secondly, I am -- in addition to the information about the information technology advancement project, itap, and the quarterly report, I wanted to assure the council if this project is being monitored closely, in fact directly after our meeting today we are scheduled to meet with members of the technical team about itap. So that was pretty much what I wanted to say this morning, this afternoon. And i'll open it up to ken if you have anything else.

*******:** No more than that.

Saltzman: So did you have Anything further?

Coppock: I feel like -- the quarterly report are becoming routine at this point.

Saltzman: Yeah. I just want to go through here, for the public's benefit, there's five projects. The information technology advancement project, the toc says the project's meeting expectations in its current phase, but questions about total cost and scope this quarter. And you did say you're meeting immediately after this session to review this further. The affordable housing software status project is currently meeting expectations, though there are risk of delay. Is that anything -- that's not one of the two you looked at right now?

Berry: No.

Saltzman: Nothing anybody wishes to add?

Fish: It's important to note it says bureau staff experience delayed response time from the vendor, and that was contributing to the delay. Apparently we have a lot of folks monitoring that situation.

Saltzman: Next project, storage area network. Project is currently meeting expectations, the next project is a monthly billing statement, water bureau, revenue bureau, project is currently meeting expectations. And I know that was something that the technology oversight committee weighed in heavily and effectively on. And then the last project is the local area network technology refresh of the bureau of technology services, projects currently meeting expectations. And then you said -- you're also looking at the 3-1-1 rfp and the sap time management project review. Great. So the 3-1-1 is going to be a software type of a project, so why wouldn't this fall under your jurisdiction? Did you say, that abby?

Coppock: We didn't address it directly. It's still in its beginning stages.

Saltzman: It ultimately does fall into the jurisdiction of the oversight committee.

Coppock: It's going through a review process, the intake process.

Saltzman: And the same thing for the sap, time management.

Coppock: For the sap, it was determined originally that it didn't actually fall under regular jurisdiction of the toc, just because there's a current team that works on this. This is ongoing project, day-to-day business for them. So we didn't feel like it was a discrete project enough that would warrant toc oversight.

Berry: We see that more as ongoing maintenance.

Saltzman: Ok. Great. City council questions? This is a report, so i'd entertain a motion to accept the report.

Fish: So moved.

Fritz: Second.

Saltzman: Karla, please call the roll.

Moore: No one else signed up.

Saltzman: I'm sorry.

Berry: Thank you very much.

Fritz: Thank you very much for your work and your diligence. I think we might want to look at do we need you to come in every quarter as things are routinely going well, or could we just submit a written something on the council calendar. But it's great to have the opportunity to ask questions,

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and I think it's evidence that because we have this great civilian oversight, that we know the projects are staying on track. And I particularly want to thank you for your assistance with 3-1-1 scoping at the beginning, and I'm looking forward to seeing that through to its end with your assistance. Aye.

Fish: I want to thank you all for your service, ken, you were a superb emcee --

Berry: Ben.

Fish: Excuse me. You were a superb emcee at the central city concern. My bureau reports to me on progress around the software, this gives every one a little bit of heartburn because of the complexity. So to have your report and the ongoing monitoring is really outstanding. So thank you for your work. Aye.

Saltzman: Well, I want to thank ben berry, ken newbauer, doretta schrock, dave lister, and Wilfred penfold for their service on the technology oversight committee. I would just remind my colleagues the reason we established the technology oversight committee with quarterly reports to council is so nobody could ever say we didn't know if anything was going wrong because it was in somebody else's bureau. So I would very strongly insist that these be quarterly reports to the council in a live council session such as we're doing today, and not to disappear in the stack of paper we get as reports. So I will continue to say we expect you here every quarter, we expect you to continue to do the good work, review software projects, don't let them bite us, which is what your goal is, and you've done a great job so far. Thank you very much.

Fish: We'll beef up the per diem. [laughter]

Saltzman: I'm pleased to vote aye. So the report is accepted. And I think we have a 2:30. Is it a time certain? So we're adjourned for 10 minutes. [recess]

Adams: City council will come to order. [gavel pounding] Today is Thursday, November 8th, 2012. Karla how are you?

Moore: I'm well thank you.

Adams: Are you enjoying the fine fall foliage color?

Moore: It is pretty out.

Adams: I think so too. Can you please call the roll? [roll call]

Adams: A quorum is present. Can you read the first item.

Item 1266.

Adams: Would the appropriate folks please come forward? Welcome back.

Mary Beth Baptista, Director, Independent Police Review Division: Hello. I'm mary beth baptista, the director of the independent police review division in the auditor's office. As part of the auditor's office there is the citizen review committee, it is a nine-member advisory body to both the independent police review division, as well as to the Portland police bureau. As part of their work, they often break up into subgroups. One of those subgroups was the less lethal force work group. And the chair of that work group was michael bigham and one of the members was rochelle silver, and I will turn it over to them to discuss the report in front of you.

Adams: Welcome.

Michael Bigham: I'm michael bigham, i'm the chair of the work group. Thanks for letting us come before you. We're here to present a report on less lethal force recommendations. If you ask police, they consider tasers to be great tools. If you ask someone like dan handleman, he'll say it's a weapon. They're actually both right. They're tools and weapons. There are people who would like to see police dispense with tasers all together, but they're very important tool, and they are a dangerous weapon. As such they need to be regulated by strict guidelines. Our work group met over two years, reviewed available research in legal cases, interviewed members of the police bureau, the legal system in the community. Our report contains 11 recommendations we feel are vital to maintaining the rights, constitutional rights and safety of Portland citizens. I would just like to highlight three of our recommendations we feel are most important. First, there's been a couple

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recent court cases -- one established new rules for the police use of tasers, especially in the western united nations. They ruled that police must encounter active physical resistance in order to use tasers. Current Portland police policy allows officers to apply the taser if a person shows the intent to engage in physical resistance. This is not -- does not meet the requirements of Brooks versus Seattle. Our recommendation, we recommended that they strike the language of intent to. The proposed policy language is that they're proposing under the DOJ agreement, is the threat of a physical -- aggressive physical resistance. That's basically saying that's intent to. What the court said was not threat of physical resistance, but threat to the officer. There's an important distinction there. We ask that the bureau remove any verbiage that allows officers to use a taser without active physical resistance. In the period from 2006 when the tasers were started until 2008, the city paid over \$1 million in settlements and legal fees for taser cases. If you don't regulate the use of the taser to what the court recommends, or what the court requires, you're going to end up keep paying these fees. We also asked that the language be applied to beanbag guns, that -- strike the intent to from that. Second, the police resource center, which is your -- was your consultant independent consultant to review deadly force, the police executive Research forum, which is the police think tank, started by police executives to establish best practices. The city auditor's office all recommend a maximum number of cycles on the taser of no more than three. For some unexplained reason, the bureau resists this change, but if you shoot 50,000 volts through a person and it doesn't work after three times, you need to go to plan B because it's just not working. And tasers put an immense physical stress on a person. The more you shock them, they're more likely they're going to be injured. So I think the three cycle cap is warranted. Finally, we ask as does the police executive research forum, that medical personnel respond every time a taser is used on a person. From a risk management perspective, this is a no-brainer. Tasers have the capacity to seriously injure or kill a person and medical personnel need to respond to check them out. To use force on a person I think is an obligation of the police when they use force to make sure the person's medically stable before they transport them to jail. I would like to thank the members of our committee, Rochelle Silver, who probably will have words for you, and Lauren Erickson, who had a family emergency back east. Derek Reinke, who is in the back, the office of police review, the members of the community, the actively participated in the process, and the Portland Police Bureau for their openness and willingness to help in creating this report. I'm leaving the CRC in a couple months so I wanted to thank you all for your support for the CRC. Congratulations to those of you that got reelected, and for those of you that are leaving, Mayor Adams, we really appreciate your service over the years, your help.

Fritz: Thank you very much for all of your volunteer work over the years.

Adams: You've been absolute stalwart, steady, tough, fair, member of the CRC and other processes related to improving our peacekeeping. So really, thank you very much.

Rochelle Silver: Good afternoon Mayor and Commissioners. My name is Rochelle Silver, and I'm a member of the CRC and a member of the less lethal work group. And I would like to take a minute to elaborate on the recommendation of having medical personnel show up -- show up at every instance where a taser is used. The Chief of Police will tell you that this has been tried before, and the emergency medical personnel are the ones that said it was not necessary to do, primarily because it was too costly. We strongly disagree with that. We know that it is a costly process, but probably lots less costly than having an incident go bad, having the city sued, and paying out thousands or millions of dollars to a person or family who was injured or died. Additionally, I think it's unfair to our police officers and to the person of -- on the other end of the tasers to have officers making medical decisions. Yes, it's true that officers have some training in this area, but they are not trained professional medical people, and they should not be expected to be. It also seems like a conflict of interest for the officer who has engaged in an unpleasant, perhaps dangerous interaction with a person, enough so that a taser has had to be used to gain control for that person to

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have to be handcuffed and then ask that officer to try to determine if the person is a diabetic, has a heart condition, or has any other serious medical conditions that would require medical personnel or the need to go to the hospital. It's just asking too much of the officers. We ask that you don't put our officers in that position, and have medical personnel do the evaluations at every taser event. Thank you.

Adams: Questions from council.

Saltzman: You're suggesting on the scene -- so the suspect wouldn't be moved from the scene until medical evaluation has been performed?

Silver: Correct.

Saltzman: Emts, paramedics are not sufficient?

Bigham: Oh, no, they are sufficient for that. That's what we're asking. They respond about half the time now when the probes are lodged in the perp, but if they aren't lodged, they aren't called to the scene.

Saltzman: I had another question. I appreciate this report. Maybe you're not the ones to answer this question, but we do have representatives from the bureau. I was asked this question by a physician of mine, and she wanted to know whether we have physician who's specialize in epilepsy.

Silver: We have neurologists and I think epilepsy fall noose their specialty.

Saltzman: I'm wondering if they're involved in our training protocols.

Silver: I can't answer that.

Saltzman: Does somebody from the bureau --

Fish: Before we get to that, can I follow up on dan's question with -- on crc recommendation 2012.3. This question about medical evaluation? Did you look to the experience in other cities and how they handle that, or other jurisdictions, and did that inform your decision?

Bigham: Yes, there are several jurisdictions that require emts to respond to every use of a taser and there are some that are not. I can't recall which is which.

Fish: That's in the record?

Bigham: Yes.

Silver: It's a recommendation --

Bigham: Police executive research forum, the cop think tank. It's a group the police put together to determine best practices.

Fish: Thank you.

Adams: We'll take testimony now. Oh, i'm sorry.

Fritz: Wondering if you could talk about the difference between active resistance and passive resistance, part of your report.

Bigham: Passive resistance is in a -- the perfect example was there was a case, siskiyou versus somebody, where people were protesting cutting of trees, so they were linked arms, sitting there not actively resisting, but not moving or complying. That was passive resistance. Active resistance is when you're up, you're being aggressive, you're pushing, pushing into the officers, fighting the officers.

Fritz: That's clear in the policies it has to be active resistance, is that correct?

Bigham: It says active resistance or the intent to display active resistance.

Fritz: So is shaking a fist but not striking out, is that considered active resistance?

Bigham: Well, i'll give you my personal opinion, that it would not be active resistance.

Fritz: Do we know how that is played out in use of force reviews?

Silver: I think that sometimes those behavioral manifestations are viewed as active resistance. And it's my contention that a clenched fist can mean more than one thing. And I don't think that every time a person clenches his fist that means they're actively resisting and a use of force needs to be used.

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Bigham: I'll quote what the bureau of policy says. Active physical resistance is physical actions of attack or threat of attack coupled with the ability to carry out the attack which may cause physical injury. So not only threatening to attack, but you have the ability to carry it out.

Fritz: And you believe that policy is clear enough?

Bigham: Well, yes. But I think they should -- it should be narrower rather than broader.

Adams: Also remember -- can I answer your question? As expressed in the next hearing, it's also the ability of a person to understand their own state of mind. And to understand the request made by others has to factor into it as well.

Fritz: Ok. And you have thirteen recommendations in your report.

Bigham: Yes.

Fritz: Have you checked to see how many of these are included in our next hearing that the department of justice -- .

Bigham: I kind of ran through the department of justice, I didn't see a lot of them that were included.

Adams: The opportunity there is actual protocols, the sops are not those come later, but they're open for public comment, and one of the reasons we left them open for public comment is that so we could get your report, and hear the conversation in council. So they wouldn't necessarily show up in every place of the doj report, but I would -- we are interested in your comments to compare the draft taser use policy. And we will be doing that as well.

Fritz: So these 13 recommendations will be reviewed in the policy piece, and that's where we would want to make sure we'd have those discussions. Thank you. That's very helpful. I just have one more question. What does probe mode mean?

Bigham: The taser shoots two almost like Fish hook like things attached to wires into a person. That's called the probe mode, when they go into the person and stick. And the shock goes through. Whereas they have drive stun, where you don't use a probe, you just take the taser and put it up against a person.

Fritz: Thank you very much. It's very helpful you've done all this work and I do appreciate both of you.

*****: [inaudible]

Adams: Sir, this is a -- if you want to make testimony, you sign up. People have signed up before you. You need to sign up. There are protocols so everyone gets treated fairly, and you don't get any special treatment, you get treated like everybody else. Three people signed up in front of you, so if you can't do that, we'll have you removed. You have a choice. This is a body that takes public comment, but we're not going to take your public comment like this. So, sign up. All right. First three.

Dan Handelman, Portland Copwatch: Good afternoon, mayor. I'm wondering if I could have five minutes since there aren't a lot of people testifying.

Adams: Yes.

Handelman: Thank you very much. Good afternoon, mayor Adams and city council. I'm dan handleman with Portland cop watch. We welcome the release of the report which was completed in february but held up mostly by bureaucracy. In addition to commenting on how this report intersects with the chief's proposed directives, the doj agreement, and the auditor's november 2010 taser report I have attached our comments dated may 18, which are the orange sheets, about this report and our comments to the chief about the proposed directives, this yellow sheet. And i'll note many suggestions we made to correct the report back in may have not been made, including the over \$1 million spent by the city have been defending cases about the taser since 2002, not just in that two-year period that was noted. The most recent case we know of was the \$258,000 in the dan hallstead case earlier this year. We support most of the recommendations in the report, we would suggest even more stringent restrictions on less lethal weapons, including tasers. The police

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executive research forum calls for using a taser one time, reassessing and never using it more than three times, which crc would permit in exigent circumstances. It calls for officers to evaluate the use of the taser if it is not effective after two cycles. The auditor's report calls for the least number of cycles to be used. The doj used the perf guideline of evaluating after each use and calls on the bureau to consider more than two taser zaps a serious use of force. We feel the exigent escape valve is too vague and should be defined or removed, supervisors can reevaluate violations of the policy on a case by case bases instead of leaving a loophole for officers. We're in full support of removing language around people, quote, displaying the intent to resist officers -- unfortunately the chief's proposal turn the suggestion on its head by finding new language to say the same thing. Letting officers use tasers if people use verbal threats or quote credible threats. We believe this violates the 9th circuit court's rulings that restrict use to when there's an active threat to safety. Hundreds of people have died after the application of tasers, including half a dozen in Oregon, these are not magic weapons. On that note we support expanding the inclusion of medical response to people have been subjected to taser use and are concerned about the bureaus intransigence on this issue. The auditor also noted the perf guideline and other cities have medical attention go to victims of the tasers. The auditor's report lists which cities do that. We don't need to remind you that the now overturned discipline in the chase case revolves around the officers not getting medical aid to mr. chase after he'd been tasered. It is of great concern neither the chief's directive nor the doj report mentions the tracking of laser light only use of the taser. In addition to the crc the Auditor mentions the perf recommendations about collecting the data and the community police relations committee using input from police officers agreed. We would add that if police are arcing the tasers to warn, threaten or intimidate subjects, that should be a required use to report. We also support crc's calls to have less lethal shotguns that cannot load lethal ammunition. Our suggestion would be to get rid of lethal shotguns from the arsenal as we can't think of a shooting in the last 20 years where one was used. We support the recommendations by crc about training ipr and mental health issues and documenting decision making better. But since the ipr is one of the fact find there's decides if officers are in or out of policy they should be recipients of training on the graham standards and how those relate to the bureau policies and not the trainers. We support crc's call for more regular training on taser use which was echoed in the doj report and the auditor's report but not noticed in the chief's proposed directive. We support adding the restrictions to pepper spray directives to allow broad use against those or disallow broad use with those intent to engage in active physical resistance on that note we've been wondering how to get more young people involved in the issue of police accountability. We have to thank the mayor and the bureau for brutally and indiscriminately pepper spraying the students on saturday. You've created a new generation of activists. Since the crc only briefly mentions officers failed to issue or perhaps document warnings we will add that we're concerned the chief's new directive allows the use of the laser light, arcing or other nonverbal signals to count as warning. The reason for the warnings is to give people the chance to comply with commands before having 50,000 volts running through them. While the bureau's current and future directives speak about tasers as a means and conflict without injury, injury is defined as something that causes substantial pain. The entire attitude about using devices that keep officers at great distances from civilians to protect the officers must be rethought. It may be true officers have a lower likelihood of being injured, but the impact of bean bags, pepper spray, tasers and other less lethal device is still harming our community members. Thank you.

Nancy Newell: My name is nancy, i've been a resident here over 20 years and I appreciate council's efforts on this. I think it's way overdue in that period of time I lived in a neighborhood that was mostly people that were marginal as far as income and expenses weren't as high as they were, homes are now worth over \$500,000 a year. It's changed that much in our community. What i've observed is that homeless people are treated on several occasions i've witnessed, mistreatment

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by the police. They're given a status they shouldn't be given. A fellow with a shopping cart was stopped and his personal belongings were pocketed, jewelry was pocketed. I stood there and watched and instead of asking what I was watching, they sent in a superior officer and they moved me along so I couldn't observe what they were doing. I reported that to the police bureau, there was nothing done, nothing occurred as a result of it. I've been in demonstrations where people have been mistreated, a gay young couple that were medical aides in a march were pulled off the sidewalk, which was allowed for them to march, and were hit and struck. And this kind of activity I went to a neighborhood association meeting recently, and an officer was explaining what his vest involved and how many different uses on this very expensive vest. And there was an arrogance about his even me even questioning what the uses are. And very cavalier about his reference to the use of tasers and how it's used. And it seemed he really hadn't been fully trained, and the audience that was there didn't appreciate his presentation. I asked him about drones and whether they're promoting drones in the city and he said, oh, yes because we have drug problems. We're considering it. So I know, it's just like, we don't have any northeast yet the reputation I guess to have reasonable discussion from a police officer visiting our neighborhood association that involves serious consideration of some of these -- I fully Support cop watch's evidence of the problems that exist, because i've experienced it personally. So I could go on with a list longer than that, but I don't think i'm the kind of person necessarily looks for it. I've been in demonstrations where I purposely don't look for those problems, but they do happen. And I do like to be witness to it. And I think for the council at this point to really seriously change this and I support joanne's culture relationship to this kind of activity by the police as a very valid statement and something to -- after you are -- haven't left in your efforts to further look into it. Thank you.

Adams: When did the confrontation with the supervisor happen?

Newell: The supervisor -- that was probably five years ago.

Adams: We don't have drones. No plans to get drones. As citizen sam i'd march on city hall if we got drones. Thank you very much.

Newell: This is nine months ago.

Adams: I share your concerns about use of drones. Thank you both very much. It's a report, i'll entertain a motion to accept a report.

Fish: So moved.

Fritz: Second.

Adams: Please call the vote on the motion.

Fritz: I appreciate that the citizens review committee has been working on these issues for many years. It's been a lot of diligent work and its going to be very helpful as we move forward. Aye.

Fish: Thank you for your thoughtful work and michael thank you for your service to the city. Aye.

Saltzman: Well, I want to thank michael for his service as a member of the crc and thank dr. Silver and lauren erickson also for this work on this report. And I think it's very good recommendations and I think we're going to be -- your recommendations are gong to come up in our next session at 3:30 when we review the department of justice. Thank you very much. Aye.

Adams: Thank you all for your great work. It comes at a perfect timing with the draft protocols out for comments, appreciate the comments made in the testimony. Aye. [gavel pounded] so approved. We're recessed for 25 minutes. [recess]

Adams: Welcome to the city council chambers. This afternoon we'll be taking testimony on any topic related to the agenda item in front of us. Testimony will be two minutes each and if you haven't signed up, the sign up sheet are still out front. This is our second hearing on this issue. So please sign up if you want to testify. We're just waiting for copies to be made of the underlined and striked out agreements so copies can be made for folks in the room. How are you, Karla?

Moore: I am well.

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Adams: Can you please read the title of 3:30 time certain item?

Item 1267.

Adams: How many of you are here for the first time? Were glad you're here. in order to insure that everyone feels comfortable voicing their point of view regardless of whether it happens to be the most popular view in the chamber or not, theirs no clapping, no sound, if you like something your welcome to put your thumbs up that somebody's talking about. If you don't like something your welcome to put your thumbs down. The idea is we let everyone feel fully comfortable to testify and finish their testimony. local law requires that if you are a lobbyist authorized to speak on behalf of a business or an organization that you need to disclose that at the time that your name is called for testifying here at the table. People will be called in order that they signed up two minutes each and we call four folks at a time. Under local protocol you need to keep your comments to the agenda in front of us. In this particular case it deals with the police so any matter dealing with the police or police matter is law enforcement piece-keeping, that's kind of the general milieu, we ask that you keep it to that. When you come forward, the clock in front of you will tell you your countdown time. Sometimes, when you are testifying, you look at the clock, and you think that you have so many minutes left, that's how much time you have used up, and you just give us your first and last name, and we do not want your address. We do not want your phone number. We do not want your twitter account or facebook account. Just your first and last name, so, we're really glad that you are here. Oh. So, last week, the city council considered for the first time the city's proposed agreement with the united states, that provides a guide towards new policies and procedures, community oversight, and involvement, and reporting requirements that will improve the Portland police and the approach to serving or responding to the people of Portland with special emphasis on those suffering from mental illness and perceived to be suffering from mental illness. In addition to improving relations and improving the trust with Portlanders of color. The city of Portland, city council, and the department of justice, received constructive testimony, both written and in oral in this chamber. Since that time, and we thank you for that. I have consulted with my colleagues. We have been in negotiations with the department of justice based on this feedback. And we're going to go through and underline and strike out sort of what those are. But, to summarize, for those that are at home and might not have the document in front of you, we heard very clearly from the community that the structure makeup and role of the proposed community outreach and advisory board, needed to be changed. First thing that we did was to have truth in advertising, and it has been renamed the community oversight advisory board to reflect the role of the board as a community oversight body for this entire agreement. The way that the membership is formed on this board, has been changed, and we'll go through that. And our team will go through that. And we made it clear, you will see that it does not require, it did not intend to, and now we made it very clear, it does not require the dismantling of the community police relations committee that, among other things, has been working on racial profiling and community relations. We have also made clearer the requirement that individuals are appropriate with mental ill experience. Either professional or personal, need to be included in terms of service on this community oversight advisory board. The compliance officer community liaison, also known as the the cocl, by it's acronym, will be a position independent of the confines of a single city bureau or office, and it will report to all of the city council. It will physically be located in its own offices likely to be in the Portland building or some other building, but it will be physically independent, and you will see that its independence is strengthened in the changes. The advisory council meetings will be public. That is the wording in, you have heard me talk about that. And the wording in that is made more clear. Medical care, the police bureau trains its officers to routinely procure medical care at the earliest opportunity when a subject is injured during a force event. The new version of the agreement makes further refinements to the policies and training regarding this matter. And we'll be sharing with you those changes. And changes to the citizen review committee process through,

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associated with ipr. We heard that some clarification was needed regarding the crc, again, the acronym for citizen review committees' ability to request additional investigation on a case before them. And this process has been clarified, giving crc, more, more authority to ask for additional investigation. So, what's before the city today is, actually, amendments to exhibit a, and you will see before well, take testimony and you will see what the amendments are. Right now, by my introduction of clay neal, who serves as the director of the city's, director of the mayor's office, peace-keeping and police area are of policy issues, and stephanie harper from the city attorneys, and more copies will be coming in, and you will, we'll pause, raise your hand if need a copy. With that, I will turn it over to miss harper. Great.

Stephanie Harper, Deputy City Attorney, Office of the City Attorney: Thank you, mayor. I'm stephanie harper, the deputy city attorney with the city attorney's office, and so, what i'm going to do is go through the document, and just highlight the pages where there are proposed changes to the document that you reviewed and took testimony on last week. So the first change is on page 19 of the document. And there was a provision under the use of force policy, clarifying the language to, make clear that it's in the event of objectively unreasonable uses of force. It shall result in action, either collective or discipline up to and including termination. Before that, was the more permissive language of may.

Adams: We have got a typo there, we'll fix.

Harper: And any typos, we will fix, ok. And then the next change is on, on page 31. Paragraph 83. This section overall relates to the Portland police bureau's training division, and previously, we had some criteria regarding the selection of officers, who will serve in the training division as the training instructors. And we added one additional criteria that will be taken into account in making the selections, which is if there's been a civil judgment rendered against the city in the last five years, based on that officer's use of force, and that would be taken into consideration on making that selection decision. And the next page, page 32, paragraph 84, at the top of the page, this was a clarification, certainly intended and we added the language to make sure it's clear, that any training that is provided at the Portland police bureau will conform to the bureau's current policies at the time of the training. And further down in paragraph 84a, sub i, this relates to the medical care provision, so to continue to provide training regarding the officer's duty to procure medical care whenever a subject is injured during a force event, and then enhance and revise that training necessary to ensure that the training is proactive and responsive to the deficiencies. Those are referenced there to the inspector, and as you will recall, this agreement, the bureau actually has a forced inspector, and the force inspector reviews all use of force reports and so this ties back into the force inspector, that will identify areas that need to be caught with training --

Adams: Under this agreement, the force inspector is created.

Harper: We already have a force inspector. The chief has imposed that. This continue that structure, and then adds further clarification for what the inspect is responsible for, including auditing all the force reports.

Adams: Related for medical care.

Harper: Yes. That come up, yeah, in the course of force, so they are reviewing they serve as a check of reviewing all force in addition to all the other checks that we have in place, in looking at our force related events. The next -- it looks like a substantive change but it's just movement of the paragraph, page 34, paragraph 86. That was language that we had. We just moved it to a different location so I will move to page 35 of the document. Top of the page. Paragraph 87. This was just to put into this actual agreement, make it part of the agreement, the stated intention of mayor Adams and the chief of police, that the training advisory council meetings will be open to the public. Unless the matter under discussion is confidential or there are specific public safety concerns as determined by the chief. Ok. The next change that is substantive in nature on page 50, paragraph 132, so, in the document we looked at last week, it said that, that the police review board,

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which is part of the internal administrative review process, within ppb, that makes recommendations to the chief on findings and proposed discipline, the board may request that investigations be returned to complete investigations on certain factual matters needed to reach a finding. And this provision just simply was already there, and what this does the change is to make sure that -- we make reasonable attempts so that additional investigation to be accomplished within ten business days. And if that does not occur, to provide written statement, why not. So that's to be prompt in respond to get that additional investigation request. The next substantive change, page 52, paragraph 136. So, the citizens review committee, hears appeals, and what this paragraph does, again, we already had language that said crc may make one additional request for additional investigation. What this makes clear is that that additional investigation will occur. There will only be one request allowed, by the crc, and that request, again, similarly, like the last provision, will need to be turned around within ten business days. Or will make reasonable attempts to do that. There are some parameters around just to be clear, that one additional request for investigation is that it has to be voted on by a quorum, that the members voting on that request, do have to be familiar with the case file in order to, to make that vote, and that they should prioritize their request in the event that there are multiple points that they would like followed up.

Adams: We made clear that they have, they have the ability to request multiple points of additional inquiry.

Harper: Within the one request.

Adams: Right. It is not just one issue.

Harper: No, no. It could be multiple issues but just one request, and that's more about just managing. By then the investigation, there's been a lengthy investigation process typically, so, you really are trying to narrow down and make sure that you are in charge of your investigative resources. And keep them focused. The investigative resources focused. The next page, substantive change, I will move to the coab so let's go to page 54, paragraph 152. So, there was a lot of community input and, and what the proposal is, is, as you will recall, the coab, the board, community oversight board, has -- it's a 20-member board, 15 members are voting members. And the five members that are each individually selected by council, that remains the same. The five members select by the community remains the same. But we are, we are proposing a change in the last five members, instead of designating the five members who are a part of the cprc, we will, actually, have the following people be on the board. The chair of the human rights' commission will designate somebody to serve on the coab. The chair, the Portland commission on disability, will designate one commissioner on disability.

Fritz: Let me clarify that. The chair of the human rights' commission will designate a human rights' commissioner, not just somebody.

Harper: Designate a human rights commissioner. Excuse me, yes. That's right. And the chair of the Portland commission on disability shall designate one commissioner on disability. To serve on the board, and then those two chairs will select, jointly select three community mental health community representatives to serve on the coab and there is a process that those two chairpersons will have to follow, and will solicit and review the applications coming from the public, and those three mental health experts should possess expertise in the field of mental health in one of two forums, either certified as a qualified mental health professional, or with someone with no less than ten years of demonstrated service to persons with mental illness, so this captures people with experience and the broader community. And those selections are to be completed within 60 days of the coal selection.

Fritz: I just wanted to clarify because that was my question, that there is a definition of the qualified mental health practitioner in the definition section, so it's listed, what that means because there is not currently a certification, one certification. In case anybody had the same question that I do its in the definition.

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Harper: To be consistent with the definition.

Fritz: Yeah.

Harper: All right. Thank you. And then the next substantive change is that, so, in starting at the bottom of page 55, and actually, the change is at the top of page 56, part of paragraph 143, so it's made clear the voting members of the coab are independent of the city. Not city employees. And then, also, the changes to be clear that the coab may create an executive committee or other subcommittee as appropriate to accomplish the tasks designated to the coab under the agreement. The coab does report to the cocl, so that allows them to be flexible in how they get their work done. And then the next substantive change is on page 59, letter d. So, this is to be clear we had a lot of community input and wanted to be clear, there is no intention of disrupting the work of the community police relations committee. They have been doing work in connection with the police bureau's plan to address racial profiling, and we want that work to continue.

Adams: Raise your hand if you want a copy. They have additional copies.

Harper: So what this does this paragraph, overall, 146, and part of what the coab's responsibility is, is to work to develop a community outreach and engagement plan. And one component of that plan then, they have a number of components to consider in developing the plan, including a survey, consulting with the community and, and reviewing prior community outreach efforts that have occurred at ppb, so considering input directly from the cprc is one component of developing that community outreach plan.

Fritz: If I could clarify, I hope it's all right.

Adams: Absolutely.

Fritz: Back on page 53, it was deleted that the cprc would be morphed into the new advisory board --

Harper: Yes.

Fritz: So the current citizen community police relations committee continues as currently under its bylaws under the human rights' commission.

Harper: That's correct. Thank you, commissioner. Page 60, paragraph 148. So, currently, the Portland police bureau already collects and is working with the cprc and analyzing the demographic data relating to the stops, and a variety of other, you know, their police work. And we were trying to figure out a way to, to -- there is a possibility of trying to enhance that so there is better, more precise and qualitative data collection, but the Portland police bureau is working with, with a number, it's 38 other agencies, in working to develop a new system overall because the system, they use, is outdated. So this provision would, actually, just make clear that the bureau will consider enhancements to those data collection efforts and report on those efforts to the doj by no later than december 13th, 2013, and provide quarterly updates after that.

Adams: That's really to establish a system that is, establish a systemic accountability not only within the police bureau but also with the sheriff's office, who runs the jails, and also, community corrections, community mental health providers, as well.

Harper: Ok. Page 64 of the document, this makes clear, it is clarifying language, really, and we removed some language that had to do with placing the office of the community liaison, in the office of equity. So we removed that requirement. Made it very clear, that the cocl is not attached to any one city office. The cocl is directly responsive to the city council, and the public and the department of justice. And, the city will provide administrative support to that person, so the duties can be performed under the agreement. So, enhancing and making clear that the independence of that rule. The next substantive change is on page 70, paragraph 170. This has to do with the police bureau, that they will provide, they will post a final draft of the policies that are related to the agreement for public notice and comment prior to finalizing the policies. And that is something that is occurring, and will continue to occur under this agreement. Those are all the substantive changes I have to cover with you.

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Adams: Great. Let's get to testimony, unless there are -- all right. Karla.

Adams: Please begin. Welcome.

Mike Bigham: Mike bigham. I am back again. Thank you to letting us talk to you about this. I want to thank you for clearing up the, the issue of asking for further investigation for the crc. That was a sticking point between us and the police bureau, and i'm glad that's cleared up. I wanted to speak on the, the appeal window of 21 days for the crc, and the crc does not feel that's reasonable or feasible for couple of reasons. One is, there is a lot that has to happen during that appeal process. We have an appeal process, advisor, that meets with the appellant, and we have to review those cases and right now, they are only available to us on monday through friday, 8:00 to 5:00, when ipr is open. And the majority of our members are working people, 8:00 to 5:00, and it's hard for them to get in there and we have to, to make sure that the police officer has time to review the case. Prepare their case, if they can, if they decide to come, and we have to determine when we look at the case, whether further investigation is needed. So we would recommend 60 days for that.

Adams: Thank you. Hi welcome.

Rochelle Silver: I am rochelle silver, i'm member of the citizen review committee, also, and in the new doj city of Portland proposed agreement, there are several comments about changes for the crc, but, I also want to only talk about one, and that's the 21-day window of the appeal. The members of the citizen review committee talked about this last night. And michael and I are representing the, the entire committee, asking respectfully for a reconsideration of that 21 days. And we do not feel that we can do a thorough, fair or just appeal in that short time. As you know, the crc is, is a nine-person, soon to be a 11 person, committee of citizen volunteers. And the crc, as it is currently constituted, has many important duties, and responsibilities. Hearing the appeals is only one of those responsibilities. The appeal process is a time intensive process. It requires many steps. It requires reading of the files, that sometimes can be this thick, and every word in the file is important. It involves clarifying questions. It involves locating an appeals process advisor, who is also a volunteer. To help the, the appellant to understand the process and at this time we require that, that appeals process advisor meet with the appellant at least twice. To help them to understand the process, and to prepare their case. We have a case file review with all the crc members present to make sure that we have all the material that we need. For, for the appeal --

Adams: Your time is up. I'm not authorized to speak on behalf of the united states, but, my impression of this particular issue is that they would review it. But they want us -- they will review it and be willing to make changes, but they want us to start out with looking at trying to meet this measure. I will tell you that the police bureau is also, other aspects of the review process that now have to be 180 days, in your case it's 21 or 31, if you ask for additional information. They, too, are very nervous about being able to make the timelines. We're going to make a good faith effort at their doj's request, but, also, they also said that they would be willing to make changes if it's just proven to be impossible. Hi, welcome.

Laurann Kealiner: I am laurann kealiner. I'm a proud mother of a teen activist, shawn kealiner. I am here to really urge true independent citizens review board. What we have now is not working. I want to give you some examples of what happens to active teens. On january 25th, my son, on the sidewalk, protesting was punched repeatedly by an officer, resulting in bruises, on february 6th he was arrested at the anti-police brutality march, thrown to the ground by police officers hurting them there. On mayday, he was tackled so hard that I have a medical bill. I would love to show you if you want copies. Let me know. From him getting, tackled by the police so hard that it knocked off his shoe. And my biggest fear with my son being an activist is not that he's going to be arrested. It's that he's going to end up in a body bag from the police. We need true citizen oversight. We need them to be able to have the capability to truly oversight the police who at this time are out of control. Thank you.

Adams: And I encourage you to file a complaint, and I also, the office is upstairs.

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Kealiner: We filed a complaint.

Adams: And I encourage you to sign up for one of the many opportunities through three committees on this to continue to make sure that reform happens. Thank you. Welcome.

Janet Meyer: I am Janet Meyer, the interim CEO of Health Share of Oregon. We are a coordinated care organization that's been formed through the state legislative health reform to serve the Medicaid population in the Tricounty region. And we are very excited about the opportunity to work with the City of Portland, and the first responders on serving a very vulnerable population that we recognize has additional service needs that are not currently available in our community. And our approach to this population really is, is that we build our services around the patient need. We don't build the service and then plug the patients into it. And we are, we are newly formed as of September 1, and we are working very hard with all of our partners and stakeholders to assess the needs of this population. And, and assemble the service that is they require. The DOJ document has some timelines in it that has a little, has us concerned because they are energetic for us to truly be able to achieve, as well as we do need to allow our local capacity to be leveraged, make sure that we're maximizing our existing services to the best of their ability. And we need to build the services around the needs of the patient. And we're working on that assessment. So, we would ask for that additional time.

Adams: Again the DOJ is willing, again, I don't speak for them, and I will tell you that they have a lot of interest on this issue, given their parallel study and pointing out failures of the mental health system managed by the state. Which, of which you are a creation, so, I think they are open to being reasonable, but they also want to push you.

Meyer: And I have a few more seconds left. So, we are very lucky at Health Share because we received an innovation grant from the federal government to do exactly the kind of work that the City of Portland needs for us to do right now, \$17.5 million grant, we are hiring the, the interventionists for this grant, a big part of it is serving this population, and Rosa Klein will be coming up in the next round to talk about Health Share's innovation grant and the work we're doing to wrap the services around the population, and prevent the need for transport.

Adams: So what you are saying although you are concerned about the time line, you are implementing reforms?

Meyer: Oh, yeah.

Adams: Ok, thank you. I do appreciate your leadership. You've been great to work with.

Meyer: Thank you.

Adams: Glad you are here. Would you like to begin?

Rosa Klein: I have some handouts for you, if you would like.

Adams: If you have handouts for us, you just, you can give them to Karla as you walk up to the desk. She'll make sure as soon as you start talking, or soon thereafter, she'll come up and give them to us. So, glad you are here.

Klein: Thank you. Mayor Adams, and commissioners, I am with Health Share of Oregon, and as you know, we've been working diligently to kick start some of our work around health care transformation, particularly, around the needs of people with severe persistent mental illness, and alcohol and drug abuse. Janet alluded to the introduction of the grant initiatives, and I am going to run through three of the initiatives this we're starting that we believe will help to mitigate the need for police intervention and for the intervention of first responders in the City of Portland. These are really a kick start to the entire care transformation efforts, and there will be more that is a build-off of this. The focus is on the 10 to 20% Health Share members using the emergency room and other acute care services. When they could be seen in the more appropriate settings, and we believe that it's synchronistic, the work that we are doing and you are asked to do by the Department of Justice, will be, will be synchronous. So the three grant initiatives that we are beginning our outreach. There is a significant amount of outreach workers being hired. One, around mental health

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transition, and then, emergency department navigators, I have given the three sheets that describe the grant initiatives. The outreach work, is that my two minutes? The outreach work reaching out to adults who have six or more emergency department visits or one in-patient hospital admission in a year. They can be referred by somebody in the community by their provider or identified by insurance claims data. And the outreach worker will work with them to get them connected to primary care, to mental health provider, if they are not seeing a community mental health provider, social services, housing, food, all the things that we know, keep people stable and from destabilizing. The mental health initiative is working with mental health and substance abuse needs who have been hospitalized for psychiatric reasons or who have been in the emergency department, for mental health issues. And this is really to provide wrap-around services for folks coming out of the hospital, so that they have what they need in the meantime, before they have their first appointment with the community mental health provider. So, they may need housing, they may need food or other resources to keep them stable with medication until they have their first appointment, and shepherd them from their hospital situation into the community mental health provider.

Adams: So if people want to, to see this, what's the website that they can visit?

Klein: It's www.healthcommonsgrant.com.

Adams: www.healthcommonsgrant.com. And part of my optimism for health share to meet the mid 2013 deadline is the fact that you started this month ago, two months ago.

Klein: We started writing the grant about a year ago. But, we received funds in about two months ago.

Adams: Yeah, so, thank you. Welcome.

Ed Blackburn: Ed Blackburn. So I will say that I have not had time to review the agreement in a lot of detail, but going over it, and skimming through it and focusing on a few places. I would say that, the mayor and, and commissioner Saltzman are to be congratulated for bringing the DOJ in and inviting them and going through very rigorous process, and I think that it demonstrates real effort to do the right thing. It's not always easy to figure out what that is. So, you are getting into territory in terms of the mobile crisis units, the specialized crisis intervention, perhaps, a crisis triage center, that is really in the world where, where equality improvement and assurance mechanisms really need to be in place, and go with the safety of people. And making sure what we're doing is effective. So, there is elements in the framework of the DOJ agreement, such as the oversight functions, and some of the other committees that have been set up that could act that way, but the, the metrics and the quality improvement, the processes, need to be involved in anything where you have got safety of people, and their health care or their mental health care at stake, so I would like to recommend more coordination with the county in those institutions that have a lot of practice in those areas. Area hospitals, for example, have done a lot of work around quality improvement, and clinical safety. So, I think that it would be wise for the city, as you get into these services, that you have a system where there is constant reporting, and transparency about what the results of that is. The last thing, , is involving officers, and what, in our world, is called a just culture reporting system. Where people have, have some confidence that they can bring issues forward, where they know things are not working as well as they should or there are many incidents that they could bring them forward without any fear of retribution, and they have the confidence that things will be addressed. So, I think that it's great to have citizen oversight. Great to have medical oversight, clinic oversight, but I think that officers need to be part of this mix and the quality improvement.

Adams: One of the things that the CCO, has talked about, and we're going to help facilitate the creation is a subcommittee, that will seek to weave together, not just the city and the county, but community service providers, sort of building on the work of Safer PDX and other work and make sure that quality oversight control and safety are there. So, well said, and we appreciate it.

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Austin Raglione: Good afternoon, I am austin raglioni, the program manager for the service coordination team, which is a program run by the Portland police bureau. And we work with chronic offenders who have decades of homelessness. Decades of drug addiction. And years of incarceration. And most of them have had some sort of mental health diagnosis. So, our client population is the population that the doj was talking about in the report. And I just want to talk a bit about what our program does. We have specialized treatment and housing for our clients. And we really focus on the four issues that our clients are struggling with, and that's criminality, drug addiction, homelessness, and mental health. And we provide very specialized treatment service that really helps them to stabilize and find a way to stay clean and sober. We have treated, we have worked with 426 different people in the last 3.5 years. And up to this date we have had 87 people graduate in a treatment program through the service coordination team, and we will have 14 more people graduate next friday here in council chambers bringing the total to 101. Now, what I find really interesting about this and quite impressive, is that out of the 87 people who have graduated our program, over the last 3.5 years, 53 of those are clean and sober today. That is 61%. And that is an astonishing figure, and it beats any national number by far. So, what I want to say about the doj agreement is this -- the doj agreement recognizes the work of this program. And it seeks to find permanent funding for this program. We have had to go through the every year, uncertainty of whether we were going to be able to continue services or not. So, we're very pleased to see that there is permanent funding, hopefully, attached to this. The other thing, I go on for few more minutes? One more second? 30 seconds. Ok. There is also a creation an addiction in mental health unit in the police bureau which I think is extremely important for us to start merging the work that we do with people with mental illness and addiction. And I think that that's extremely important, I will also see that the process that was used to bring everyone to the table to begin the partnership to really find long-term solutions is really incredibly important. I have brought with me floyd pittman, a graduate of our program, and he currently is on the president's list at pcc, which means he has a four-point gpa, and this is after, after, over 100 arrests in 15 years incarcerated.

Adams: Mr. Pittman, it's great to see you.

Floyd Pittman: I am floyd pittman. I just -- the program is really a, has saved my life. A lot of us downtown, i've been there 30 some years, and quite a few arrests, but this program has allowed me to not only address my chemical addiction but mental issues, and I can't say enough for it, I would probably be dead, and I know that one thing about it, that the 30 others that i've been down here, I have come, with a lot of police officers, as I look back at it, they saved my life. I can say a lot of things, but if you have not been through it or experienced being down there homeless, on drugs, and halfway crazy, and you would never understand. If you have not experienced it. I have, and by the grace of this program and, and just recovery, you know, today, I can say that it really works, it worked for me, and i've been to like 30 programs. I just can't -- I will just hope that window will remain open. A lot of us see way out so we would walk around downtown forever. We did not think that there would be a way out of that. And my grades are pretty good. It's more about what it has given me. A focus that I can believe in myself. I care about myself, and, you know, I have not broken the law in close to four years so that's important for me. And mr. Rees over there, he's a good guy, so I am happy to be here.

Adams: Mr. Pittman, your efforts and your accomplishments are truly inspiring, and because I have this authority, you will get a round of applause now, so thank you. [applause]

Adams: Thank you for your testimony.

Adams: Welcome. Would you like to begin?

Inga Fisher Williams: Yes. I am a member of the outer caucus occupy Portland, inga Fisher williams. The comments are my own. You are to be graduated individually and as a council to take on this serious issue again. We've been here before as a city, and at the inflection point, with substantive change in the culture of the Portland police bureau seemed impossible. We urge to you

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take the tough stance to make it happen. We thank you for having begun this task. We wish you had not kicked the can down the road by failing to include in the agreement an independent civilian authority that could make implementation real, and binding. We have no faith in the internal controls. They have been tried and they have failed us. We have eagerly awaited the report and its recommendations. We urge that the implementation guidelines will include the formation of the civilian independent review authority with sufficient power to have real influence. And no doubt. There are many dedicated thoughtful and excellent officers in the Portland police bureau. It's an organizational culture, however, has been tainted by the police association, which appears to reflect them defendant any and all conduct. It cannot be counted on the police, itself, this, we have witness. Transformational change, rarely comes from the inside, and the community has voiced its concerns about the police oversight for many years. You should not duck your responsibility to have a process that is free, and of political and bureaucratic interference. Following the conventional wisdom, more officers, the proposed agreement with the city is a halfway step that plays with the focus on the mentally ill. Urgent, no doubt. And the most visible sign of the problem, but the excessive use of force against this part of the population is only the tip of the iceberg. The real problem is larger. We believe a key ingredient in this compromised culture is --

Adams: We need you to wrap up.

Fisher Williams: the disregard for the marginalized, the disenfranchised and the powerless, whether it's the homeless, the racial minorities, protesters for economic equity or women in the past.

Adams: Thank you. And just to be, it's a, a fine point, but for example, the use of force, building on the tougher use of force policy, that we have, that applies to all interactions of the police bureau. Not just interactions with those that are perceived as suffering from mental health issues, same with the tasers, in those two protocols, they are still out for public comment, but it's a distinction that really matters and I just wanted to make sure that you knew that, that use of force, the new tougher, even tougher use of force policies applies all the time.

Fisher Williams: Thank you. I will leave a copy of my remarks with your recorder.

Adams: Thank you. Welcome.

Alan Lazo: Good afternoon mayor commissioner, I am alan lazo, the immediate past chair of the Portland human rights commission.

Adams: Thank you for your service.

Lazo: I appreciate the opportunity to serve. I am coming here, authorized, last night's vote by the human rights commission and the vote of the full board, the hrc adopted the recommendations sent to the mayor, to each of you, and to the doj. We did see the revisions you made, so we do appreciate having the opportunity to provide input and see that some of the points made it in there. So I used part of my time to, to bring forward the points that we brought forward, as a way of talking about my real point. So, we talked, in the recommendations that we made, we had two or three major ones, for instance, we talked about the makeup of the coab, which started as five cprc members coming over to the coab, and our proposal was that it be three human rights commission members and two pcog members, that is one human rights commissioner and one pcog member. We talked about writing -- we asked you to write a cprc more fully into the agreement. And I see that you have included us in paragraph 145, but not too much more than that. And the point I will make, is that, is that it's one of the points we made earlier in our testimony. Around how the kind of, the making of the legislation and settlement has to occur. And we certainly understand that, and respect that. The time line for this has been very quick. You know. We had folks working diligently on it to bring forward what we did, and we understand that there are many perspectives. But if you think that you have got it right, imagine another seven days, and another 14 days of being able to look at what else is out there, and what else we could do to better serve the community, and so, I would encourage to you look at this at the beginning of that process. If you think you will get to a vote next week, think of it as the beginning of the community to leverage the expertise and the

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talent that's out there and not the end of that process just because we're going into the agreement at this point. Thank you.

Adams: I think that's really important point, and this is, it depends on what the council does, but the earliest a vote could happen would be next week, and I think reminding folks that this is the very beginning of a process, and I will tell you, having sat in the negotiations with doj, and we have a very committed u.s. Attorney for Oregon. They are not going anywhere. And they really do expect the results we all expect. So, doctor.

Dr. T Allen Bethal: Good evening, Dr. T Allen Bethal, president of the albina ministerial alliance, vice chair of the albina ministerial alliance, coalition for justices and police reform. We come again today, and you have a copy of the materials that we have sent before, and another copy in your hands today. To talk, basically, about the process. We do want to commend you for what you have done, and you are continuing to do. We do want to see the process become more transparent, public, and open, with community engagement. And when we talk about community engagement, we also want to urge to you not introduce or continue any policies that will continue to make our community fearful of the police bureau, the police association, or vice versa, where the officers are fearful of the community, and maybe tempted or moved to react quicker with some type of overuse of force, and then rely on the, at most, the very neglect accountability process that we have for our offices, and our bureau, and our association. So, the u.s. Department of justice and city of Portland agreement must be written in a way that encourages and allows more changes that are included in the current drab about concern that such changes would distract from what we consider violations of the agreement. And this is true for policies, excuse me, training, oversight mechanisms, and just about every aspect in the agreement. And we also want you to know that the agreement needs to include more remedies designed to improve the way that the Portland police interact with communities of color. The suggestions below, which you have a copy of, are just minimum changes that we would like to ask you to consider and seek before this agreement can and should move forward. Thank you for your continued work on this. I am very glad that the process is at its beginning stages, we hope that you will bear in mind all the things that have happened over the years if I must take you all the way back, and I know that this is talking about what happened to mental health, let's go all the way back to the possum incident, lets go all the way back to, don't choke 'em, lets smoke 'em, and take a real look at seeing, this is a moment that we can make changes for our city, our community, and the associations. Thank you.

Adams: Thank you doctor. Hi, welcome.

Ashlee Albies: Hi, and thank you, city council, I am ashlee albies, I am the co-chair of the Portland chapter of the national lawyer's guild and also sit on the steering committee of the albina ministerial alliance coalition for justice and police reform. And we are also the national lawyer's guild has been part of the police accountability work in Portland for many years. And we welcome the doj investigation and it's findings, and with the hope that reform sought by members of the Portland community would come to fruition. We were a part of the coalition group of organizations that submitted specific comments and recommendations to the city and the doj on september 27th, 2012.

And we want to reiterate our support for those recommendations. They get to specifics on the level this agreement is not quite as specific as the recommendations, and we hope to see many of those recommendations, incorporated into the actual implementation of the agreement. Specifically, I just want to make a comment on few specific areas. And use of force, we strongly advocate that the use of force policy be revised to require the use of the least, to require the least amount of force that, necessary to achieve a lawful objective. And that training gets the whole bureau up to speed, that being the actual standard that's being employed. And in terms of the, the training, we want to advocate that members of the community have a real and definable role in developing the training, not just an advisory role on thumbs up or down, but participating in the actual training and developing the core curriculum of that because we think that the community members, most

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affected by the policies, should have a tremendous amount of say in how the policies are being implemented. And I also want to note with the choice of the trainers, the provision made to paragraph 83, states that, that in addition to the disciplinary action, when choosing the guidelines, we take into account the civil judgment has been rendered, and also, advocate for whether there is a tort claim or a specific type of excessive force complaints being made, for example, no judgment against the city in the chase case, so under these terms, kris humphries, the chair, or excuse me, the sheriff elected, in wheeler county, could be a trainer under the way it is written. That's not likely but it is something possible, and we want to, to raise that. With regard to medical attention, we think that the specifics, the recommendations we made should be delineated as the way medical attention should be given, and my final is up so thank you for the chance to testify.

Adams: For my education, I mean, we are -- the phrase used is no use of force so no greater than necessary to accomplish a lawful objective, and again, reiterated, shall only be used as necessary under the totality of circumstances to perform its duties and resolve confrontations effectively and safely. So maybe, you can scratch me a note and tell me what the difference between at what you are suggesting?

Albies: I most certainly will.

Adams: Thanks so much.

Fritz: I wonder if you could respond to Dr. Bethal and the community because I asked a similar question in terms of what the compliance officer, the relationship between the city council, the court, and if the compliance officer and the advisory board feel that the city is not doing what it should do, what happens?

Adams: So, the -- and you can, by this answer, so this individual is independent, and will be hired, and whose performance will be monitored by the city council. Directly. Independent offices, independent staff. Working closely with coab, the community oversight board. And there is -- there are a lot of implementation details. And there would be, and this is a policy of the body. And that individual is going to be very focus on that, and making sure that the input from the community oversight advisory board is also consulted. So this is truly a beginning of the effort. And it's, it is not a court appointed, but it is a city council-appointed and monitor, and they will have regular reports directly to the city council. And if the city council is not satisfied, with that performance, can be removed. By public vote only, of a majority of the city council.

Fritz: The paragraph that's in the page, on page 64, says that, that the compliance officer will be responsive to the entire city council, the public and the department of justice. So, the compliance officer, my understanding, correct me if I am wrong, says the council is not doing the things that should be done, then, they go back to the authority.

Adams: And to be clear in every city that this happened the department of justice continues to monitor the compliance against this agreement. They are the final decision makers of that, this agreement puts in place a series of mechanisms, and community involvement, and expert involvement so that as we move into implementation, that it is done, in a transparency way, but, it is, and coal's job is to report to the city council and doj. DOJ can decide at any time that this gets reviewed. And this gets changed or they are not happy with the performance. So, the people disagree, having been in the building for 18 years, that's never happened before. And you are right, it's a fragile opportunity to make real change. It is not guaranteed but it is a unique opportunity to make the change. So, thank you all very much. The next four.

Adams: Welcome. Mr. Handelman would you like to begin?

*******:** I would like to, to follow miss friedman if, that's all right?

Adams: Miss who? Would you like to begin?

Jan Freidman: Sure. I am jan freidman, I am an attorney with disability rights Oregon, which is the protection and advocacy agency for people with disabilities in our state. I have been part of the albina ministerial alliance, and i've been part of the crisis, the Portland police bureau's crisis

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intervention team. Advisory board, since 1999. I appreciate the doj's investigation, and the findings, and appreciative of the efforts that have been made. But, the agreement in order to be, to be effective, there needs to be new police culture. And the Portland police officers must engage people with disabilities as human beings, rather than problems, specifically, the training needs to, show Portland police officers how to interact with people with disabilities, rather than dealing with them. There needs to be requests and allowances of input from people with disabilities before the Portland police bureau decisions are made and policies are set. So that they are not an after the fact, but more part of the process, to listen to. And, and actually, have their information be heard and used. And to honor the nothing about us without us as a respectful approach. The agreement needs to specify that the police bureau shall disclose all information related to the area in question for the border entities. Basically, no advisory board, no additional boards, oversight bodies or anything are going to be able to do their job if they don't have their information. So, as a member of the crisis center intervention team advisory board, there is a lack of transparency, and I requested training materials, they were refused for the cit mandatory training. And I requested that outside trainers be considered. I'd been a trainer previously. Many people from our community have been trainers, and that was refused. And I requested to attend the cit training, and that was refused. And so, in order to make any difference, you need to know what it is that you are looking at, and what you are talking about and be able to make those suggestions. I think, we are a very dedicated group trying to make a difference, but not looking at the information we needed to.

Adams: Did you apply to be on the training advisory council?

Freidman: No.

Adams: Ok. Can you submit the rest of your testimony so we have it in your contact information?

Freidman: Ok. Am I out of time?

Adams: You are. Thank you very much for your service to the city, and that's going to change. Mr. Handelman.

Dan Handelman: I am dan handelman with Portland cop watch and a member of the albina ministerial alliance coalition on justice and police reforms steering committee. I want to say that, that the Portland cop watch met, along with the ama coalition, and with the doj, a couple days ago, and I am not convinced thoroughly that they understand all of the issues that are confronting the community. I'm not sure that they understand our oversight system, which they complained was byzantine. And i'm not sure that this report goes far enough, even with the changes you made. And some of the changes are changes that we recommended so we thank you, but it's still not enough. The doj was here for the occupy Portland eviction. Here for liz nichols being pepper sprayed in the mouth, and here this weekend when the pepper spray attacked the young students marching, and have not said anything about crowd control violence. So I will cover the points that the ama coalition letter covers under officer accountability. The enabling of the independent police review decision to do meaningful investigations, it needs to be cleared out, more clearly what that means, and if it means changing the ppa agreement, to say that, as you heard from crc, it is not possible for them to complete their appeals process in 21 days, that really needs to be changed to at least 60 days after the appeal is filed, and we have said before, the police review board has to be open to the public, and particularly to the person, who, about whom the hearing is being held. The person shot, who has been beaten, and they should at least be able to testify in front of that board if the whole community can't. And the supported by the evidence, standard review that is binding the crc when they tried to make decision, it happened last night at the hearing that they had, has to be removed from this agreement so that we, as a community, can work on what that finding means, instead of it being in an agreement that's enforceable by a court so we're hoping you pull that, that definition out of the agreement. And, and while the change from the cprc being dissolved is very good, we wish that there was more about people of color in the overall report.

Adams: Thank you, sir. Next. Oh, sorry. I went out of order. So, dr. Walker.

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Derald Walker: Sure, thank you very much. I am derald walker, CEO Cascadia Behavioral Health. Serving Portland, clackamas, and lane county. Cascadia's primary mission is serving people with mental illness as well as with addiction, and dr. Maggie bennington davis and I have worked together on the presentation, and maggie is going to present most of our points. I do want to take a moment, however, to, to express my appreciation for the hard work that's gone into this, effort to improve the encounters between police officers and people with mental illness. And equally, as important, is improving the lives of people with mental illness within our community. So, I will hand the rest of my time over to dr. Davis.

*****: Is that legal for him to give me his time?

Adams: No.

*****: I didn't think so.

Walker: It's worth a trial.

Maggie Bennington Davis: I am maggie bennington davis, and mayor and commissioners, thank you for this opportunity to address you. Cascadia provides many pieces of multi-'s mental health crisis system and the project lead for safer pdx, which included a broad membership across Portland and Multnomah county. And was extremely helpful in informing our system about what strengths and gaps are present in our current system, and I would be remiss if I did not call out the leadership of commissioner Fritz, as well as the participation of chief reese. County commissioner Shiprack and chief operating officer of the county joanne fuller. My comments are informed by the work of safer pdx. Cascadia supports the components of the agreement. And as others have gotten, who have gone before me tonight, have said, I have some additions I would like to make. One major thing I would like to say, that overarches all of this, is that I really encourage a robust collaboration among the city, Multnomah county, and the other counties for that matter. And the coordinating organizations. We cannot do this in isolation from one another. And we are all in this together. And I have four additional suggestions. The first one is that, you know, in this time of economic austerity, and pressure to do something sooner rather than later, Portland and Multnomah county's crisis services actually already have many desirable components. So we suggest inventorying them, and leveraging the components that exist and managing them as a system, and I will give you an example later, if you wish. Number two is, insuring that, that access to the right services, at the right time, is really the key ingredient to decreasing unwanted police contact with people with mental illness, most people who to come into contact with the police are not connected with the services, or are not in the right intensity of services. So, increasing access to those services is key to this success of this, and it is imperative that however else, the crisis services are enhanced in this process, that access and enrollment and routine services are not disrupted, and optimally, that they are increased. I have two more points that I will make very briefly. Put into place information-sharing processes and programs, so that the community-based providers are immediately aware of when an enrolled client in contact with the police or jail or e.r.s in need of assistance.

Adams: Or anybody. In the continuum of care.

Freidman: There you go. And then finally, the majority of transported people in crisis to e.r., assessment or hospitalization, is via police currently, and finding an alternative safe method to securely transport people in a timely and humane and safe manner would very much decrease the frequency of the police contact. Thank you very much.

Adams: Next four.

Adams: Hi, and welcome back.

Jo Ann Hardesty: Good afternoon, mayor. Thank you. Good to be back. I am joanne hardesty. Last week, I guess last week, I submitted in writing, a recommendation for the settlement agreement, and in addition I spoke briefly with commissioner amanda Fritz, and also, provided some additional information. I want to ask three questions. At the end of the day, after we've invested 26 million, after we have attempted to, to use a self defeating accountability system, to

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hold the police accountable, will we be able to fire bad police officers. Will we, will the community trust that when they call the police, that they will be helped, rather than killed or hurt. And has the culture of Portland police bureau fundamentally changed? For me, at the end of the day, those are the questions foremost in my mind, and I have to tell you, this settlement agreement does not get us there. If we are going to invest a lot of money in mental health, I would love to see the city give the money to the mental health professionals. I am very concerned we'll pretend that we have a system where the police, in fact, are excellent, at responding to mental health calls. If we don't, in fact, make sure that we're training police officers, in that manner, and I will call your attention to two articles in the Oregonian this morning. Both for court cases that were settled, because of police officers, one, they arrested a gentleman because he exercised his constitutional rights to not be searched. And they arrested him, the courts found that the police should not have arrested him, and he was awarded a settlement. The second, a plan who will a business an -- martin luther king boulevard, and he was arrested. He was an african-american man, and he ended up in the back of the police car when he was being challenged in his business. In both those cases, the jury and the judge decided that the police act inappropriately. And I would ask you, was there any accountability internally for those police officers? I will answer it no.

Greg Kafoury: I am greg kafoury, here with my son, our law firm includes mark, my partner, we do police cases. And, and I can tell you, we probably talked to 50 people for every case that we, actually, take. And the cases we do, we review internal affairs files so we know what's in them. And the public doesn't because they are not public, and we are not allowed to share them with the public. The great lesson we learn, as senator morris once said, those who control the procedure control the outcome. And, as long as we have a system where the police are investigating the police, we're never going to get the kind of, of police department that we want. It is a source of sadness to me to watch decade after decade of really well meaning, intelligent people, pouring enormous amounts of effort into, into reviewing police cases as part of this board. And what have they produced? Essentially, nothing, and all this time, it's an astonishing waste and, and they should recognize that they are window-dressing. I agree with the critics who say that what we see is an establishment of bureaucracy in a system that is accurately described as byzantine. And in the 40 years or so that I can remember, there's never been an officer fired for physically abusing a citizen. It's never happened. And I don't think it's going to happen under this system. What we have to have is an independent agency to go right there. They have the power to compel testimony, and conduct their investigators and the power to do something about it. And we have heard a lot about training, let me tell you, training police is a waste time. When an officer brutalizes somebody, they know what they are doing, not trying to consult a rule book, and I want to say that until we have a system that compels the worst of the officers to be fired, all we're doing is spinning our wheels. Thank you.

Adams: Thank you mr. kafoury. Welcome.

Jason Kafoury: Thank you. I want to tell just moment, something that happened to me in the last two weeks. I walked out of my office, and I saw an african-american man clearly having a mental health crisis. And he was standing against a wall. And he had his arms raised behind his backs, and he was screaming, I surrender. I surrender. And an officer behind him, with a taser drawn, walked up to him, and as he approached with a closed fist, punched the man in the back of the head, and the man fell to the ground, and multiple officers rushed, jumped in, and the man was taken away. I read the police reports to find out who was involved in this incident, but this happened to me ten feet in front of my eyes, and we get calls, you have to understand, day in and day out, and 98% of the calls involve the Portland police. And abuse claims. They do not involve the lake oswego police. They do not involve the beaverton police. There is a cultural problem here that has to be addressed. And, I think that it's summed up effectively with the case of shameka newman, the woman who asked for the business card a couple years ago, and the jury awarded her \$82,000. When she was

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behind bars, she asked the officer, I am going to file a civil complaint because this is ridiculous. And you know what he said, he said, go ahead. I don't care. It's not my money. That's the heart of the problem that we're dealing with here, is we don't have culture where the police have accountability for their own actions, there is no system where an officer who is found -- violated a citizen's right in a jury room, has any discipline, that comes out of it, no discipline in that case, and no discipline in all the rest of the verdicts. Until we have system where the Portland police, actually feel threatened that citizens, outside, can come in, and do a review and discipline, we're going to be spinning our wheels like my father said, thanks.

Adams: Will you keep me posted on the case you described?

G. Kafoury: We will.

Adams: Next four.

Adams: Listen, no clapping, ok, joe. I will have you removed from the chambers. I have a job of making sure that everyone feels comfortable, expressing their views, whatever they are. And that means no noise during the proceedings. And I will have you removed. So, two more.

Adams: All right.

*******:** I have a video I wanted to submit. So, they are working on that.

Adams: Ok, hi, welcome.

Greg Forward: Hi, mayor. Hi, commissioners. I am greg forward, a resident of salem, Oregon. Before I start, I would like to say publicly that I do not hold a grudge against any police officer, but I do hold one against police, policing police. And I moved to Oregon a little more than a year ago, but I was aware of the, of the issue, of brutality being conducted by the Portland police. Well before I ever got here. And i'm speaking here before you today, as a concerned citizen who has witnessed an overuse of force on multiple occasions. I am a member of occupy Portland, and I support the constitution of the united states. On may 1st, while taking part in the mayday demonstrations I witnessed many others, who are assaulted by the yellow jacket officers of the Portland bicycle unit, and they used their bicycles as baseball bats for attempting to utilize our constitutionally protected first amendment rights to free speech. It occurred at the intersection of 3rd and salmon. Again, I was standing on sidewalk, and at yamhill and 6th, I was being pinned to the side of tiffany and company, by the sergeant in charge of the mounted parole units. The gelding that he was riding is the equivalent of a car. And he had me pinned up against the wall for 15 seconds and, and I mean, that is terrorizing me. Sorry. And I did file a complaint with the ipr several days later, which resulted in nothing but wasted paper. And also, this past saturday, november 3rd, I was brought to the ground by Portland police officers while standing on a public sidewalk for attempting to act as an observer. Before landing on the ground, my head struck the handlebars, of the yellow jacket bike swarm. This may have been unintentional I would wager a bet that any deaths accrued on behalf of the Portland police came as a result of unintended consequences. There is video and pictorial evidence to support my claims, and I know these incidents are mild in comparison to the callous use of force that the ppb administers to the colored communities. Ten seconds, please. Ten more seconds.

Adams: All right.

Forward: And on saturday, I sat 15 feet away from where the chemical weapons were deployed and heard no warning that pepper spray would be deployed, it seems this would be in violation of 635.10 of the Portland police policies and procedures manual. In 1993, the u.s. Army concluded a proving ground study --

Adams: That's more than ten seconds, that's 28. So, I appreciated your testimony.

Forward: It would cause mutagenic effects, sensitization and pulmonary toxicity, as well as human fatalities --

Adams: Thank you for your testimony. E-mail it to us. Welcome

*******:** I have something here, i'm not sure, if you want to go first --

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*****: I don't know how to start it.

Katharine Moore: Ok, I am katharine moore and the testimony that I am presenting [inaudible], it was part of the police brutality that I witnessed and experienced that evening.

*****: Very aggressive. Swinging people, sticks, and whatnot.

Adams: Do you want to offer some comments to this because your time is --

Katharine Moore: I just really wanted to show some of what we've been experiencing over the past year, for myself, personally, I was assaulted that night. The ipr complaint that I filed, regarded my assault on mayday, where I had documented concussions, bruising up and down my arms. And was returned to me saying that, that it was an incorrect state, with incorrect officers names, and I filed it again, and they returned it back to me saying that my complaint was found to be unsubstantiated. And I strongly urge the civilian oversight on the police force as it is now currently the culture is so corrupt that we need to have civilians that can actually oversee it rather than being hamper by the corruption.

Adams: Thanks for your testimony. Appreciate it. Would you like to go?

Kalei Luyben: Yes. I would. I didn't know whether anybody had spoken to you about taser, the human rights issue. Oh, i'm sorry, i'm kalei luyben, so I thought that I would like to just say a few words, two minutes is just a few words. You have here in the agreement, that this should be a prohibition against the use of tasers, for compliance. Pain compliance, specifically, against those suffering from mental illness. The trouble is, that the u.n. has identified pain compliance as torture for anybody. Human beings. So, that's why I would like to bring this up as a human rights' issue. You, as a city, being asked to comply with some, stipulations, of the department of justice, share joint oversight, for this concept. Because the united states is a signatory to a treaty, and it's the united states department of justice that has to account for how tasers are used in the united states. And they have to make that accounting to the united nations. And so, as a consequence, I was looking for the department of justice to, to be more proactive in oversight of use of taser. The other part of this is that although the united nations tries to regulate nations, there is an area where it opens the doors for the individuals to file complaints, and that would be, in the use of torture. So, as long as our human rights commission is going to be handling this subject of human rights, then I would like that commission to open the doors for filing individual complaints from Portland to the united nations, thank you very much.

Adams: Thanks for your testimony. Next four. Oh, we have video. Is that working for you? did you say you have an apple computer?

*****: Yeah, it's a pc so I'm not familiar with it.

Adams: Sorry, our technology, thank you for your testimony. our technology has failed you but maybe you could email the link to us.

*****: I have [inaudible]

Adams: So if you could email just samadams@portlandoregon.gov we can distribute it. The next four.

Adams: Welcome, would you like to begin?

David Hennessy: I have video, as well, I am david hennessy. I live stream protest events in Portland, and around the country for pdxlive under the name of jesse hadden.

Adams: Why don't you work on getting that ready to go and I will, why don't we hear from you, welcome.

Nicholas Caleb: Hi my name is Nicholas caleb. I am a university professor at concordia university, an attorney and the son of the longest serving district attorney in the state, and I have a profound respect for law enforcement as a --

Adams: Who is the longest serving?

Caleb: Caleb - - now after schrunk is gone. Klamath falls. Never had much occasion to interact with the police, mostly in the context of, activism, first as a legal observer, and later as an organizer

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protest, and it's been an interesting experience, and the one thing that I can say is that, is that i'm pretty sure that the constitutional rights are violated on a daily basis. It's opened my eyes to a lot of other abuses that I would never have been open to before. And the last weekend I was at the november 3rd protest, and I witnessed pepper spray being deployed on high school students, the elderly and veterans, which bugged me enough, but later on after I was compiling evidence and hearing testimony from people there, we found, you know, pictures of, riot police posing with elvis impersonators, moments afterwards that the Portland police thought was funny enough to post on their webpage. We saw people, the same cops driving by and waving at the protesters as they were down on the ground. And later on, folks went to the city council, or to the justice center to get complaint forms to file complaints. And people were celebrating as if they had won a football game, and it, and this stuff is a bummer all the time. So, what I see is, is a cultural issue. In the police department. And I think that, that as i've been able to see it, there is no accountability. We cannot punish people doing the wrong thing, and in the context of, of political rights, it's frustrating, but in the context of the city as a whole, it's, it's more frustrating, that's what i've been hearing so I would like to join in demanding an independence oversight commission with subpoena powers and the ability to dismiss officers in violation of the civil rights. It's the only way we can get rid of this moral hazard and fix the culture of the Portland police. Thank you.

Adams: Thank you. did you -- is the technology going to work?

*******:** We're ready to go.

Adams: Great.

Hennessy: This video was taken may 1st for the mayday demonstration. This was in the evening around yamhill. [video playing]

Adams: You get closer to the mic so we can hear you?

Hennessy: Prior to the random assaults on the sidewalk, people had been dancing through the streets in a festive political celebration. People are being tackled and punched here are on the sidewalk. And also, there were festivities protected by the city, and this is what happens. People are stumbling in the streets. Interspersed with these intensely forceful -- I have never seen in any of the cities that i've been to, and even chicago, for the protest, the type of brutality, and, that I saw on mayday here in Portland. And, and I know that it has affected me, having been there and seen it. It affected a lot of people. And I want to join in for real civilian oversight of the police department with the power to do something with events like this.

Adams: Mr. Walsh.

Joe Walsh: I am joe walsh, and I represent individuals for justice. And listening to the testimony, you can go online and see dozens of videos, just like the one you just saw. And it won't, it all comes down to the relationship between the police officer and the person this he's confronting. That's it. You can have all of the people in the world, but it comes down to that, and you have got a major problem with your police department. It's not a simple problem. Of somebody standing on the street corner having a nervous breakdown and the police don't react well. That's not it. It is their attitude. And their attitude was told to me a few weeks ago, when the police officer kicked somebody outside of your door. Right there. And somebody kicked a man sleeping, and I went up tomorrow, and I said, why do you do that? What is that? Why don't you just ask him. He looked at me, and he said go away. I said ok. And he laughed. And he said, they are not going to do anything to me. This is Portland. This is Portland. When are you going to do something? Mr. Mayor. Do something really good. Tell these police departments to knock it off. And treat people like human beings. That's what we want, and that's what we'll get, whether you do it or the next mayor or the next mayor, some day, we will have a police department, that we are proud of. We are not proud of you or these cops. No.

Adams: Welcome.

*******:** Mr. Mayor, I have to tell you that I --

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Adams: Could you get closer to the microphone so we can hear you?

Milomdi Karboau: I welcome the department of justice investigation of the Portland police department, you know. They should have investigated this, for years, of the department, decades ago. I have been, my family has been described because I happen to have purchased a house with my family. And, and that police officer, that police sergeant at the time, he was in vancouver, Washington but his parents were next to my house. And I didn't know that I was next to the parents of a Portland police. When i, when I -- for the first time, the parents of the Portland police officer came and said, well, i'm sorry you bought this house because we had been trying to purchase this home for our friend from england to come live in it, but now you purchased it. You are not welcome to live here. My son is Portland police sergeant, and, you know, and two days later he came and talked to me, and he said, I think that you and your family have to move out because my parents -- and I had to make complaints about him, several, this issue, during mayor vera katz, and I have made similar complaints against him, and he was warn, the neighbor, warned by, lieutenant maciak, and told him not to bother mr. karboau any more, right. And he used his other police officers to start harassing me, and he used to come over and give tickets, \$100 ticket, parked in my driveway, and I have to fight this. I have to go to the parking area, and I tell them my story, and the tickets and all of that, and it was a nightmare. The police officer, he came up to me and told me that, you know, if you don't move out from this neighborhood, i'm going to use my higher authority to get it.

Adams: So what happened?

Karboau: Finally, the charges against me, filed charges against plea, and I was arrested and I was convicted, and I had 104 months in prison and my case still pending in the court today. And the police invested \$80,000 of my own property, and that property was, , you know, no problems, and supposed to return it to me. While I was in the prison, the action, the property, and sold it in ebay.

Adams: So thank you for sharing your experience, and you say, it's still continuing.

Karboau: The case still pending, and I am not giving up. It's been ten years now since this, and i'm not going to -- I hope I will.

Adams: Thank you.

Adams: Thank you. I have given you extra time but I have got to get other people up here, I appreciated you sharing your story and hang in there. Next four.

Adams: Good evening, or good afternoon, would you like to begin?

Charles Johnson: Yes, good evening, council members, my name is charles johnson, and I think we'll forego the video testimony, and we'll talk about two, two important police procedural incidents. One, as you heard from prior testimony, there's been a number of people testifying about concern about pepper spray. We have had no discussion of how can people breaking the law be pepper sprayed and never cited for breaking the law? There's a control problem here. We know that high school students were doing something so bad, that they had to get sprayed in the face with chemical weapon. But, amazingly, the riot cop and bicycle cop never had the opportunity to use the law to ticket or arrest people. So, the force doesn't seem to have been necessary. The other serious issue that we have is that, i if you read questionable sources, such as the Oregonian, you will find that you promoted a fascist nazi to do the training, captain krueger, how, how can the citizens have confidence if the best thing that michael reese can do is say, I looked for a good trainer. I found a nazi sympathizer, and how about that? And I haven't had time to research that thoroughly, but, I know that there are bureaucratic processes about civil service, but I think you should be ashamed that that is the best you can do. thank you.

Adams: Thank you. Sir, would you like to begin?

Johnny Engleheart-Noel: I am shocked to hear that mr. Krueger is training, that is the reality, shame on you, mayor. Shame on you. I am Johnny engleheart-noel. I came to this country 50 years ago, born in mexico, a spanish interpreter on the board of the elliott neighborhood, of the

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elliott neighborhood. I cannot believe what he just said, that's where it started. Overreaction, and people of racist thinking. And in vietnam, I survived my thinking, the day, I got orders, I thought, how would I deal with my emotions if I had to kill someone? The way that I realized that, was if communism was bad. I was doing a good. So, I think that in empathy with these policemen, who are human beings, that is their thinking. And that is what's most difficult to reverse. And if this is true what this man just said, mr. Krueger is the source of the problem you have here. Because his culture believes that if he kills a counter culture person he's doing good. Which is understandable but totally evil. The most evil thing that there is. How can you do that? People here say, you are bad and somebody else says they are bad, that's why I became a buddhist and remained so for 43 years. I drove a cab for 20 years. In never used a gun, never will. Last time I did I was training as a guard for nuclear weapons on the destroyer I was on. I happen to have bipolar disorder, I don't have it very bad. I go up and down, I don't go left and right. But I just had an incident at the v.a. Hospital. I need your attention, mr. Mayor.

Adams: I have to look at the room but i'm listening to you.

Engleheart-Noel: I don't think so. I had an incident where I was yelling at a pedestrian that almost ran me over and two others, and the policeman came at me with his hand and weapon. That culture very similar here. If you don't do something to reverse it, shame on you. What would st. Peter say to you, thank you.

Jessie Sponberg: Nice to see you again. I am jessie sponberg, and I am, actually, here today to show you video. I donated my time but if I could spend the first 30 seconds, something I noticed about these stories, especially the ones related to occupy Portland. There is two hands, the financial hand, which means that we're spending all this police money, we had 150 people out there for peaceful protest on saturday, and 150 police officers, and we go to court, and we don't, don't have our stuff together so that wastes court money, and when we're done, we usually end up having to give money to somebody that was is a victim of the police, so in this age of austerity, I think it's really horrible that we keep repeating this cycle where, the money is spent, and the money is used, and the money is given back to the people that got sprayed, but the part that really bothers me, is the people that we're talking about getting sprayed and abused, these are the best and brightest people in our city, man. When these people are not marching in the streets they are volunteering in shelters. They are raising coats for homeless people. And they are sleeping out on the sidewalk in front of here for homeless rights. And when we take the streets, it is cruel to just spray us and pull girls down the street by their hair, and stuff that -- we are not the people that are the enemy. The banks are the enemy. I went last tuesday, and saw a bunch of people get pepper sprayed. There was 75 police officers there. And I know that that was the sheriff and I know that's not you guys always, but it's all the same thing, this culture of fear. When I started working for the people, the good people, they are taking to the streets because it's not just the streets, you have families and everybody is getting screwed over by the banks. But the police are slaves for the corporation. And not for the people that they are supposed to protect. And it's terrifying. Here's the video. Thank you for your time. (video playing)

Sponberg: This is from january 25th.

Adams: Thank you for your testimony. Next four.

Adams: Would you like to begin.

Lindi Light: I am lindy light, and I am a Portland state university student. And member of the, of the coalition for responsible and accountable police presence.

Saltzman: Can you move the microphone closer to your mouth?

Adams: We can't hear you.

Light: And we are opposed to the settlement agreement reached between the city of Portland, and the u.s. Department of justice. Concerning plans to address unconstitutional use of force. By the Portland police bureau. Against members of the community. And as residents in Portland we want

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to see this self defeating accountability system completely eradicated. We believe that the only way that this can occur is through the community being given the responsibility of the oversight to ensure our constitutional rights are protected. We fully support the proposal for an independent civilian compliance and reform authority. And with subpoena power. And we have created a campaign to educate the community about the inadequacy of the agreement that does not include a truly independent civilian reform authority. We refuse to allow the continued suppression of public participation in the process of creating change in the oversight and accountability process. And we feel that is so vital in ultimately improving the Portland police bureau practices that negatively impact our fellow citizens. The city must allow citizens to elect a civilian authority to monitor the implementation of the department of justice reforms, and we will not rest until the citizens are at the heart of this process. My personal reason for being here is first, to advocate for the fair and equal treatment of my neighbors, in east Portland. Who are, who I have seen first hand, police harass my black and latino neighbors, and second. The second is because myself, and my 11-year-old daughter will continue to be out in the streets standing up for our rights and beliefs, and we want the police to help us, and be on our side.

Adams: Thanks for your testimony.

Seth Woolley: I am seth woolley the treasurer of the, of the Portland green party, and the candidate for secretary of state. In the most recent election. And I was looking over the document, and there are a number of shortcomings. I sent an email regarding the proposal. One is, is that we should use representation using single transferable voting. And so ranked ballots, and so you can choose your order of preference. When we do the vote, in the citizen advisory board, it needs to be not that, this, this top five, top ten system, because that allows, that allows the ringer type situations where if you have a lot of people from the african-american community showing up, for example, and they get first choice votes, they may only get one person or two people maybe, on the board, and you want to have proportional representation from the community, and the other thing is, you have 15 people who are voting members, but only five of them appear to come from the public directly. Every single one of the members needs to be from the community, and not from some sort of appointees of appointees situation where it ties back to the city. It needs to actually be the, you know, accountable to the citizens, directly. And it says the coid shall report to cocl, paragraph 144 I think it should be the other way around, the liaison officer needs to be accountable to the board and, to me, the problem is really about accountability, and the culture in the police department is one of where every interaction with the public, it's all about control. They want to control the situation, and what they need to be protecting are our civil rights, and the constitution. And I don't think that that's happening. We're not getting -- in the march, on november 3rd, they should have just allowed the, the first amendment right for people to be expressed rather than stopping them.

Adams: Thank you for your testimony. Welcome.

Jessica: I am jessica, and I am going to be presenting some video footage of a friend of mine, a u.s. Veteran getting victimized and brutalized by the Portland public police. It happened on january 25th. (video playing)

Jessica: I am stepping onto the sidewalk after we'd been told to get on the sidewalk. Put those on the sidewalk where people are standing.

Jessica: The people, including myself were arrested, pulled off the sidewalk after being told several times by p.d. To get on the sidewalk. We were pulled off the sidewalk and then arrested.

*****: Peaceful protest: Peaceful protest: Get out of the way:

*****: It is not worth it. It is not worth it. It is not worth it.

Adams: Thank you for your testimony. Sir.

Michael O'Callaghan: Howdy, michael o'callaghan, back at you again. As I have testified to you before, i've been homeless here, in Portland for about six years. And, and my first week on the streets, I had 16 contacts with the officers. And I have a lot of contact with officers. And quite

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aware, mr. Mayor, I appreciate you talking about public safety because people on the streets don't have that. We are not safe. On the streets, at all. And that's one of the reasons why i'm here. Ok. I made a complaint at the police conduct commission, and I was featured in one of their quarterlies, and the only thing they got right was the date. Everything else was wrong. Ok. And oversight, overview, give plea break. Dan, you had the police bureau for a while and you could not control them, sam you took them over, and you cannot control them. You have heard from the people. They are out of control. Thank god the department of justice came in to give a little control to the process. But this is just a mandate. You guys are going to walk and we're going to suffer, ok. Now, the real question here, that really can't be answered by the justice department, or you or the police, is how can the police tell me from someone who has a mental illness? They got this trouble because they were thumping on the mentally ill. I don't see how you can distinguish. They thump on us. That's ok. They thump on the mentally ill, that's not ok? And the investigation is accurate. The police do mistreat the mentally ill. But don't stop there. They are not exclusive to them. In who they mistreat. But, thank god the justice department is here, justice department, please don't go away. We're going to need you. Thank you.

Adams: Thank you very much. How many more?

Moore: Six more. Including the next four.

Adams: Welcome, would you like to begin? Would you like to begin? I'm sorry.

Rober Weidner: I am roger weidner, a former attorney, public prosecutor, in 1975, 1976, I was the director of the consumer fraud department, in the Multnomah county district attorney's office. And I was also the 1998 Oregon reform party candidate for governor. The last 24 years, we're trying to speak in the these courtrooms, about innocent people in this state having their children and property taken. I and many others were arrested many times violently. I was choked to the ground in the Multnomah county courthouse for trying to come in, and speak like i'm speaking now, about the abuse that's going on in the system. And I was shackled of course taken up, and sent to the Oregon insane asylum in shackles, and while there, I was forcibly held down by guards, needles stuck in me, and forced and in chains to submit to examinations. All for trying to speak in the courtroom. And i've been trying to -- violated, violently assaulted and arrested twice in the driveway of my home in one case, my parents, my father, former Portland deputy fire chief, was threatened with arrest, and they came to me assistance. And repeatedly doing this to keep me from speaking in the courtroom. When I do speak in the courtroom like now, and I get through and I asked them, I said do you have any questions, and I have had these judges on stand asking, they have no questions. And so it's that. It's this kind of opens, daylight that is needed to stop this. I said, I am not only an authority, I am an authority, I ran the consumer fraud department. I am very much aware, the police used to sit in my office to get me to issue complaints after they would arrest someone and I would say, smith, why did you arrest him, he was giving me the finger or doing something, and I said I will not -- and I would issue a no complaint and release them. It's restoring the rule of law to the police department. They are sworn officers, and they take an oath to see that, that the citizens' rights are, are observed, and that's what we are intent on seeing happen in this city. My mother came here as an immigrant --

Adams: Your time is up.

Weidner: I'm very much attached to poured, it's my town.

Adams: Thank you. Hi.

Laurie Benoit: I am lori benoit, and I went to grade school and high school in the buckman area and also, I graduated from Oregon state. When I was there, and I was in the front row, this saturday when, they sprayed us, with pepper spray, and they did not stop. Just kept going and going. Until we were not aware, I didn't know that neighborhood. It was that bad. Right now, i'm on medical -- I have to see doctors, several of them because I have problems with my eyes, and my lungs, and I cannot breathe. I've never been on an inhaler, I have an inhaler, it's ridiculous, I have son who is a

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teenager, and we were there, and I was there in the front row with other people, many of them teenagers. And we were expressing our right, you know, and we have a right to. And no warning, I heard no police officers, and I was in the front row, say anything about pepper spray or anything about backup off the street. The only thing that I had heard, a few minutes before, is female police officer on a, on a, a bike saying, you cannot be on the sidewalk. And would not let anybody on sidewalk. They had us pinned in there, and then think they started spraying, I did not have my glasses on, the police, they just started spraying, and directly at us, and it's coming at us, and all these, these kids, like I said, I have a teenager son, as well. These teenagers, they are all dropping and i'm there going, oh, and I put my glasses on and I am trying to hold up the banner there because the police are all coming up, they destroyed my bike, and they damaged my eyes, my lungs, and where is it going to end? I probably, have some other, other emotional things from, this and so do many other people there, because it's an emotional trauma that they are doing. They keep doing it. I was at a park, you cannot be anywhere in Portland. They tell you to get out of the park, off the sidewalk and out of the streets, where can we go to, to voice our concerns about what's going on? This is ridiculous. Something needs to happen. [applause] I've been in Portland since the 1960s. And I have seen no difference. I've been a mental health professional in this town, nothing has changed. No oversight or transparency. You continue to abuse and kill us and use pepper spray. It's ridiculous, it needs to stop.

Adams: Thank you for your testimony. Next four.

Nan Wigmore: I will speak. I am nan wigmore and I push walker, and I have a sign. It reads great grandmas support, occupy, the reason, i'm looking at these brave young people such as the students that came forward with their signs, and their bright eyes. And they came to learn about our government. So, I thought that I was going to, to just watch. And go along. And I have to tell you, i'm not in this movement of occupiers. There is -- someone else said, so many dedicated people. This is the future. The future, are police and yourselves, are going to be caring for. You know. So, I had a couple of events, and on may 1st, I watched woman being, being hit with a baton. And from a police officer, and I was with people who were happy, it was at the end of the day, I had just come the library. I saw that, and I was encouraged to stay off the street. And I was with the others, and when I saw her being beaten, she was walking. I had to step into the street. And when I did, the officers came and, and sure enough, they were ready to -- so I held up my hands. Because they should take the grandmothers because they don't like to watch, have the media and other people watch. What happens. And I heard one of the officers that night. Say to the one next to him, this does not look good. Because they had this woman and, and the other one said, it does not look good, and another one said, take her around the corner. Take me around the corner. That's fine. Why would they take me around the corner? Other people beside me were cuffed.

Adams: When was this?

Wigmore: May 1st. The may 1st protest. This last weekend, I was right behind cameron whitten. He, actually, fell back into my arms. He had the sign saying, amanda Fritz for commissioner. All over him, you know. I have those signs at my house. They are in a bag. Why are they there in a bag? Because we were pepper sprayed. I got some spray, not very much, I forgot that that was what's going on. I was watching people, including cameron, in agony. In agony. This is citizens. This is citizens that voted for you. When someone said shame on you, I don't like -- I didn't shame my children. But I have to say, this is not good. We vote, we vote, this is america. We grew up proud in my generation.

Adams: Thank you for your testimony.

Wigmore: You are welcome.

Tom Steenson: I see you again, I have technical points to reiterate some of the things I said last week but more specific in terms of the agreement. There were a number of forced recommendations well thought through, neither in the original agreement, they are not in the

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revisions, and where I was told by the department of justice, that all of the forced policies are going to be reviewed and revised, as necessary, once the agreement is signed. And I just want to make sure it's in the public record because I did not read the agreement to say that. And I think it would behoove you rather than to leave it the way that it is, to look at the recommendations on force --

Adams: It's in the agreement.

Stenson: That's your interpretation, of what the aclu recommended. I think the specifics should be in there as much as the taser specifics are, in there, and they are not.

Adams: Just to clarify and I will give you more time. The draft, use of force and taser policies are up for public comment. And those will also have to be approved by the doj, and that's the, the sops.

Stenson: I don't think that they are all up for comment, all the force provisions.

Adams: Those two are.

Stenson: Secondly, the department of justice found, as the, the city has been informed repeatedly, and you are aware of, that this police bureau does not provide for variety of reasons proper and attentive medical treatment. They lie to amr. They don't present enough information. They don't call to help. And there were recommendations made as to how to improve that, in terms of a policy statement, and there is nothing like that in there or the agreement that suggests medical attention policies are subject to the agreement, and therefore, subject to review and oversight by the doj, and it should be in there. Third, the system is broken, everyone has had that, it's true, the culture inside police bureau hasn't changed in the 35 years that I have seen it. And there have been various formulations of internal review, and the police, policing itself, it's a colossal failure. You cannot discipline any officer for particular force that results in death and there is nothing in this agreement despite recommendations that would take steps to do that. There is nothing in here. You are not doing a thing to try to get control of the union and the police officers that brutalize people.

Adams: Your time is up. Do you have written testimony?

Stenson: I would recommend along with others that since it has been broken, for so long, that you have no choice but to adopt an independent police review commission, get it to the civilians, and get subpoena power, and try and get a hold --

Adams: Your time is up. I have 170, requires public review of policies, two of which are up for review on the police website. And it says, I just want to reassure you, that it says, that the chief shall post a final, post drafts of all new and revised policies for proposed specific forced training, community-based mental health services and employment information systems and officer accountability and community engagement to allow the public an opportunity for noticing comment prior to finalizing such policies.

Stenson: That's not a review of all policies, which the agreement calls for. It's a selective basis.

Adams: I want you to know those two policies are up for review right now and all other policy that is relate to those items have to be up for public review, as well. Welcome.

Chris Henry: I am chris henry. I just finished running for attorney general as a candidate. Here in Oregon. What I want to address is, on november 3rd, I was out there at the protest, as well. I was just outside of the radius where everyone got sprayed. And I saw the aftermath, I taped it. On my cell phone, and I saw a lot of people, in definite agony, and struggling to, breathe. Struggling to see. What, what I saw, was i'm also a teamster. When we form a picket line, we don't require a permit. For our freedom of speech. The protesters don't require a permit to be out there in the street. And to use the right-of-way. So, when teamsters are on a picket line and we're down there on the sidewalk. We don't require a permit to walk back and forth across the driveway apron to be out on the street. A larger protest, a larger picket line, such as what we saw on november 3rd, requires a larger portion of the street. We're entitled to it. We own the streets. Even the anarchists out there know whose streets. They are our streets. And we need access to them in order to exercise our free speech rights. But, there is a discrepancy, a difference between how we are treating peaceful protesters and how we are treating other event groups, such as like when susan g.

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Komen comes to town. You don't see cops slowing up preemptively in riot gear to control that crowd. But, every single protest you have homeland security, and --

Adams: Your time is up. Your time is up. Thanks for your testimony. All right. I would like to move the stephanie harper at the beginning of the event, beginning of our hearing, and clay neal went through the amendments for exhibit a, so I would move the amendments to exhibit a.

Fritz: Second.

Adams: Its been moved and seconded. Karla can you please call the vote.

Fritz: These amendments do incorporate a lot of testimony that we heard last week. I personally went through on monday and listed everything that we heard last week. And many, many of the suggestions are incorporate in this document. As the mayor mentioned earlier we will be accepting continued written testimony to see once you have had a chance to look at it. And if you think that it's better, and does incorporate the needed testimony, I am very grateful to the mayor and the department of justice for continuing to work on this. Particularly happy to see the changes to the makeup of the community advisory board. Aye.

Fish: I want to echo what commissioner Fritz has said. This incorporates a number of changes that came out of testimony that we heard last week, and I appreciate the work of clay neal, in coordinating the discussions at council, I appreciate the opportunity to spend time with commissioner Fritz, understanding her concerns, and mayor Adams, thank you for the time that you spent, that is work in progress but I believe the substitute, this amendment contains some significant improvements over the prior draft. I will vote aye.

Saltzman: Aye.

Adams: I, too, want to thank clay neal, stephanie harper, dave woboril, jim van dyke and others who worked on this and also the department of justice who has worked with us on these changes, and this goes for further council consideration next week. Aye. [gavel pounded] we are adjourned.

At 5:50 p.m. Council adjourned.