



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF OCTOBER, 2012 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Fish and Fritz, 3.

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

DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS OCTOBER 3RD, EMERGENCY ORDINANCES AND CONSENT AGENDA WERE HEARD THURSDAY, OCTOBER 4TH AT 2:00PM	
COMMUNICATIONS	Disposition:
1105 Request of Frances Quaempts-Miller to address Council regarding the undemocratic procedure behind water fluoridation (Communication)	PLACED ON FILE
1106 Request of Jimmy Tardy to address Council regarding camping ban (Communication)	PLACED ON FILE
1107 Request of Mary Eng to address Council regarding Half the Sky project for global political, civic and economic empowerment for women (Communication)	PLACED ON FILE
TIMES CERTAIN	
1108 TIME CERTAIN: 9:30 AM – Declare October 2012 Domestic Violence Awareness Month in the City of Portland (Resolution introduced by Commissioner Saltzman) 20 minutes requested for items 1108 and 1109 (Y-3)	36961

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<p>1109 Accept report on two years operation of the Gateway Center for Domestic Violence Services (Report introduced by Commissioner Saltzman)</p> <p>Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Fritz.</p> <p>(Y-3)</p>	<p>ACCEPTED</p>	
<p>REGULAR AGENDA</p> <p>Mayor Sam Adams</p> <p>Bureau of Planning & Sustainability</p>		
<p>S-1110 Adopt new supporting documents for an update of Portland's Comprehensive Plan (Second Reading Agenda 1098)</p> <p>(Y-3)</p>	<p>SUBSTITUTE 185657</p>	
<p>Bureau of Transportation</p>		
<p>1111 Assess benefited properties for sidewalk and stormwater improvements in the SE Water Ave and Yamhill St Local Improvement District (Second Reading Agenda 1100; C-10038)</p> <p>(Y-3)</p>	<p>185658</p>	
<p>Office of Management and Finance</p>		
<p>1112 Authorize revenue bonds for the SE Water Avenue relocation and the Clinton to the River multi-use path projects (Second Reading Agenda 1101)</p> <p>(Y-3)</p>	<p>185659</p>	

At 10:39 a.m., Council recessed.

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WEDNESDAY, 2:00 PM, OCTOBER 3, 2012

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

October 4, 2012

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF OCTOBER, 2012 AT 2:00 P.M.

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

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

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

The meeting recessed at 2:40 p.m. and reconvened at 2:53 p.m.

	Disposition:
1113 TIME CERTAIN: 2:00 PM – Authorize City Attorney to appeal an order issued by the Employment Relations Board in Portland Police Association v. City of Portland, UP-023-12 (Resolution introduced by Mayor Adams) 1 hour requested (Y-5)	36963
CONSENT AGENDA – NO DISCUSSION Mayor Sam Adams	
1114 Authorize a grant with Outside In in an amount not to exceed \$65,000 to operate the Injection Drug Users Health Services Program (Ordinance)	PASSED TO SECOND READING OCTOBER 10, 2012 AT 9:30 AM
1115 Appoint Dion Jordan to the Portland Parks Board for a term to expire June 30, 2013 (Report) (Y-4; Leonard absent)	CONFIRMED
Office of Management and Finance	
1116 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 (Ordinance)	PASSED TO SECOND READING OCTOBER 10, 2012 AT 9:30 AM
1117 Grant a right-of-way use agreement to Sprint Spectrum, L.P., for three years for mobile telecommunications services and establish terms and conditions (Ordinance)	PASSED TO SECOND READING OCTOBER 10, 2012 AT 9:30 AM
Commissioner Amanda Fritz Position No. 1	
1118 Amend Resolution for City policy opposing coal trains traveling through the City of Portland to add a section on Health Impact Assessment (Resolution; amend Resolution No. 36959) (Y-4; Leonard absent)	36962

<p style="text-align: center;">Office of Neighborhood Involvement</p> <p>*1119 Authorize \$3,000 grant agreement with Neighbors West Northwest to provide real time translation to member of Northwest District Association with a hearing disability so they may participate in meetings through June 30, 2013 (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>185660</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2 Portland Housing Bureau</p> <p>*1120 Authorize Intergovernmental Agreement with Multnomah County and the City of Gresham to receive payment in the amount of \$3,400 and \$10,000 respectively for production of the annual Action Plan FY 2013-2014, updates and other plans and performance reports as requested of the Consortium by HUD (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>185661</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3 Bureau of Environmental Services</p> <p>*1121 Authorize application to United States Fish & Wildlife Service for a grant in the amount of \$50,000 for Crystal Springs Culvert Replacement Designs (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>185662</p>
<p>REGULAR AGENDA</p>	
<p>Mayor Sam Adams</p>	
<p>Bureau of Police</p>	
<p>*1122 Amend contract with David M. Corey, Ph.D., P.C. to provide additional funds for psychological examinations for the Portland Police Bureau (Ordinance; amend Contract No. 35139)</p> <p>(Y-4; Leonard absent)</p>	<p>185663</p>
<p>Bureau of Transportation</p>	
<p>*1123 Amend agreement with Portland Streetcar, Inc. for vehicle engineering services related to streetcar vehicles being procured from Oregon Iron Works for the Portland Streetcar Loop Project (Ordinance; amend Contract No. 30001193)</p> <p>(Y-4; Leonard absent)</p>	<p>185664</p>
<p>*1124 Amend contract with Portland Streetcar, Inc. to provide additional professional services for design and civil engineering for the Portland Streetcar Loop Project (Ordinance; amend Contract No. 37279)</p> <p>(Y-4; Leonard absent)</p>	<p>185665</p>

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<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3 Bureau of Fire and Police Disability and Retirement</p> <p>*1125 Amend the Fire and Police Disability, Retirement and Death Benefit Plan so that the Plan will retain its tax-qualified status (Ordinance) (Y-4; Leonard absent)</p>	<p style="text-align: center;">185666</p>
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At 3:42 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.

OCTOBER 3, 2012 9:30 AM

Saltzman: We have a proclamation and a recognition of roosevelt high school's homecoming week, so I will turn it over to commissioner Fish with the proclamation.

Fish: Thank you, would our friends from the timbers please come forward and take seat. So good morning. And before we get started today, I would like to present a proclamation this morning on behalf of mayor Adams and the council to the Portland timbers. We're joined today by mike golub, the chief operating officer. Timber's director of community relations, christa thoeresz, who is also new member of the Portland parks board. Former timber's player and alumni ambassador, mike hogan, and original timber, who also played for team called ashton villa. I have never heard of them. I'm sorry, I stole her line. And Portland timbers defender chris taylor. Chris, welcome and we wish you a speedy recovery. Next week the Portland timbers will be bringing Portlanders together throughout our great city for "stand together week." a full week of community service Activity. And before we hear bit more about that, I am going to read the proclamation. Whereas the city of Portland proud to be home to the Portland timbers. Our major league soccer team, and whereas the Portland timbers are committed to giving back to our community. And whereas the city of Portland is proud to partner with the Portland timbers in organizing "stand together," week of community service from october 8 through october 14, 2012, and whereas 1,000 stand together volunteers, including timber's players, the timber's army, coaches, and ambassador, staff, community members, will come together for week of service, and whereas stand together volunteers will participate in over 40 community events and projects throughout our city. And whereas community service projects will include building homes, tending gardens, restoring local parks. Pulling ivy, painting schools and much more. And whereas stand together will support local mission driven nonprofits, including habitat for humidity, the native american youth and family center, the american red cross, and hands-on greater Portland, and among many others, and whereas stand together is a call to action by the city, the Portland timbers, and our community partners to inspire people to give back through community service. Now, therefore, i, sam Adams, mayor of the city of Portland, city of roses, do hereby Proclaim october 8-14, 2012, as Portland timbers stand together week. In Portland, and encourage all residents to recognize and join in this week of service to our community. Would you please join me this morning in thanking the timbers for their commitment to making this better place. [applause] with that, mike, would you please take it away.

Mike Golub: Thanks, commissioner Fish and city council for your ongoing partnership and recognition of this week. We're enormously proud of the community work that we to throughout the year, but this week is special. It's really meant to show the great work to our team does, our players do, and our fans. We have an incredibly philanthropic community-minded fan base, and this is a week of 40 projects as the proclamation referenced throughout the city, with a great variety of incredible nonprofit doing great work for people in need, and every player, every coach, every staff member, and a thousand fans and people in the public are participating, so we're very proud of it. And we appreciate the recognition.

Fish: Christa.

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Christa Thoresz : I would add that I think the city and the fans in Portland really give so much to our team, and we're really happy to give back.

Fish: Christa, you were a soccer player in your day, too, right?

Thoresz: I was, yeah.

Fish: Chris, do you want to Say something?

Taylor: I am going to be out in happy valley planting trees with none other than timber joey.

Fish: Wait a second.

Saltzman: He plants trees? [laughter]

Taylor: He comes down about every ten years.

Fish: He's atoning. Week of atonement.

Taylor: And you can sign up on our website to join me, and all the players, whoever you want to see, you can sign up to come and volunteer with them, as well.

Fish: When we're finished amanda will ask you what the website is, and where we can get the information. Mike, you are the, the ambassador for the team. You are one of the original timbers, and you are a big star here and in europe so we're really honored to have you with us today.

Mike Hogan: Big in terms of my size these days. I started, in april of 1975. And working with the timbers, and I am proud to say that this is really the culmination of community work over the years.

It's all come together and knitted together nicely. I am very proud of being part of this great franchise. And thanks to the city for helping to put Portland on the international football map. Thank you.

Fritz: When did you play for Aston-Villa?

Hogan: In the early 1970s.

Fritz: I bet my dad was watching you. [laughter]

Fish: He told us that birmingham has how many premiere clubs?

Hogan: we only recognize one, but there is another team called birmingham city.

Fish: Never heard of it. [laughter]

Fish: How can people get information if they want to sign up or learn basketball opportunities?

Golub: We still have spots available. Portlandtimbers.com standtogether, and there is a whole list of the projects every day and every time slot, which player has been assigned and participating in each project so for those interested, jump on our website and sign up.

Fish: The council were like to get a quick picture if we could.

Saltzman: Now we have a wonderful opportunity before we start our normal business to welcome some students from roosevelt high school, and it is their homecoming weekend this weekend, and we have andre, abbey, and megan, who are going to talk to us about the homecoming weekend so if you three could come up here.

Saltzman: Good to see you rough riders in our chambers. So, whoever wants to start. Why don't you gives give us your name and tell us what grade you are.

Andre: I am andre, and I am the president at roosevelt, we're here with our student government behind us.

Megan: My name is megan, the senior class president.

Abby: And I am abby, the junior class vice president.

Saltzman: Ok. Did you want to tell us about homecoming weekend briefly?

Megan: first we want to talk bit about our, how the school has been improving.

Fish: Move the mic closer to you.

Megan: We want to talk a bit about how our school improving. So we have a saying around our school that roosevelt is on the rise. And that's truly important to us because we have been improving over the last three years, so we've doubled our incoming freshmen class, my freshmen year, we had a class of 150, this year we have 300 freshmen. So, it's a huge jump for us, and our graduation rates are going up, and student involvement going up. When you look at our clubs, you

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see every club has a really big student body in it. And so, that's really important to us, so you see that the student body is improving. And then we also want to talk about how the bond measure is going to affect us. Is, you know that the student body is improving, and also, we need our school building to improve so abbey will talk about that.

Abby: So, in case that you were not aware, i'm also the roosevelt student intern, on the our Portland school bond campaign. I work on the communications team. So, I just wanted to give a spiel about it why I support the bond as a student. Because as a student at roosevelt high school, I attend the school and have been since I was in fifth grade. So, I have had first hand personal experience in these Buildings, and the condition really do take a toll, take an effect on myself. Other students because you cannot concentrate when the building around you is crumbling, and it affects teachers who cannot move around the classrooms or give attention or help to, to the students when, when they, themselves, are affected by a small classroom, lack of equipment and things like that. And I just want a, a better, a safer future for my younger siblings because I have younger siblings, and a better, safer future for future roosevelt rough riders, that they can be proud that they got a degree at roosevelt high school, that they graduated, and they don't have to go through the same, honestly, miserable things that we have to go through school every day, not just at roosevelt but at high schools in the school area, and that we have students, faculty, and we are the future of Portland and the future of the world. We have a voice, and even though we cannot vote yet, we still deserve to talk about the issues that we feel so passionate about. So, that's what I wanted to say about the school.

Saltzman: Thanks.

Megan: And we wanted to invite everybody to homecoming.

Andre: Yeah so this is a big week for us. As you know, before homecoming, it's spirit week. Monday was breast cancer awareness day so everybody in the student body wore pink, at least that's, that was supposed To happen. And tuesday, yesterday, was, actually, crazy hat day. I wore my pink hat with the ball on it. And today is twin day/mustache day, and we did not want to wear our mustache this is here. This is spirit week, and our freshmen are taking it really good, too. This is a good experience, something that they never had in middle school so they are really excited about it. But most importantly on friday, that's the big day for us. We play madison, and our sports teams are doing well, and madison is having a great season along with our riders, so it will be a good matched game. But at noon some of the festivities start. We have a parade, our student government will be in the parade. And our homecoming court will be in the parade, hopefully I will win king. And then starting at 3:00 is our pep rally, and at 5:00 we're going to have a bonfire/barbecue so enjoy the festivity with the student body.

Saltzman: Great. Thank you. Did you have something?

Fish: Could I add something? Last spring, my Multnomah county commissioner sophia set up a forum, and we met with some seniors and juniors at roosevelt. We had a civics class, and we've been doing that in a number of high schools and, and my, my impression was that it was one of the most engaged class, of People that we met. And everybody either read a newspaper or listened to the radio or followed the news and had strong opinion on the issues, and there were a lot of people interested in public service. And so, I just want to congratulate you for what you are achieving there and tell you that people are noticing that your school is on the rise. And you have a lot to do with that.

Fritz: I plan to be at the dinner tomorrow evening, and I want to remind everybody in Portland that this council invested \$200,000 in the roosevelt athletics improvements. Sometimes people wonder why we would do that during a recession, and the answer is because we care about the students at roosevelt and we believe that you deserve the best of facilities for recreation and for sports, as well as for the great academic achievements you've been making, so thank you for coming to talk to us

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this morning and staying in school, getting your diploma, and telling us all about it. Roosevelt is on the rise.

*****: Thank you.

Saltzman: It's great to see the student body, the student body government. It's really good to see people getting involved. At the local level, and roosevelt, definitely, is on the rise, and we're very proud of you. And keep up the good work because you are really good ambassadors for roosevelt.

Thank you, and good luck on friday against madison. [applause]

Saltzman: Ok, now we will begin our formal meeting. Karla, could you please call the roll. [roll taken]

Saltzman: Ok, our first item -- oh, we have communications, if you could read the first one, please.

Item 1105.

Saltzman: Mr. Miller or miss miller. Ok. Why don't read the next communication.

Item 1106.

Saltzman: Mr. Tardy.

Jimmy Tardy: Good morning.

Saltzman: Welcome. If you could take a seat, and give us --

Tardy: I will leave this here. I want you to see what I have put together. I'm here to talk about --

Saltzman: First, we need your --

Tardy: I want to talk about the camping ban.

Saltzman: Give us your name.

Tardy: Jimmy tardy.

Saltzman: And you have three minutes.

Tardy: Thank you very much. So, i'm here to talk about what has been come to be known as the camping ban. And as you came into city hall today you may have noticed a vigil on the patio of city hall, which has been here since december of last year. So, we're closing in on a year. The vigil is to request one thing of the city council. We're asking the city council to, to restore some humanity to The ordinances relating to people protecting themselves from the elements on the street. And I came to realize that, that part of the problem is confusion. We call at no time camping ban. And just for, for the city council members, I can point out the middle of this here, this is what we all think of when we think of camping. You will notice people are out of the woods. They have got a campfire. They have got tent. And there is trees and sleeping bags. These are important. People. Nobody is confused about this, as being camping. Well, next to this, you will notice the theme, which may look familiar to you. Which we call living on the street. This is not camping. And I understand that there is some confusion, and I understand why there might be some confusion. Because there is a lot of similarities, like there is trees and there is people in sleeping bags. But, this is not camping. The people in the middle who are camping, probably want to be there. They are probably having a good time. The people on the side here, who are living out on the street, probably don't want to be there. And they are probably not having a good time.

Language is that important. It gives us false impressions. That's what i'm here to talk About today, is the false impression that we create when we call this a camping ban. This is not a camping ban. This is a ban against people getting to have the most basic human function called "sleep." and I would like to point to the other side of the diorama here. Which may look familiar to you, as well.

Let me apologize first off for how shabby city hall is. Let me just say, you can tell protesting because oftentimes there will be signs, which I have some miniatures here. I would also like to say that there is one other little aspect to this. And the fact that the sign and the people maybe holding a vigil out in front of the city hall, you also notice there is a concentration of courage in this area right here. I would like to point out these, that the courage concentrated right here.

Saltzman: Mr. Tardy, your time is up.

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Tardy: Thank you very much.

Saltzman: Could you please read the next communication, Karla.

Item 1107.

Saltzman: Welcome, mary. Give us your name, and you have three minutes.

Mary Eng: My name is mary eng, and I would like to request that the undemocratic restraint of minutes allowed to public matters of importance be extended as part of the previous allowance. I am here to speak today about how the aha foundation, carmen nirvana and fair girl and women Under siege, the foundation has trained the nypd on understanding honor violence and killing. And carmen nirvana was founded by a person in england, and she is reaching out to members of parliament to understand the systems of enforced marriage and child marriage. So, her hotline lab very important, and instrumental in helping women under threat of violence to have resources to go to, and it deals with sex trafficking in america, and child trafficking and sex trafficking, so I urge you to check them out, and women under siege deals with torture in syria and stereotypes of the hajab being a prevention of rape. We have previously talked about the nicholas krisof article, with the [inaudible] of the nypd and the los angeles police department failure to assess rape evidence. We also talked about issues pertaining to the violence that homeless women experience on the street as an undo form of gender-based violence. I think this project, it's very important to realize that we need to connect the global with the local. It's easy to say, oh, child trafficking of women in india is a sad thing. Well, we ignore and turn a blind eye on the homeless women on the street. Here's my, my friend, matthew, who does social work on the street, which is unsalaried which pertains to women who experience violence as homeless people. Thank you very much. She's very well read and puts a lot of work, take what she says seriously. I appreciate what you said. And thanks for listening to me today. She caught me while unexpected so excuse me. I would like to agree with mary that, that, you know, i've been out there the last year and whatnot, and there is a serious issue out there with these women. There are several who are extremely frighten. I think that we recently had that serial killer caught in, and the police when they drive around at night, and I am not saying that they are intentionally doing anything wrong but it can be scary. They are always looking at everyone they are going at, and I have seen women that won't talk to anyone, cuddling into corners scared, you know, if you try to offer them help or whatnot, and again, I would like to say, it's a very scary scene to see and have them hiding under bridges. I think it should be looked at. I would be happy to speak more when you have time. You know where to find me, i'm out front because I think it's important that we address this. Thank you very much.

Saltzman: Thank you very much.

Eng: Thank you very much for your commitment to ending gender-based violence in Portland.

Saltzman: Karla, read our two time certians.

Items 1108 & 1109.

Saltzman: Ok. Well, today we declare october 2012 as domestic violence awareness month and commit ourselves as a city to doing more to end the cycle of violence in our community. Domestic violence a pervasive problem in our city accounting for approximately 5,000 calls to please service each year. Part of this counsel's commitment to stopping this has been opening the gateway center for domestic violence services in september 2010. The county is also a partner in this. So, for the last two years, the center created an entryway to supportive service that make it easier for victims of domestic violence to 7-eleven a variety of services under one roof. The gateway center brings together 19 different government and private sector, and private partners to cohesively serve victims and their children. The gateway center and it's staff is also transforming the type of services available to victims of domestic violence. One of those system improvements is turbo court. Which you will hear more about today from judge mcknight, the chief family court judge in

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Multnomah county. And we also have Oregon supreme court chief justice thomas balmer, but it gives me great pleasure to bring forward our director, martha strawn morris. Welcome, martha.

Martha Strawn Morris: Thank you. [applause]

Saltzman: And judges, and you can come forward, also.

Strawn Morris: Good morning, commissioners, thank you very much for having Me. I'm martha strawn morris, the director of the gateway center for domestic violence services, and i'm really pleased to be here as we, we open domestic violence awareness month to give the second annual report of the success of the gateway center for domestic violence services.

Strawn Morris: Sorry, Karla, this is not advancing. There we go. And before I get into the bones of my presentation, I would like it remind everybody about what the gateway center is. And as the commissioner said, it's a one-stop shop, that, that co-locates and by a variety of people and their children. We built it in partnership with Multnomah county. And a wide variety of other private and public partners. The center, itself, is really warm and welcoming. And we operated a public address on 102nd and east burnside so we don't do this work in secret. We're right out in the open and accessible to folks from Portland. But, the bones of the presentation that I will talk about today are what I think of as the linchpin of our service delivery model. And i'm going to, to touch on those linchpins, but also, give an additional slide about lessons that we learned related to each of the four areas in the past year. Starting with childcare services, I think that childcare having accessible childcare is important. We have a lot of parents with young children seeking services. And there is a lot of work that goes on. Efforts made by survivors in the gateway center, that would be impossible to do with a child at your knee, for example, trying to file a police report or apply for a restraining order is really tough to do anyway. But almost impossible if your two and three-year-old are needing you, so we're grateful to the city's investment in our, our childcare services, and we feel it's really crucial. Beyond that, I would like to take a moment to emphasize the additional children's services that we have. I think our children services are, are about prevention, and mitigating the impact of domestic violence on secondary survivors. We have volunteers of america home free doing support groups for kids, and outreach in the schools, to prevent dating violence, and as well as offering advocacy one-on-one and parenting support. And this year we added a therapist from impact northwest who works with parents and children together, again, who experienced violence in their home. And I really think that, that the services are going to prevent some from becoming victims and perpetrators of violence in the next generation. If I could just put my advocacy hat on for a moment since we're here. I think it's time for us all to ask ourselves what we can do to stop domestic violence, and my two top recommendations in that area are one, support the Agencies that work with the survivors and their children, and they need our support. They work very hard, and they are busy breaking the cycles of violence every day. But the second would be, and this does not cost anybody penny, talk to the young people around you about what a healthy relationship is. What you think it is, and ask them what they think, we need to arm the next generation to be prepared to recognize and reject unhealthy relationship behavior. We need the next generation to demand healthy relationships in their partnerships and we can help with that every day. Our survivors fill out a check form when they leave, and we ask them if there is anything else that they want to tell us about, and that's where these quotes come from that i'm sharing. We hear a lot of support for children services, and assets to childcare people really appreciate it, and the second linchpin of the service delivery model is navigators, they are advocates that we have in the building. They come from six community-based organizations, all organizations that I would urge you to support. And the advocates work as a team under my staff, two of whom are here today. I would like to acknowledge my amazing staff here. Thank you for your efforts over the past two years. The navigators design individual, customized services for each survivor. Their experts at safety planning, danger assessment, and They help ensure that each person is, is given the services that are most important to them. And without the navigators we would not be

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able to deliver three individualized services. But, this year we have come to really understand how important the drop-in aspect of the model is to folks. We have, because we have the navigators who don't work on appointments, we can take walk-ins all day, every day, that we're open, and we are hearing and understanding from the community, from our partners and survivors, it's critical importance to the way the services are delivered. 80% of the folks that come to the center are walk-in. So, it's four out of five, and the navigators meet with all those folks. Last year, we had more than 2,000 in brand new survivors. Come to the center. And the survivors really love the navigators. We probably hear more praise for the navigators than anything else. The third thing that the gateway center makes work is the wide variety of services that we offer. In the interest of time I will not read all these agency names, but they provide unique and critical services so that survivors kind of design their own menu of service with the help of the navigators, and without this variety, this amazing variety of public and private services that are offered, we would not be the same place. I want to talk about our highest demand services, but be cautious because the, the variety is really important. I'm not making an argument about shifting any resources from one service to another. And on any given day, a particular service could be the difference for particular survivor, between safety and danger or life and death. And so, I'm not arguing to change the variety. We need that. But if you want to know the services that are operating at capacity, basically, every day is these three. Those provided by the department of human services. Those provided by legal aid services of Oregon and those provided by the mental health services provided by life works northwest. And I am very proud that we are, I believe, a non stigmatizing place. We have a lot of people seeking those services. If I had my dream, I would have a lot more civil legal access. Folks really need access to the courts. They need custody of their kids and to be able to get divorced to move forward, and I would like to see more those. We are on deck to get another department of human services case manager out of the gateway center, so that's exciting, and that will help with that capacity issue. One participant said the staff person helped with, her with things she did not know she needed help with. And finally the aspect that I want to focus on is the access to restraining orders. Because we have the video conference feed to the downtown courthouse, in partnership with the Multnomah county circuit court, we can help somebody through the whole application process, from the paperwork that they have to fill out, all the way to their appearance that they make to getting their order. So, in the past year, we had almost 1,000 applications filed at the gateway center. We believe that represents about 40% of all of Multnomah county's orders. And the first year in operation we did about 25% so we saw an increase, and we're one of the few judicial districts that saw an increase in applications in 2011 over the previous year, and we have reason to believe that's because the gateway center has created access for folks who could not get one otherwise. So, it has been really important part of what we do. And today I am so pleased to be joined by three esteemed members of the Oregon judicial department to talk about partnership that's helped us create a new tool that, commissioner Saltzman referred to. I like to think that we are evolving our service delivery mechanisms all the time. Looking for efficiencies and improvements and ways to make things easier for survivors. And this is a were you familiar example that we are working together, this was fund through federal grant that the city of Portland got specifically so what we did is took restraining order packet, the forms are laid out at the gateway center on that counter you see in the picture. That's a restraining order application an applicant has to fill out. To get a restraining order, and we turned it into an interactive questionnaire. I have a packet in my bag that I did not bring up to show you how many forms. But I think you can take my word for it it's a lot.

Saltzman: That picture is very, is a very graphic illustration.

Strawn Morris: It's a lot of paperwork. With that, I will turn it over to judge mcknight, and I would like to acknowledge that the chief of the Multnomah county, the chief of the Multnomah

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county circuit court is here, judge dan wallace, as well as members of the d.a.'s office and police and other partners from the gateway center, so thank you to everybody.

Judge Corrine McKnight: Good morning, commissioners and thank you for the opportunity to speak today about this partnership. I have had the opportunity to work closely with martha, commissioner Saltzman and his office, and some of the advocates here in the courtroom. And in developing this new process for obtaining restraining orders, and I will talk just briefly about some of the benefits and the functionality. As martha mentioned, we have had the capacity to do video conference appearances for individuals seeking restraining orders for about, it's been two Years now, I think.

Strawn Morris: It has been.

McKnight: It seems like it has been going on. Part of us, an integral part of the court. And what the new process does is really allow us to take that same theme of efficiency and convenience to the next level. It is not that the technology is so cutting edge that no one else in the country has it because a few jurisdictions are going the same way for the efficiency and convenience and access purposes. But, what the partnership with the city has allowed us to do is to take a big step to getting Oregon courts on the road to where technology, is taking us. And rightfully so. As you saw from the prior picture, traditionally to fill out court forms one has hard copies of forms, that one has to fill out and for a litigant under the family use prevention act, that's over 20 pages of material to fill out. Not counting instructions or documents geared for the other side, for the respondent. That is formidable to anyone, much less someone without a lawyer in crisis, perhaps, with injuries, that impair concentration, or a restless two-year-old and trying to figure out where one will sleep that night, so having a web-based program accessible 24-7 where it can be stopped, answers saved and started again to meet someone's needs, done on a work computer, if necessary, or at the library, or courthouse, even, that is simply a much more user-friendly process. The initial page, and it's pretty -- a lot of text on this because they are on the first page, unlike the, the next ones as we see, when we go, but you could see a dropdown menu there, and that is one of the various ways a litigant is filling out forms. One isn't seeing a pdf, answering questions, and the answers to the questions automatically populate the form that is printed out at the end. So, the litigant is either answering a dropdown menu such as you see there, or hitting a radio button option, a list of choices, or maybe typing text into a screen describing a particular incident. And what is, I think, very beneficial is that the answers to the questions drive the branches of the logic trees. For example, if you are asked do you have children with the correspondent, you are going to jump over all the questions that deal with the child and where the child has lived and should be and that type of thing. So it's more efficient for the litigants. I think there is a benefit for judges in terms of legibility. We handle on average ten a day, and have gone as high as 28. Is, and we have a limited amount of time daily to hear these applications, so, the more legible a document, is the quicker we can understand what the litigant is saying happened, allows us to help more people give unlimited resources. And another, if you want to flip to the next page, this page really demonstrates another component of the program, that I Am particularly excited about, and that is this one. The one with the circle, the green circle showing the faqs, and that's because not just court staff, but domestic violence advocates and others spend a lot of time explaining basic procedural information to individuals who want restraining orders, and they are saying throughout the day giving the same answers to the same questions. You know. In sequence. What we have done is taken dozens of those common questions, and put them into faqs, so that when a litigant is going through the process, and a particular term or an issue raised by the page, pops the question, it's very likely there will be an answer on that side, just a click away, in terms of giving them the information that we need. And there is also a, a safety component I wanted to emphasize, and that is that we all know that in domestic violence situations, the most dangerous time the point of separation. And by having a product as accessible 24-7, as I said, before, can be started, answers saved and gone back to, and

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even in a different location, it allows individuals to, to make a more planned, careful departure in an environment that is an extremely stressful one. So we do think it's more convenient. It's more accessible. It is more efficient for not just advocates and the litigants, and the court, but a situation where we do believe is Safer, as well. I wanted to mention three other functions, just briefly, or benefits, I should say. And one is that the -- do you want to flip to the next page. The program allows an individual to repeat the, the query if one wanted to change the order, for example. So we have different paths, not just for the petitioner who wants to come in to get the order, but to modify it or to dismiss it since we know safety needs are fluid and do change, but the respondent, too, has the capability of using, to sign on user names and password protected, and to, to ask that provisions in the order be changed, perhaps, about the children or to challenge the order. But, once having used this process, one doesn't have to repeat all of the contact information and all of the addresses and all of the information that was already in the program. You can simply switch paths and deal with the new issue or if you do have a new contact address. So, it has that, that increased efficiency and ease for the user, and secondly the program has the capacity to interface with translation programs. We have on track spanish language, not there yet, but it is in the plan, and thirdly, and I think that this is probably the segue to, to chief justice balmer, the product produced is really what we need for e-filing, which is where e-court going. We have taken a giant step here, Not just for improving legal access for victims but really improving access for, and not just family law litigants, but legal access for all Oregonians. We are piloting the course they plan to take in terms of user access to the court system. And with that, I think that I will turn it to the chief justice.

Chief Justice Thomas Balmer: Thank you. I am tom balmer, the chief justice of the Oregon supreme, and the administrative head of the Oregon judicial branch. And I am just here batting cleanup to emphasize the traditional branch of support for the gateway center and similar collaborative projects with local governments and agencies. I want to thank the mayor and the council for the city's support and the city's financial contributions in making the interactive forms that judge mcknight showed us and the rest of the infrastructure at gateway available for people who are seeking restraining orders and other services. This really is the sort of thing we're going to have to do more of in the future, where you were able to get a federal grant. You were able to help staff the center, the county was able to provide the building, I think. At a time of budget cuts, and we had 15% of our personnel in the judicial branch. We don't have extra people or money to do the things we ought to be, and we need to work with the city, with the cities around the state and with counties to do this sort of efficient and innovative effort to provide Access to people, access to the courts for people throughout the state. Judge mcknight mentioned our statewide e-court program. That's now implemented at the appellate level and we're rolling it out over the next four years. And knees are a example, a good example with interactive forms, with remote video hookups between say a domestic violence center like this, and the courthouse, and e-filing, electronic filing, we can, with less cost and greater efficiency, provide people with access to the courts. So for that reason, we're particularly happy to join with you and with the county in this project. I want to just close with, with this thought. Very few domestic violence cases, very, very few restraining orders, ever get to the supreme court. We spend most of our time, we're supposed to, to on constitutional law issues, death penalty cases, and major business retort litigation, but I have gone out and sat at the trial judge hearing restraining order applications and domestic violence cases, and it's an eye-opening experience for the supreme court. Those cases, like small claims court, misdemeanors, like family law matters, they really are where the rubber meets the road as far as the citizens go. That's where most people interact with the court system. Where most people interact with government at all. And each of those cases, even Though they may seem small in the big scheme of things, they are a huge deal to the women and men and children involved. And we owe it to those citizens to provide convenience and efficient access to the courts for those kinds of cases. And the gateway

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center is a model for doing that. So, thank you again for working with us, and with Multnomah county on this important project.

Saltzman: Thank you, mr. Chief justice. It's an honor to have you and judge mcknight. I just want to say that judge mcknight has really worked hard to get this turbo court up and running, as has martha strawn morris, and we are really happy this is forming a good, cornerstone of the e-court efforts. And we appreciate you being here. I don't know in my colleagues have any questions?

Fish: I have one. I can't resist, but we have the chief justice here. There has probably been a breach of protocol. Dan probably should have offered you the big chair up here, but mr. Chief justice since you alluded to the fact that there was substantial cuts in the court system, and since today we're talking about a unique partnership where the county and the city nonprofits, the court system are trying to consider triage and fill a gap, would you care to offer an opinion about whether, at the current levels of funding today and projected, whether we are at risk of Closing the doors of access to justice statewide if we continue on the path of underfunding in our judiciary?

Balmer: Well, if we are not able to restore trial court operations' moneys, and I am not talking to the group that controls the budget. But I will be in january. No, we are going to experience greater delays. We're going to experience long time periods between the judge issuing an order and getting entered in a judgment, we had an experience in lane county where in a family law matter, somebody came in and, and at a, at a, at an ex parte hearing, and they -- the other side had filed a response, on custody manner. But it did not get entered. It did not get to the judge in time. And the judge gave custody to a different parent. And that is, potentially, dangerous. It creates potential for liability on the part of the state. And that's not the way that the system is supposed to work. Most of the proceedings like this, we expect to have two parties expect to have decided by a judge. The judge does the best he or she can. But, to have a situation where somebody has filed papers, intended to appear, but the judge never heard about that, and so changed the custody order, that is very troubling. We also have situations where arrest warrants are not cleared in time. We have circumstances where People may be arrested for say not showing up at a court appearance, and actually, they had taken care of that. But because we had not been able to process the paperwork showing that they had come in and paid their fine, they are still out there with an outstanding warrant of some kind. So, it's like the, you know, like the frog in the, in the pot, as you would turn the water up. The heat gets higher, and the frog never knows to jump out. We'll see small cracks in the system. We're already seeing some now. So one of our first pitches to the state legislature going to be for money to restore trial court operations. That we have had to cut over the last five years. And if you go into Multnomah county circuit court, you will see empty desks because judge wahler and the trial court administrator have had to cut 15% of their staff over the past five years, and that's true in our central services at the state court administrator's office, and it's true in other circuit courts around the state. So, thank you for the opportunity to make that point.

Fritz: Thank you.

Saltzman: Thank you very much for being here, and we will move to public testimony before we take vote. Is everybody signed up?

Moore-Love: We have two people. Please come on up. Mary eng and theodore benjamin landon.

Saltzman: Welcome, mary, give us your name and you have Three minutes.

Mary Eng: I am mary eng, and just to put this in a frame of reference, I want to let you know that my personal confidential information, that i, myself, was blinded by a man who ripped my glasses off my face, and he stomp on my skull. And destroying my glasses, and inflicting a large number of bruises on me, and this was in 2000 in nashville, tennessee, and I was also raped by a man who strangled me, and told me that he would kill me if I did not stop screaming, so after that, I had a very severe speech impediment related to the ptsd trauma. I think one of the issues that I wanted to bring in regards to this domestic violence work is that we have had some significant rape on psu's

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campus. And particularly, in the student rec center restroom, and I would love to make psu a rape-free campus. Also, we have many returning soldiers, 1200 returning soldiers who are coming back, and I have worked with a liaison to the veteran's administration to get expertise on ptsd, as is experienced by military rape and military sexual trauma survivors, as well as ptsd from the battlefield. So I think that ties in with the issues of protection from violence, and trauma, and also in regards to the electronic filing, I really appreciate this because I know of a story of a woman who was, actually, killed at her restraining order hearing by her partner, who she had to face. And that kind of fear should be eliminated, if possible. And I want to put in word for the citizen action because a lot of the stigmatizing that comes with rape, comes with the don't ask, don't tell, and male soldiers might have thought they could not bring up their rape and bring it forward to the community, so we really need to remove the stigma for men and children who have been raped of all genders and be very inclusive about our treatment. Thank you very much.

Saltzman: Is there anybody else who didn't sign up who wishes to testify? Ok. Seeing none, then we will --

Fish: I will move the resolution.

Saltzman: Go ahead and call the roll.

Fritz: Thank you, commissioner Saltzman for your leadership and I have heard testimony today that this is an amazing project, which we have funded, in the middle of the recession by partnerships. And the report says in the first two years, 4,149 individuals were served. And 1,544 children. And that's evidence both of the good work of the center and also of the prevalence of the challenge in our community. And domestic violence something that previously has not been talked about much. And needs to be more, and so I really appreciate the presentation, so the folks know that there is a place, a safe place to go that is effective in getting help. And i've been, been proud to

Partner with you, and see the funding in the budget, and we'll continue to do so because there is nothing more important than viewing safe, feeling safe in your home, aye.

Fish: I, too, want to add my voice thanks to dan, who has been a, a tireless champion in this area for a long time. And this is, yet, another example of something where when dan sets his mind on something, he does not stop until he gets the job done. And the other thing that I want to acknowledge is I don't think that we spend enough time recognizing the strong partnerships that the city and the county have. And the good ones slip under the radar because they are not controversial. But, the reality is this legislative body has superb relationships, and we're very fortunate in chair cogan, who has built relationships with everyone up here, so I want to thank the county for their role. And also, our nonprofit providers. It's interesting. The housing commissioner, we don't actually build housing, we contracted with mission-driven nonprofits, who are the same as the ones martha that you work with, and who, in fact, built and operate the housing, and that, that's why the quality of services that, that we fund so strong because of groups like life works. Because of volunteers in Oregon and the partnerships. So martha, thank you for your leadership, and dan, thank you for your tireless work in this Area, and I am proud to add my support. Aye.

Saltzman: Well, I would like to thank all our partners at the gateway center. Commissioner Fish mentioned Multnomah county. But, I want to recognize the court, and in particular, chief justice balmer and judge mcknight. For your partnership to not only provide the automated restraining orders, but to help the technology to facilitate restraining orders really big boost for victims of domestic violence. As mark pointed out, it's a significant statistic. 40% of the restraining orders, filed last year, were filed through the gateway center. And I can only see that growing with the use of the automated restraining order technology so that's a leap forward to making it easier for people to get justice or to be safe as they so deserve. I want to also thank the other staff, corinna and dianna lee, who are here today, along with martha. They are sort of the glue that makes everything work in that university that you saw on the power point, and I particularly want to thank, as we

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recognize you, I want to recognize Multnomah county sheriff dan staton. He provide the stuart officer. It's an important presence that makes people feel safer when coming to the center under circumstances that are often traumatic. And finally, I want to recognize Members of our gateway advisory committee. For all their help, and also, shannon callahan of my office, who always is, is, hassles been the person in my office to help make the gateway center a reality. So, she's taken it from concept to reality, and deserve a lot of credit, as well. So, pleased to vote aye. The resolution adopt and had we can call the roll on accepting the report.

Saltzman: Did you want a motion to accept the report?

Fish: So move.

Fritz: Second.

Saltzman: Call the roll.

Fritz: Thank you again for all your work and commissioner Saltzman for your leadership. Aye.

Fish: Aye.

Saltzman: Aye. Ok. It is accepted and we move onto the regular agenda. We have an s-1110. S-1110.

Saltzman: Welcome.

*****: Good morning.

Joe Zehnder, Bureau of Planning & Sustainability: Good morning, commissioner, I am joe with the bureau planning and sustainability. And with tom armstrong, also from the bureau, we're here today for second reading of the factual basis for the updating of the comprehensive plan. At your last meeting you adopted the amended ordinance and the report. In the interim, we briefed, had met with commissioner Fritz and provided a briefing. And --

Saltzman: Why don't you just turn that one off. There you go.

Zehnder: great. And the record was kept open until today. So we did not receive any additional testimony in that interim, but I believe that there is folks here to testify today.

Saltzman: Ok. Do you have anything to add?

Tom Armstrong: No.

Saltzman: Ok.

Fritz: Before you move to public testimony, I have one clarifying issue that came up during the briefing that I had, and that is a detail that in section 2 on page 9, the town centers are shown, and there is a designation of the west Portland town center, and in terms of Lents, it is not adopted, and in conversation with tom, that means that the plan is not adopted rather than the center designation, so I want to make sure that we can make that amendment as the process moves forward. We would need a formal amendment for today.

Zehnder: Correct. In the future, we'll clarify that designation. We were making a distinction between the st. John's and hollywood and hillsdale town center that have gone through a formal town center process versus the metro designation.

Fritz: With that legislative intent, I am comfortable with what's on the table. Thank you.

Saltzman: Thank you. So, we have some people signed up, Karla?

Moore-Love: We did not put one out. I thought it was second reading.

Saltzman: Is there anyone Here that wishes to testify? Ok. I see one. Bob salinger, come up.

Fish: There is a sign of your influence, bob, that you are testifying on a second reading. I compliment you.

Bob Sallinger: Thank you for giving plea that opportunity. I'm sorry, I thought it was open to the hearing. So, my apologies.

Saltzman: Give us your name.

Sallinger: Bob sallinger, the conservation director for the Portland audubon society. So I wanted to testify on a narrow point regarding the packet. And that has to do with the economic opportunities analysis and the removal of the two references in that document to the port of

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vancouver as an alternative to developing on west hayden island. We appreciate the fact that staff put that in there. We thought that was a very important piece of information that should be included, but right now, it is crossed out. In the amendments package. And unfortunately, this perpetuates a pattern of continually removing those references from documents. Oftentimes they were put in and taken out, sort of sanitizing the record, or recognition that west hayden island is not the only place that we could go. And it puts us in a catch 22 situation. Oftentimes we're told, as in this case, this is not the right time to bring it up. But when we bring it up later we are told you should have brought it up before. You missed the opportunity. We're not the only ones that think it's really important to look at vancouver as an option. In 1999, the annexation process failed in part because of the failure to take look at that, and it wasn't just the audubon society of Portland raising that, but the other organization that was pushing the need and importance of that from an economic and for an environmental perspective was the business journal of Portland, and they did editorials, and when that process was canceled, in 1999, the commitment was to really explore that opportunity. That still hasn't happened, and I think that's very unfortunate. And I think it undermines the public confidence that these are not put out in the record because people should know the options available. And, and there is a bigger issue at play on this, and that is, people assume that goal nine requires us to keep a supply of industrial lands, and it does, but also says something else, it has to be consistent with the carrying capacity of the air, land and water of the region. And that's clause perpetually ignored, we're a land locked city, we're running out of land and sooner or later we'll be out of land and have to think outside the box and the city boundaries. And we are going to have to look at the region and up and down the Columbia corridor to become more efficient and more effective and intensify the land use. And you know, it's not an exaggeration to say that if we continue on the path of saying that we only develop, we need to expand, that we're going to start to really undermine other values, and we already are. It's the reason that we could not implement the tree code on industrial lands. It's the reason in part that river plan is now in court. It's the reason that we're going to, to irreplaceable green fields like west hayden island because we're not thinking about this in a broader context. Goal nine does require that, and so we would urge you to keep that. It's not to say that that is going to be the alternative, but at least let's keep it in the record and keep it in front of people, so thank you.

Saltzman: Thank you very much. Ok. So, please call the roll.

Fritz: Well, thank you staff for all of your hard work on this project. The mayor last week brought in the six inches of documentation, and it's very thorough, and I appreciate tom's work in working with the metro policy advisory committee and me on this project. And you have done a good job in recognizing the fact of arriving at the foundation record for the purposes of meeting the obligation with the state's periodic review. I do concur with bob's comments regarding looking at the bigger picture. I think that cannon should be part of the next test moving forward. The actual policy development is still to come and will be refined through this work. On the upcoming periodic review tasks. So, goal nine does receive a lot of attention, and I am going to restate at what bob said, that the requirements are needs to be consistent with the capacity of the air, land and water. And we must balance the economic development goals with all other goals for housing, for open space, for recreational, educational and commercial needs. We have a finite amount of land in the city of Portland. And we're not making any more of it. So, we need to make sure that we use the current land efficiently and that we will move towards a balancing, a true decision-making protocol so that we consider all of the different aspects of the situation. We don't have numerical standards for how much environmentally protected land we have to have. So, when you are looking at the 20-year capacity for industrial, we need to remember that and that we have requirements to preserve Fish and wildlife and habitat. And we're confronting a lot of issues in our region about congested streets and freeways and parking and loading zones. And other commercial uses and all these things have to be balanced, simply cramming things in will have its limits, and we're reaching some

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of those. And so, that the bureau planning, sustainability staff, the city, metro and state need to work towards developing comprehensive plan policies and legislation that addresses our unique situation being a city with a finite land space, and we should ask metro and the state to define refinements to the statewide land use policies recognizing this challenge that's specific to us. 40% of the workforce comes from other locations in the metro area, and we're a regional economy. We need to act like one and develop policies that collaborate rather than compete, and I will be asking the staff to continue working at metro so we continue to push for a more regional approach, and regional funding. And because we absolutely need to fund the infrastructure that will make better use of our lands. We need to fund the cleanup of the brown fields, which will then restore the industrial lands to truly good use, and we also need to, to make sure that we look at our environmental land supply, which is also finite. And we need to develop a decision-making model that helps us to evaluate how much to protect and how, how, for the restoration from the mitigation, protection and development, and it's not just in the city of Portland. We know from looking at the superfund and looking at the natural resources, the damage assessment, that, and looking at all the influences of the columbia and the tree negotiations, and we have got to look at the whole eco-system and Whereas, where's the most valuable environmental land, the shallow water habitat and the resources that, that need to be included if we are looking at the plan policies. And so, we will need to look at how to fund all of these issues, as well as how to set the policies, and I hope that I am involved in that. Thank you to the citizen advisory committee, and to the planning and sustainability commission, and susan anderson, the bureau of planning and sustainability director, and mayor Adams for his partnership and his leadership in looking at these huge challenges which are essential to making sure that Portland stays and becomes a better place. Aye.

Fish: Thank you, joe and tom and the whole people. Aye.

Saltzman: I want to thank the bureau planning and sustainability and all the other people who have assisted in putting together the supporting studies. They are very crucial. An underpinning our moving forward with a new so good work. Aye. Is the supporting studies are adopt. And we move onto item 1111. Second reading, vote only.

Item 1111.

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

Saltzman: Aye. Ok. The item adopted. And we move to our last item, 1112, second reading, vote only.

Item 1112.

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

Saltzman: Aye. The item is adopt and had we stand adjourned until 2:00 p.m. Tomorrow, Thursday.

At 10:39 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.

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2:00 PM

Adams: City council will come to order. Before we begin the official proceedings, we have a very special guest that we would like to recognize and extend courtesies of the chamber to make a few remarks. I'm very honored to welcome to city hall the president and the ambassador from micronesia, and if you'd please come forward, mr. President?

Adams: We're very honored to have you here today. It helps to underscore the close ties between Portland and micronesia. I'd like to welcome you, we're very glad you're here.

Emanuel Mori, President of Micronesia: Thank you very much, mayor. Members of the council, staff, friends, ladies and gentlemen, I have here with me right next to me ambassador to the united states, Asterio Takesy, and I also have senator roger mori, members of our congress.

Adams: Welcome.

Mori: Ambassador james naich is also in Washington, dc, and lorin Robert the secretary of foreign affairs. I believe some of members of our delegation are still coming, or may be stuck in the traffic.

On our behalf I want to thank you for receiving us. After attending the 67th united nations general assembly, we took a tour to meet with citizens throughout the united states. We visited Missouri and Kansas and then your neighbor Washington, and then we're here in Portland. We're especially honored to have this opportunity to express on behalf of our people who are residing here as their second home away from home, most importantly I want to express on their behalf and our behalf our deep appreciation for making our citizens being part of the community here at Portland.

Oregon. I have so many students who graduated or went to school in Oregon. In the thousands. From the time of the -- up to now. And i'm also aware the largest community of citizens residing in Oregon very much be something -- there must be something special about Oregon that they chose to live here. Most certainly i'm can't thank enough the hospitable that is extended to them here. I'm very happy and very grateful that you accept and welcome them to be part of the community. I want to touch a little bit on our relationship with the united states. It would be -- we will have the second -- let me rephrase that. This is our ninth year of the 20-year term of our compact association. So we consider united states as one of our best friends, and ally. Under the term of the compact our citizens are able to come here, leave, go to school, work, and some of our young men and women also joined the military, some actually have paid the ultimate price. In short, we're grateful to the United states, especially the state of Oregon, for having our citizens remain here and be part of the communities in Oregon. So thank you very much.

Adams: Thank you, mr. President. We're honored by your visit and the visit of your delegation. And we are grateful for the strong ties that we have, our local community is a source of great strength for us, and the fact that you've come by to visit with them and to meet with us is very noteworthy, and we're very grateful. I have just a small token of hello to the city of Portland, if I could present you with a gift. There's some local coffee, locally roasted coffee. Local wine. Thank you very much. [applause]

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

Adams: Karla, please call the roll. [roll call]

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Adams: We'll consider the consent agenda. Does anyone have any items to pull? Hearing none, Karla, please call the vote on the consent agenda.

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

Adams: Aye. [gavel pounded] consent agenda is approved. We are going to take some regular items first before we do our time certain. Can you please read the title for emergency ordinance item number 1122.

Item 1122.

Adams: This is a short-term Extension as I described last time I was here at city council, as opposed to what was on the draft paper -- the draft ordinance at that time. Does anyone wish to testify on this matter? Please come forward. Anybody else? All right. Welcome back, doctor.

*****: Thank you.

Adams: Please begin.

Dr. Leroy Haynes: Yes. I am the reverend dr. Haines, the chairperson of the ministerial alliance coalition for justice and police reform. Distinguished mayor and members of this body, I thank you for the opportunity to be able to share on this particular issue. Our only major concern is on the issue of diversity. -- contract for a number of years, and one of the major goals of the mayor and this city is of the attempt to bring in more latinos, more asians, more african-americans in the contracting process. We believe that by doing a long-term contract on this, it allows the opportunity for those frame, asian, latinos, psychologists and psychiatrists that can be the only contract, so we would recommend a short-term contract on this to open up the process and to take a more inclusive initiative reaching some of the diversity of the population that would reflect the great city of Portland. Thank you very much.

Adams: I've had the opportunity to dig into the issues of back and forth, and my understanding is that we asked for feedback on the draft spec and we got some, we at that point we sent out what was going to be the contract and the date it was going to be let, but we also made a commitment that we would send out the revised contract so folks could circulate it and we didn't do that piece. Is that correct?

*****: The purchases department sent out the rfp to members of the ama regarding the draft.

Adams: Right.

*****: From there, i'm not familiar with what the process was after that because --

Adams: My office informed me a draft was sent out to members of the community, including individuals in ama, we received, I don't know from whom, some feedback and said that the final would be let on a particular date, posted on a particular day. I had said that we would also email it out to everyone and ama and beyond the draft rfp -- the finalized rfp. That piece didn't happen, it was posted on the day we said it was going to be posted but we didn't distribute it, and everyone is busy and so you didn't have the opportunity to take that rfp and circulate it with others in the community. So today this is an extension until august 31st, and i'm using this as an opportunity to -- since between when we did that original temporary and this, we now have the federal doj report, and i'm using the doj report information to look at this. So this is an extension just till the end of august. Sorry, october. Thanks.

*****: Thank you.

Adams: Appreciate it very much. We're going to get it back out to folks, and that will be an opportunity to -- and we'll make sure you get it, I will call you to make sure you get it, and others, and that will be an opportunity for them to -- to then distribute it to the folks you had been talking to to respond.

Roger David Hardesty: Will this be done under emergency provisions that will prevent further hearings or --

Adams: This always has to have a hearing, even if it's an emergency. But i'll also let you know what the time line will be for that, just as soon as clay neil comes back from a conference

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tomorrow. So we'll be able to get you the time line between now and october 31st. I've also been in conversation with the fed related to the do joe esmonde investigation to ask them about best practices on this score, and they haven't gotten back to me yet. But i'll be happy to share all of that and let you know when a new draft will be out and who will be on the selection committee, and what the time lines for people to get back their bids. And it has to come back to council and it has to have a public hearing and a vote.

R Hardesty: So this amendment number 9, is it a document that also includes amendment number 7 in which you asked for a time to review the procurement process? Last week we talked about Legislative intent, and I was wondering if your legislative intent has been satisfied with regard to amendment 7, which called for the review -- time to review the procurement process for this contract.

Adams: I did.

R Hardesty: It's been satisfied?

Adams: I'm satisfied. I know where our breakdown was, and how to fix that next time. But I still am using this extra -- using this mistake to consult with the feds on any sort of best practices we might not be aware of as it relates to the procurement of psychological testing for applicants.

R Hardesty: Can I ask clay to give me the date of that passage of that amendment 7 so I can look at it?

Adams: As soon as he comes back.

R Hardesty: It's already passed, right? Amendment 7, the one about the review?

Adams: I'm happy to have him call you when he gets back tomorrow. That was mr. Hardesty for the record.

Jo Ann Hardesty: Mr. Mayor, i'm still concerned that this apparent extension is only through the end of this month. We've had nine extensions already of this same contract since 2001, so i'm concerned that we'll be out of the room and we'll extend it again and again, and so we actually revised the rfp and actually make sure that we have -- so i'm -- what happens on october 31st if we don't have --

Adams: Prior to october 31st i'll be letting you and council know how i'm going to recommend we proceed. And what will happen between then and my recommendation is i'll be able to conclude my conversations with civil rights division, doj to see if they have any advice in terms of best practices, psychological consulting services, best practices to make sure that we not only have diversity in our latest pool of recruits over 40% not white male, but at the last hearing someone testified about the psychological diversity and have given what we now know from the federal inquiry not only about race diversity, but also about sort of psychological profile of a candidate we want.

J Hardesty: Thank you, mayor. Clearly we -- just because there are people of color they have the same culture, that doesn't change the police department.

Adams: I thought you made that case very compelling last time.

J Hardesty: Thank you.

Adams: Anyone else wish to testify on this short-term extension?

*****: [inaudible]

Adams: Thank you. Karla, please call the vote on item 1122.

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

Adams: Aye 1122 is approved. [gavel pounded] please read the titles for 1123 and 24.

Adams: Mr. Jefferson, could you look for rick gustafson in the lobby?

Item 1123 and 1124.

Adams: We'll take a moment of quiet contemplation while we round up the proper staff person.

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Adams: I have to keep the Schedule going and making sure we have availability of all the people we need. So we've read the titles for 1123-24, and if you could tell us what council is looking at, i'd appreciate it.

Vicky Diede: For the record i'm vicky diede, the Portland manager for Portland streetcar. Two items today amending contracts with Portland streetcar inc. The first one is for vehicle engineering services related to the vehicles being procured from Oregon iron works. It increases as a work and adds compensation of \$386,229. We've been here before, and when we've had issues with the cars and delays in the production of them. With me is rick gustafson and he can tell you a little bit about it, where the cars are in the whole manufacturing process.

Adams: Mr. Gustafson.

Rick Gustafson: Good afternoon. Rick gustafson with Portland streetcar inc. and shiels oblitz Johnson. The manufacturing of the production cars as we call them are being done by united streetcar in clackamas, Oregon. And the first car, 21, is in dynamic testing, which is when it's moving on the tracks. It's on the test track at Oregon iron works right now as we speak. And car 22, the second car, is in what we call static testing, testing all the wires and connections and everything, and will soon be put on the test track. We anticipate the first 21 being delivered to us december 5th. Going into revenue service on December 6th. We will have it delivered to us sometime in late november, at this point we conduct the final test of the car to assure that all the specifications and safety are met. The firm in charge of handling all those tests ltk engineering, and that's the reason for the contract here today, is the extended time and the -- what we have done is added more time in the production process as we've had more extended time we've maintained our 1½ people from ltk overseeing the manufacturing to assure that each of the component parts are compliant with the specifications.

Diede: I would just point out we've anticipated we were -- that this might come up within the project, and it's included in the continue contingency. So the overall project budget has not gone up at all.

Adams: And how is the first car off the assembly line operate little, mr. Gustafson?

Gustafson: We have the prototype that's operating in revenue service now. The prototype car is certified for revenue service on september 21st. And we put it in the service with the opening on september 22nd. It performed very well on the 22nd, we countered a problem with it on monday, which is not a surprise. Got it back into service, and we've maintained the service that's in operating today. So it's part of our fleet, and our operations, which you appreciate are stretched because we operate 11 trains monday Through friday. And we have 11 trains in our fleet.

Adams: Discussion from council? Does anyone wish to testify on 1122 or 1123? Commissioner Saltzman?

Saltzman: Both of these contract amendments are being funded through the project contingency?
*****: Yes.

Saltzman: How much contingency remains assuming these contract amendments are approved?

Diede: It depends on -- we have a number of items that we've listed that we'd like in the -- to use our contingency for, and a couple we need approval from the fta. So we have either got a slightly over 2 million, or about three or 400,000 dollars. After these contracts.

Adams: And whether or not the fta approves. What are the items on --

Diede: The big one is the wheel trueing machine. It is one of those strange things that when we put the project together, the fta was not comfortable with the amount of contingency that we had, so we took the wheel trueing machine out of the project and put it to the side. Assuming we could use contingency for it, and we've got adequate contingency to use it, and now the fta is saying maybe we can't have that money. So it's just kind of the squirrel cage we get into in some of these things.

Saltzman: Federal transit administration approves what you wish to be covered by contingency, and then after these contract amendments there will be 200 or 300,000 left?

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Diede: I think that's right.

Gustafson: Actually it would be 800,000. There's 3.2 million of unallocated --

Diede: That's true.

Gustafson: And 2 million is recommended by us to be allocated to the wheel truing machine that we've purchased. And then the 385,000 leaving about 800,000 in the unallocated contingency for the remainder of the project.

Adams: And how far along is the project percentagewise?

Gustafson: 99%.

Fritz: You've already purchased the wheel truing machine? What happens if the fta says we can't use the contingency for it?

Gustafson: We have a contingency plan for financing it. That was presented to council about a year ago. This is one of those classic items of a 14-month order, lead time for an order. So we waited until the Broadway bridge was substantially established. That was where we regarded the softest part of our ability to manage the construction budget. Once we made it over the hump with Broadway bridge and had confidence with regard to its financial consideration, we brought the council the order of the truing machine. Which is now in place, and is -- we presented it even as an effective investment for us even if we leased it. So we presented the option of leasing it if we had to if the Federal government wouldn't approve it.

Saltzman: So the contract amendments we're approving with ltk today are to bring the six cars up to -- I forget the phrase -- track ready?

Gustafson: Certified for operation, for revenue service. So the big piece of ltk's work is the certification of the car as safe for the public to ride on. So you absolutely have to have that and that's obviously an insistence by the city and the council that you have a professional certification that it's met all of the safety requirements needed to operate revenue service.

Saltzman: So with these amendments that gets ltk and assures us that this is enough to get those six trains passenger ready.

Gustafson: That's correct. That's the intent. And you appreciate the things have changed, so we've negotiated with ltk the time necessary to conduct the safety investigation based upon the schedule and the circumstances we have before us today, which is the delivery schedule I just outlined for you. So we certainly want to caution if there's any additional extension of time or circumstances that interrupt the safety inspections or something like that, that we may need to return, but it is an essential part of the safety certification to do a thorough job of completing all of the processes.

Adams: Thank you both very much. Does anyone wish to testify on This matter? These matters, 1123-24?

Moore: No one signed up.

Adams: Karla, please call the vote on both, starting with 1123.

Fritz: Thanks for your work. Aye. **Fish:** Aye. **Saltzman:** Aye.

Adams: Aye. [gavel pounded] 1124.

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

Adams: Aye. [gavel pounded] approved. Please read the title for emergency ordinance item number 1125.

Item 1125.

Adams: Welcome back.

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

Adams: How are you?

*******:** Well, and you?

Adams: Good. What are we looking at here? Commissioner Saltzman?

Nancy Hartline, FPDR Financial Manager : Good afternoon, i'm nancy hartline, fpdr financial manager. As you know, the fpdr plan is designed to provide retirement and disability benefits to

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retired and disabled police officers and firefighters. For these benefits to be nontaxable to plan participants prior to their retirement or disability, the plan must be qualified under section 401a of the internal revenue code. Qualification under 401a requires both the fpdr operations be consistent with the code, and that the fpdr plan document, which is chapter 5 of the city charter, also be drafted to be consistent with The code. From time to time congress and the irs update the laws and regulations that govern fpdr to protect its tax qualified status, the fpdr plan must then be updated for these statutory and regulatory changes. Usually prior to deadlines established by contract and the irs. Charter section 5403a permits council to incorporate these statutory and regulatory changes via ordinance. But the charter was not timely updated for several of these changes. Fpdr recently applied to the irs to address some operational and documentary compliance issues, and the irs has approved this retroactive correction of the failure to timely update the charter for required changes. The ordinance before you today is the irs approved retroactive amendment that if adopted, will bring the fpdr plan into form compliance to protect its tax qualified status. The newer plan language is not expected to have any effect on fpdr operations, the changes either simply add to the plan documenting things that we already do, or it adds language that is no longer needed. Article 1 talks about direct rollovers. The rollovers we have done in the past were done correctly, were consistent with the legal requirements. But now that all active fpdr two members are vested, we will not be doing any future rollovers to members and we haven't done any rollovers to surviving spouses since 2000. So it adds a lot of language to the plan document, but it doesn't affect what we're doing. Does the council have any questions?

Fish: This is retroactive to when? How far back are we going?

Hartline: Interesting question. I'm going to ask ken mcgair, the city attorney's office to help me answer that question.

Ken McGair, City Attorney Office: It's retroactive to the effective date of whichever piece of legislation added the language, so for some of these it goes all the way back to 1996, the small business job protection act of 1996. Though the irs usually gives plans throughout the country a period of time to make these amendments which can range from four to eight years. So they're effective back to the affected -- effective date of the legislation.

Fish: Assuming we pass this, does this absolve us of any liability that might have occurred by being out of compliance?

McGair: Yes. That was part of the voluntary correction program which was associated with -- that we sought irs approval for the overpayment of benefits that's a separate issue. But in conjunction with that, we ask them to give us a favorable determination letter as part of that, they said please make these retroactive amendments that weren't done and we will issue the determination letters. So it absolved us from -- ever an audit that would come in and say you were not in compliance With these particular statutes back in 2004.

Hartline: So our document will be in compliance.

Fish: And our nonprofit status will be protected.

McGair: The tax qualified status will be protected, yes.

Fish: Excuse me. The tax qualified status.

Adams: Thank you. Anyone wish to testify on this matter? Karla, please call the vote on emergency ordinance item number 1125.

Fritz: There are many times my colleagues are glad to have a nurse on the council. I'm glad to have a lawyer on the council to ask questions like that. Thank you staff for your diligence. To summarize these changes are necessary because they're changes made at the federal level. Aye.

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

Adams: Aye. [gavel pounded] so approved. We're going to take a 10-minute break and then we'll come back and hear item number item number 1113. [recess]

Adams: Karla, please read the title for time certain, item 1113. It's a resolution.

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Item 1113.

Adams: I'd like to introduce the city attorney jim van dyke to explain what's before us today.

Jim Van Dyke, City Attorney: Good afternoon mayor, commissioners. Jim van dyke, city attorney. What's before you today is a Resolution authorizing the city attorney's office to go ahead and appeal a decision of the employment relations board that was reached in the case of Portland police association versus city of Portland which as you know had to do with the city's firing of officer frashour. That went to arbitration. City appealed that decision to the employment relations board, the employment relations board held against the city but we believe there are important public policy issues as well as the correct interpretation of state law that requires us to go forward and seek an appeal in this case. That is the particulars, mayor, do you want me to go into any detail?

Adams: For the record, having at the time serving in city government but in a different capacity for a number of legislative sessions under state legislative sessions while mayor vera katz was mayor and I worked for her following the erickson shooting, we worked on legislative fixes to exactly the kinds of situations, or similar to the situations we have a faced with former officer frashour. So if you could explain it's an important public policy point, granted labor laws are very complex, but if you wouldn't mind for the record, putting it on the record, the details.

Van Dyke: I would be glad to. The point of the city's appeal to the employment relations board had to do with a provision of state law that's an exception to the usual arbitration process. As you know, arbitration is usually a final and binding process. However, there is an exception in state law

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Adams: If I could pause you, nature -- so we have commissioner Leonard teleconferencing in. We have him on the phone, so I need to read the following. Pursuant to Portland city code 3.02.025, commissioner randy Leonard is participating via telephone because he is on vacation, and having his participation is important for consideration of this particular issue. Is there any member of council or anyone that wishes to object to him participating via telephone? Let the record note no objections were made and commissioner Leonard will continue to participate via teleconferencing. Commissioner Leonard are you there?

Leonard: I'm here. Thank you.

Adams: Please proceed, attorney van dyke.

Van Dyke: Thank you. Welcome commissioner Leonard. I was about to explain that the issue before the employment relations board and the issue that would be before the Oregon court of appeals concerns a statute in state law that is an exception to the usual arbitration process. As I mentioned, arbitration is usually a final and binding process. However, state law has an exception that says as a Condition of enforceability for an arbitration award, any award that orders the reinstatement of a public employee or otherwise relieves the public employee of responsibility from his conduct shall comply with public policy requirements as clearly defined in statutes or judicial decisions, including but not limited to policies regarding sexual harassment or sexual misconduct, unjustified and egregious use of physical or deadly force, and serious criminal misconduct related to work. Now, when we went back and looked at the legislative history, that surrounds this provision of the statute, we find that it was adopted in 1995 as a result in part of the decision, an arbitration decision in the city of Portland involving officer douglas erickson. Officer erickson had been chasing a suspect and in the course of chasing a suspect had discharged his weapon approximately 20, 22 times. He was disciplined as a result of that conduct. The arbitrator relieved him of responsibility for that conduct. The arbitrator found he had not engaged in any misconduct at all, in fact. And relieved him and -- of the discipline that had been imposed. And when this matter went before the legislature, the sponsor of the measure, that portion of the statute that I just read, which was senator neil bryant, stood before the legislature and said that we are introducing this part of the statute to change the result in that Portland arbitration decision. That was in 1995. We come

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forward to today. We have a very similar situation. We have a police officer who was disciplined as a result of engaging in excessive force, and in this case, deadly force. We have an arbitration decision that again relieves the officer of misconduct and in fact just like the erickson decision, found that the officer had not engaged in any misconduct whatsoever. We believe that this statute applies in this situation and that is the reason that we went forward to the employment relations board and said, this arbitration decision should not stand, that this is a condition of its enforceability. And that it has to comply with policies regarding the use of physical or deadly force. The employment relations -- and we presented this legislative history to the employment relations board, and I think for the first time provided them with information that showed that what senator bryant was referring to was the very situation in Portland regarding officer erickson. I'm not sure if before they had known that officer erickson had been completely relieved of responsibility in that particular decision. Having presented them with that information, unfortunately, we did not receive a good decision. In fact, the employment relations board restated the test that it has used for the last several years, many years regarding this provision of the statute. It relied on Oregon case law, where Oregon cases had not considered that particular provision of the legislative history. Therefore, we think it's important not only as a matter in this case, but as a matter of general policy to get this matter before the Oregon courts as the employment relations board acknowledged in its opinion, its legal test, its interpretation of this particular statute has never been considered by the Oregon court of appeals, or the Oregon supreme court. It's not been accepted, it's not been rejected, but it's never been considered whatsoever. We need to get this in front of them so that they can take a fresh look at this statute, a fresh look at the legislative history and provide us with guidance.

Adams: Initial questions from council, and our city attorney will stick around for the duration of the hearing. We've kept people waiting and I appreciate your patience. If we could go to public testimony? And given the lateness of the day you'll have your full three minutes, but if you can make it shorter, that's good too.

Moore: We have nine people signed up.

Walt Nichols: I'm an avid supporter of community policing, been active in neighborhood associations, and active in southeast precinct and east precinct. I strongly support this and I hope you will all agree to go forward. This issue has struck me to the core of morally wrong what transpired. I have had lengthy conversations with then commander chief reese, offended at the fact that the officer was then put into the position as a patrol officer where we were trying to do outreach to get minorities involved. I'm deeply concerned that even today our police training isn't happening. I've had two incidences where i've had officers on my porch as a neighborhood watch block captain where i've had more facts and knowledge than the police officer that was responding to the issue. One of the situations that just took place, which isn't really related to this other than the lack of training, is the fact that because of the officer's misconduct, it resulted in a domestic abuse violence retaliation against myself. So we have to focus on training and full training and stop cutting the budgets that do it. And morally we have a responsibility to challenge this law because there's no corporation in america that would tolerate what took place with frashour. Thank you.

Adams: Doctor.

Rev Dr. LeRoy Haynes: Once again I am the reverend dr. Roy haines, chairperson of the albina ministry of alliance coalition for justice and police reform. On behalf of the coalition, I come today to speak in support of the decision of the council and urging them to appeal the decision to restore officer ron Frashour to duty in the Portland police bureau. I urge the city commissioners to fight the decision to restore officer ron frashour to his duties as a Portland police officer by challenging it in the court. This decision to restore officer frashour has a greater implication than just restoring an individual officer to his duties. It raises the question in a democratic society on whether the elected democratic representatives in the Portland city council have authority over a paramilitary organization in the Portland police bureau. A hallmark of the american democracy is the belief in

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civilian control over the military and law enforcement. This principle I must say is worthy of our elected representatives to fight for. Secondly, officer ron frashour should never patrol on the streets of the city of Portland. His judgment of shooting an unarmed distressed man surrendering is a mockery of everything that is fair and just as a community and fundamental principles of a justice system. It will create fear in every mother that has a mentally ill son or daughter. I thank you for this time.

Adams: Thank you, doctor. Mr. Welsh.

Joe Walsh: My name is joe walsh, and i'm representing individuals for justice. We applaud you considering this appeal to the appellate court. We think that you should take this into the courts and let them decide the issue of whether you have a right to fire a police officer. To a civilian, it's kind of straight up. You should have that right. I would have a request, though. Actually, two. In this instance, we agree with what we think you're going to do. And the reason that we think you're going to do this action is some of you have a habit of announcing your positions prior to any public input. That's annoying. I would really like to feel that our testimony has something to do with your final decision. If you say you're going to do something before I testify, it takes all of the wind out of my sails when I come here. This isn't the first time that some of you have made statements to the press. My second request is that you think about plan b. The appellate courts, I was a chief union steward for the ibew for 15 years, and handled federal arbitrations. Federal and normal judges, state judges do not like overturning arbitrators. You may win this case, and I hope you do. Because I think you're right. Think about this plan b. You have a right to assign. If you lose this case, assign that man to a desk with super glue, he will never be able to move from that desk.

Adams: Thank you, sir. Your time is up. Welcome.

Peter Parks: Hi. I'm peter parks. I live at 5720 north wilbur. I've protested many times on the street with the albina ministerial alliance of abuses of the police department in various cases having to do particularly with the black community. And other people of color and people who are challenged in various ways. This case is -- seems very clear to most citizens, and I applaud the resolution that's being considered here today, and I hope that all of you vote in favor of it to get this on the record as a court case. So that's my statement. Thank you.

Adams: Thank you, sir, very much.

Ann Brayfield: I'm a concerned citizen from southwest Portland, and have been following these sorts of issues pretty consistently over the last two years, and I want to say thank you very much for your willingness to entertain this resolution, and for your so far stated positions that you will support taking this to appeal. I think it's time probably beyond time that this kind of thing happened. I think we have courts of law to deal with these kinds of issues, and I hope that it will be taken seriously and thoughtfully considered. And I also hope that all of you will continue to look at the issues that keep coming up around training. Because that's part of how we have gotten here today in this case. To read if it is the case, that in 2005 and in 2009 recommendations were made about how use of deadly force cases are reviewed, and were I guess basically ignored and here we are again today, and now under the doj investigation, I hope that all of you will consider how it can be that we can solve this problem of reviewing things that happened. But even better yet, how can we train and how can we staff ourselves so that we don't have these kinds of incidents and i'm going to ask you to seriously consider again the memphis plan and where Portland was going prior to mayor potter disbanding crisis intervention. Thank you.

Dan Handelman: Did you say three minutes or just try to make it in two minutes?

Adams: I have a feeling you would like three minutes.

Handelman: I would. I'd like feedback on my idea too. I'm dan handleman with Portland cop watch. Kind of pleased to be sitting next to mr aitcheson. I know we don't agree on a lot of things, but one thing we probably do agree on is that officers, anybody who is employed has a right to collectively bargain for fair wages, safe work place, and health benefits. Probably where we

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diverge is whether or not that collective bargaining agreement should set public policy and that's where the ppa has stepped over the line many times in the last couple of decades. We know that the collective bargaining agreement for instance prohibits anybody except for a police officer from asking questions in an administrative investigation about what happened during an incident where misconduct might have taken place, and we're hoping that will be removed in the next round of arbitration. And I also am fairly certain that the police association are going to raise the question of how much money is costing the city to file this appeal, and when you compare that to the tens of thousands of dollars we know officer Frashour has cost the city from at least the case with Mr. Waterhouse and his camcorder, where Mr. Frashour used a taser, and officers like Leo Besner who have cost the city a million dollars or more in lawsuits and all the other excessive force cases where we the community would like to see these officers reigned in, disciplined, or fired, I think this is worth the investment up front to save the money later. So we very much support the idea of appealing this to the court on principle, if nothing else, we do hope that you prevail and there's more than just officer Frashour. You've heard this already. There's more than just officer Frashour at stake that is the question of who gets a say when an officer gets to stay on the force or not. And I would support Mr. Walsh's proposal that if Frashour gets ordered back on that he get a desk job. I also think it's possible that he should understand people in the community don't want him on the force. And maybe if he does get reinstated, that he will consider resigning and stop being a police officer here in the city of Portland.

Adams: Thank you. Hi, welcome.

*******:** Good afternoon Mr. Mayor. Might I have three minutes?

Adams: Absolutely.

Will Aitchison: I am speaking on behalf of the Portland Police Association. My name is Will Aitchison and I'm a long time Portland resident. I want to talk about binding arbitration. We entered into our first collective bargaining agreement with you almost 50 years ago. Binding arbitration was a feature of that agreement. We entered into an agreement with you, both of us, to use binding arbitration as a dispute resolution mechanism in the contract for several reasons. That it was more inexpensive, that it was faster, and in particular, that we could bring expertise, the expertise of labor arbitrators, to issues concerning the interpretation of our contract. We have not used binding arbitration much over those 47 years that we have had a contract. We used it less than once a year. And as all of you know, binding arbitration of disciplinary cases is extraordinarily rare. I haven't seen the statistics, but in the 32 years I've represented the Portland Police Association, I guess we have arbitrated less than 1% of the disciplinary cases that you have issued. This is an arbitration process that we have respected. In this case, we did not get an arbitrator through a state list. You proposed the arbitrator, Jane Wilkinson. She's not an inexperienced arbitrator. She's a member of the National Academy of Arbitrators, she's been arbitrating for 30 years, she's the former head of Washington's public employment relations commission. We had the fairest of hearings that we could have. We had 16 days of trial. We heard from 31 witnesses, we have thousands of pages of transcript and tens of thousands of pages of exhibits. That the arbitrator considered. And the arbitrator heard from witnesses whose testimony hasn't been detailed in the press -- heard from every single police officer and sergeant at the scene. And all of them were asked one question that the bureau never asked them in its investigation. Was Officer Frashour's use of force in compliance with city policy? And all 11 of those men and women with a collective of hundreds of years of experience, answered the question yes. He complied with the city's rules. The arbitrator also heard from every defensive tactics instructor in the bureau. And some who were Officer Frashour's trainers who are no longer on the bureau, but are well respected like Officer Mike Stradly. All of those 11 were asked to question, the bureau never asked them. Was Officer Frashour's conduct in accordance with his training? And every one of them answered the question "yes." We heard from

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eyewitnesses, eyewitnesses who thought that a gun battle was about to erupt. We heard from expert witnesses, expert witnesses who have represented the city of Portland in the past.

Adams: Your time is up. Thank you. Sir, thanks for waiting.

Roger David Hardesty: My name is roger david hardesty, and I favor continued appeal of this arbitration. The term " million dollar cops" when used to describe Portland police officers like frashour, is not a reflection on their value to law enforcement. It is used even among serving officers to describe fellow cops who cost us so very much. In addition to the lives lost and physical damages that are sustained when police do wrong, we divert other resources as well. Some of those resources are financial. I support wholeheartedly financial expenditures that appeal a flawed arbitration panel whose findings do not embrace human rights. Courts find no matter how you are trained, no matter what provisions the city is negotiated with its union, frashour's behavior was grievously wrong. Also reflected in the price of million dollar cop should be the cost of running early intervention systems that identify poor performers. The city of Portland should bear the cost of efficacious employee management. Some officers attain million Dollar status on the installment plan. When time and time again poor performance requires we fund investigations, pay legal defense for our errant employees and when the doj calls a self defeating accountability system fails to effectively discipline an officer. The city pays when it loses public trust. Please hire change agents to come into this bureau and use tools of proven effective elsewhere to identify cops who are in the 10,000 dollar stage in their careers. The defense I was doing what I was told must mean we address the cost of failed training. Flawed policies that have hampered good policing for a dozen years since the relationship between training and poor outcomes was first brought to city council's attention. An early intervention system is meaningless unless the police bureau know how to change the behavior that -- and eis has identified. Employee change agents should bring to this bureau proven methodology that will help us emerge from the subterfuge that underlies frashour's position. You have the wrong people in charge of training. Given their weight in determining who gets discipline. We pay a cost for training division at bucks command, new facilities with the same staff will crank out officers who lack sufficient concern that they'll be held accountable. When a sniper removes his ear piece he removes himself from a chain of command. No amount of dinkerring with policy, no amount of training can remedy an individual's go it alone attitude to abandon higher authority. You need to hire a change agent with a track record who are working with systems and tools to change culture that fires whistle blowers and condones defiance to discipline that condones noncompliance in reporting. Don't listen to groups who say justice is too expensive. Spend what it takes to impose discipline when your employee violates a man's most vital civil right. Consider how much the next mortal failing will cost the self-insured city. Take that million and a half dollars and hire the police union negotiator. He's doing an excellent job. The next city council has risked their own political capital and walk away from the deficiencies in the union contract that prevent the discipline required in a martial force. Let's improve the value we received --

Adams: Your time is up, sir. Thank you all very much for your testimony. Anyone else signed up?

Moore: Joanne hardesty.

Aitchison: Mr. Mayor, members of the council, do members of the council have questions?

Adams: No. You can return to your seat.

Jo Ann Hardesty: Thank you, mayor, city council members. Good afternoon. For the record, my name is jo ann hardesty and i'm here to support your resolution to continue your efforts to keep frashour off the Portland police force. It should be clear to the general public by now that serious problems exist and must be fixed within the Portland Police bureau. It is not acceptable that the bureau continues to resist putting specific policies in place that protect the public from inappropriate use of force. It is no longer acceptable that the bureau fails to thoroughly review and then correct behavior that has led to the death of too many of our community. Too many have paid

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with their lives and we the taxpayers pay with our tax dollars. The doj recently completed investigations into the patterns and practices of Portland police which provides the public the clearest picture to date. Just how internal review processes covered the butt of officers that act inappropriately in their interactions with the public. The self defeating accountability system actually works as an intended. It was to frustrate the public into not seeking redress for wrongdoing by our police force. It ensures that the police can claim they did not learn from past mistakes since so far they haven't made any. The ppa and the Portland police chief continue to say publicly that no Portland police officer has ever done anything wrong. Which continues to reinforce the arrogant assumption that they are not accountable to the public they serve. It is inconceivable that a sniper who removed his ear piece could hear what was happening at a distance. And could be found acting within policy. Officers that were closer to the scene didn't use deadly force. What message does frashour's reinstatement convey to other officers like the negotiator who lured aaron campbell out of his apartment under the pretext of a welfare check? Several officers and supervisors still need to be held accountable for the total breakdown in communication and strategic thinking that happened that night. The fact that the other punishments as weak as they were, have already been overturned through your arbitration process confirms the system is set up to protect all officers no matter their crime. Niece, Another officer exonerated in excessive force cases is now back on on the street in east Portland. My neighbors and I do not feel safe knowing that if we call the police the responding officer might come with the invincible attitude that he can do no wrong. If you allow frashour to return to duty, you can rest assured that calls to the Portland police will be made only after the person in need considers the risk that someone not engaged in criminal activity may come to great harm. Will calls for help be drastically reduced? If the community is faced with rolling the dice on who will respond to their call for assistance, some may choose not to make that call. Since I only have nine seconds left i'm skipping to my last paragraph. On october 12, 2012, you will enter into an agreement with the Department of justice.

Adams: And I have to treat everyone the same. Your time is up. Thank you. We've got your written testimony. Unless there's anyone else that wishes to testify, Karla, please call the vote. That will be our last testifier. Thanks for your patience.

Laura Van Tosh: High name is laura van tosh, i'm fairly new resident to Portland. I'm a person who was in recovery from mental illness and I just want to support the council's decision to proceed and obtain all the facts to make the right decision in this case. I've had dealings with the police outside of Portland and other places where i've lived, and I think it's terribly important that they get proper training, including from people with mental illness so that they can learn the best ways to interact with people like me and others that want to be in recovery and get their lives back on track. Thank you very much.

Adams: Thanks for your testimony. I appreciate it. Karla, please call the vote.

Leonard: Can you hear me ok?

Adams: We can hear you commissioner.

Leonard: I want to take a moment to take the facts of the case and then explain how I got to the place i did to support what for me is an unusual position, to appeal. Not just an arbitrator's decision but now the employment relations board decision, much for the reasons in the past as will aitchison said in his testimony. I do believe that a contract is a contract, but I also believe there are times when a contract can actually violate a larger controlling law, which I have come to conclude in this case. I think it's important to understand that when this incident occurred the officer in charge at the scene, who is the sergeant, actually considered it such a minor incident that at one point she considered disbanding the officers on the scene and leaving mr. Campbell on his own. Unfortunately, she didn't do that and a negotiator persuaded mr Campbell to come out pursuant to his directions. But before that happened the incident commander, the sergeant had actually left the scene. And an instance like this, you have to have an incident commander and it is a violation of

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basic training protocol to leave the scene by the incident commander without appointing somebody else as the incident commander or a person in charge of the incident. That wasn't done. So when a negotiator asked mr Campbell to come out with his hands behind his head, he did exactly what he was told to do—he came out with his hands behind his head. However that wasn't broadcast to other officers on the scene. So as mr. Campbell walked out backwards as instructed, he had his hands behind his head. However, other officers that had shotgun bean bags at their disposal, told him to put his hands over his head. For a variety of reasons I think many of us could imagine, mr Campbell kept walking with his hands behind his head, not over his head. So they shot him multiple times with bean bags. And he did what most any of us, either there sitting in the audience, or anywhere listening would do. He ran after being shot with bean bags, for what must have been to him no reason at all. He was doing just as he was told. That was the justification given for fatally shooting mr Campbell in the back with an ar-15 rifle. Including in that instance simultaneous with mr Campbell being shot in the back with the bean bags, another officer, a canine officer had unleashed the dog to take down mr Campbell. Even that, to me, seems to be an overreaction given mr Campbell was complying with the negotiator's instruction. Be that as it may, officer frashour wasn't even aware a dog had been unleashed, because as a couple of your testifiers have stated, he removed his earpiece. He didn't know what was happening on the scene. Literally the right hand did not know what the left hand was doing in this incident that should have been handled very low level and successfully. As a result, we have paid out as a city already \$1.2 million to mr campbell's family in addition to that the grand jury hearing testimony on the shooting to what I think—and there could be other examples, but I don't think there are—took the unusual step of writing a letter. This is a quote, they were “outraged at the police bureau's actions that led to aaron campbell's shooting death.” In my experience, in a nearly unprecedented, in fact just a flat unprecedented statement by a top uniformed Portland police bureau commander who said after reviewing the sworn testimony by police bureau officers from the arbitration, that he was sickened by what he heard. What he heard in sworn testimony by some Portland police bureau training officers sounded like, and I quote here, “rehearsed union story.” The assistant chief said on the record he was so upset by his training officers testimony that he considered actually retiring from the Portland police bureau. I want to also make it clear I spent most of my adult life defending the rights of working people. And not just as a union president, which I was for 12 years at the Portland fire bureau. But as a member of the Oregon state senate, Oregon state house, and I think whether my colleagues agree with me or not on issues I take, they would agree I've been pretty consistent whether it's in executive sessions on collective bargaining rights or public sessions on the rights of people to organize or bargain collectively, I have uniformly and maybe even at times to a fault, defended the rights of working people. And in spite of the facts of the Campbell case I just went through, I think I have to admit I was stuck in the weeds of the technical aspects of the Oregon public employee collective bargaining act commonly called pecba, and that being the law that this council today by our vote seeks to have interpreted differently by the Oregon court of appeals as it applies to this case. But it was the recent public comments by the Portland police association that caused me to realize there is a bigger picture that I need to consider in this case. When the ppa president ignores community outrage, unprecedented grand jury outrage, a \$1.2 million settlement with mr campbell's family for his wrongful death, and even ignores the unprecedented outrage expressed by the Portland police bureau's own top commanders, but instead makes outrageous personal attacks against the mayor and also against a highly respected former Portland police association president, who testified that the shooting of mr Campbell was not consistent with ppb training, I felt like, as I do now, I needed to change my focus. And I think something needs to change in the Portland police bureau. Maybe this is the path we have to take to get there, and if that's the case, then so be it. Mayor Adams, thank you for your patience and your leadership on this and for doing something that I don't often do, persuading me to change my mind. Aye.

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Fritz: Mr. Campbell's death has been tragic and heart wrenching for all of us. Especially for his family. And I honor and acknowledge the courage especially of aaron's mom in urging us to continue pursuing this case. Her courage in keeping this wound open in the course of the pursuit of justice is very meaningful to me, and I thank the family for their support of this. And aaron's death was a stark reminder that we have had far too many tragedies involving people with mental illnesses in our community. At 10 of the 12 while i've been on this council. So, yes, we need to change in mental health care, and the mayor spent the morning with hospital providers and others looking at how can we fix our mental health care system which has been broken for many decades. And we will indeed pursue that. A couple of weeks ago we announced a new number that people can call if they're feeling suicidal or if their families are concerned about somebody who is suicidal. That number is a partnership with lines for life, a nonprofit partnership with health care professionals and volunteers who will take those calls and give advice and counseling for as long as it takes. That number is 503-97-23456. So we encouraging folks if you are in a nondangerous situation To call that number. We will need to do policy changes. We will need to do training changes. And we have committed to doing that. \$18 million for our new police training facility and new training accountability committee to oversee what is done. The influence of office of equity and human rights to look into how our offices are trained and who our officers are. All of those things should be done and will be done. The department of justice report is very clear that the independent police review process is not working. And I will be looking to the auditor for her leadership on how we are going to make significant changes in that system. All of those deficiencies must and will be corrected. We still need police accountability. When I was working as a nurse in a hospital, I had to follow the doctors' orders and I had to follow the hospital policies. I also had to act as a reasonably prudent nurse. And that is another standard of responsibility for the individual as well as following the institution's regulations. So as a city and a community we must pursue all avenues and we will. And still, the city council, the police commissioner and the police chief must have disciplinary authority over the police bureau to protect public safety and staff of all Police officers. State law provides arbitration decisions are not final or binding if the award violates public policies. The employment relations board decided to uphold the arbiter's decision based on its understanding of state law. ERB admits that Oregon courts have not considered or accepted that interpretation. This appeal asks them to do that and it is imperative we give Oregon courts the opportunity to clarify what is meant. I've also asked the mayor to put on the priority list for the legislative agenda in the 2013 legislative session a clarification. If the law isn't clear, let's not wait for the courts to rule, let's clarify the law. I said last week when I announced I would probably support this appeal that I would consider all the evidence at the hearing, and unless I heard compelling evidence to the contrary, that I would be supporting this appeal. Everything i've heard today affirms that. I will still meet with officer turner and listen to his concerns. I still believe this appeal is the right thing to do. Aye.

Fish: I'm sorry randy is not here for me to speak directly to him about his eloquent statement earlier. Because much of what he said I not only agree with, but I thought the way in which he stated it was very eloquent and extremely thoughtful. I want to begin by acknowledging I think between randy and me, we have both been involved in labor relations for close to 50 years. So when randy talks about some basic values that we share with our labor partners about our belief in the collective bargaining process, and our general view towards alternative dispute resolution, arbitration, in general, and final and binding arbitration, randy I think said some very powerful things which I agree with. That said, I think we have to be very clear at this hearing that this is not the action we're about to take, an attack on the collective bargaining process. That's a diversion. This is not an attack on the collective bargaining process, and I think for anyone to suggest that this council has been somehow less than historically supportive of the rights of our employees to engage in lawful activity under state and federal law is missing the boat. Number two, I think it's important

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to say this is not an attack on the arbitral process. I practice labor law for over 20 years and I was involved in a number of cases where after an arbitrator's decision, either the union or management appealed the decision on either the ground that the arbitrator exceeded the scope of his or her authority, or that the decision violated public policy. In fact, it is built into our process that even a decision which is final and binding can be challenged on very narrow grounds if the arbitrator did more than just get the facts wrong. And that is a safety valve which both management and unions in this state and city and across the country have historically used. So let's be clear. This is not an attack on arbitration. What this is in my view, I think commissioner Fritz put it very well, this is a question of accountability. And there is a legal issue which we are going to test in the court of appeals. And it has to do with the public policy exception. Like Randy, I was skeptical at first because having done this work for much of my adult life, I too am conditioned to see these exceptions in very narrow terms. But after talking to the city attorney and reviewing the law, I was persuaded that there is an important legal question that needs to be challenged at the next level. And as I said in my earlier statement, I recognize this is an uphill fight and I have no illusions about this. We -- this is a tough fight. And it is quite possible we will lose at the next level. But that doesn't mean we shouldn't take on this fight. And for those of us who believe that there was a fundamental defect in this arbitrator's decision and for those of us who believe that it would be inappropriate to reinstate this officer, this is a lawful option that we have to contest this decision. So after going through my own process, similar to commissioner Leonard's, I too have concluded that this is the right step, and I will also say that I want to thank my mayor for the way he has handled this. He has been clear and consistent, and I too think some of the rhetoric has gotten way over the top. We can disagree on things without personalizing our disagreement, in fact, that's what I've always found was the hallmark of successful labor relations. In fact, I think it's one of the reasons why Aitchison has been so successful for so long. But we should be very careful about not personalizing our disputes. We have a principled position, we are taking today, I applaud the mayor for his strong leadership, and I vote aye.

Saltzman: Aye.

Adams: The irrefutable fact is the law was changed. The state law was changed in 2004 to deal with these exact situations. And for the past eight years, it's been missing in action from the entire process of labor code, labor law, it's just as if it never happened. And that wasn't the intent of '04. The '04 law, if you read the transcripts by senator Deckert, was very clear. Compelling. Some of us were around at that time. It was passed to make a difference. It was passed to give local control back on specific and selected cases. The fact that it's been ignored and admittedly not tested in the Courts is what we're trying to address here. The '04 law has been ignored and it's time for the courts to decide whether the fact that it's been ignored is legal. I do not believe it is. I believe in local control. We don't have enough and this is necessary to find out exactly who's right. I want to thank my colleagues on the city council for their willingness to engage on this issue. It's a very, very set of complex issues, and I want to thank them for their support. I also want to underscore my support for Clay Neal in my office and Sofia, who is on the public safety team, and a big underscore of support for our city attorney, Jim Van Dyke. I really appreciate your work on this. We have a lot more work to do. Aye. [gavel pounded] so approved. We are adjourned. [applause]

At 3:42 p.m. Council adjourned.