

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Harry Auerbach	2. Telephone No. 823-4047	3. Bureau/Office/Dept. City Attorney's Office
4a. To be filed (hearing date): 11/6/13	4b. Calendar (Check One) Regular    Consent    4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst: 10/30/13
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed

**1) Legislation Title:** Authorize City Attorney to join brief of *amicus curiae* City and County of San Francisco in *McCullen v. Coakley* (Resolution).

**2) Purpose of the Proposed Legislation:** To appear on behalf of the City of Portland and join in the brief of the City and County of San Francisco in *McCullen v. Coakley*. This outcome of the case may impact how the City of Portland manages its public places and rights of way.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |                                    |                                    |                                |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast             | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City                  |                                    |                                    |                                |

**FINANCIAL IMPACT**

**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source. No

**5) Expense:** What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)

*No cost to City.*

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)* No.
- **Will positions be created or eliminated in future years as a result of this legislation?** No.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate “new” in Fund Center column if new center needs to be created. Use additional space if needed.)*

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

**PUBLIC INVOLVEMENT**

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

- YES:** Please proceed to Question #9.  
 **NO:** Please, explain why below; and proceed to Question #10.

This is a legal matter that does not require public involvement.

**9) If “YES,” please answer the following questions:**

**a) What impacts are anticipated in the community from this proposed Council item?**

**b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**

**c) How did public involvement shape the outcome of this Council item?**

**d) Who designed and implemented the public involvement related to this Council item?**

**e) Primary contact for more information on this public involvement process (name, title, phone, email):**

**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not. No.** This resolution will authorize the City Attorney to file an amicus brief which does not require public involvement.

James H. Van Dyke

APPROPRIATION UNIT HEAD (Typed name and signature)

REFERRED TO COMMISSIONER OF  
FINANCE AND ADMINISTRATION

RESOLUTION No.

Authorize City Attorney to join brief of *amicus curiae* City and County of San Francisco, in *McCullen v. Coakley* (Resolution).

WHEREAS, It is the policy of the City of Portland to support a woman's reproductive rights, including the right to choose, seek and obtain services related to pregnancy and abortion without interference and with respect for her right of privacy, and

WHEREAS, The City of Portland recognizes that many people conscientiously oppose abortion rights, and that opponents of legal abortion have the right under the Oregon and United States constitutions to speak freely and to advocate zealously regarding their views, and

WHEREAS, The burden of trying to protect the competing rights of reproductive clinic patients and anti-abortion protestors frequently falls on local government, and

WHEREAS, The United States Supreme Court, in *McCullen v. Coakley*, Docket No. 12-1168, is considering the constitutionality of a Massachusetts statute intended to preserve free access to reproductive rights clinics by limiting how close other people, including anti-abortion protestors, may come to patients entering and leaving such clinics, and

WHEREAS, The City and County of San Francisco intends to file a brief as *amicus curiae* in support of the constitutionality of the statute and has asked the City of Portland to join in the brief, and

WHEREAS, The impact of the decision in *McCullen v. Coakley* is likely to reach beyond the context of abortion protests, and is likely to impact how the City of Portland is able to manage use of and access to its public places and rights of way,

NOW, THEREFORE, BE IT RESOLVED, that the City Attorney or his designee is authorized to appear, on behalf of the City of Portland, as *amicus curiae* in *McCullen v. Coakley*, and to join in the brief of the City and County of San Francisco, and may take any and all appropriate legal steps as in his judgment may be necessary to such appearance.

Adopted by the Council:

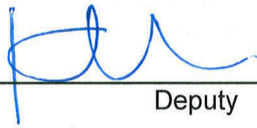
City Attorney: James Van Dyke  
Prepared by: Harry Auerbach  
Date Prepared: October 30, 2013

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By

Deputy

Agenda No.  
**RESOLUTION NO.**  
Title

Authorize City Attorney to join brief of *amicus curiae* City and County of San Francisco, in *McCullen v. Coakley* (Resolution).

<p><b>INTRODUCED BY</b> City Attorney: <b>James Van Dyke</b></p>	<p>CLERK USE: DATE FILED <u>NOV 01 2013</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales <span style="color: blue;">JAA</span></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: City Attorney Bureau Head: James Van Dyke <span style="color: blue;">JAA</span></p> <p>Prepared by: Harry Auerbach Date Prepared: October 30, 2013</p> <p>Financial Impact Statement &amp; Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan <span style="color: blue;">JAA</span></p> <p>Council Meeting Date <b>November 6, 2013</b></p>	
<p><b>ACTION TAKEN:</b></p> <p style="text-align: center;"><b>NOV 06 2013 REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>	

**AGENDA**

**TIME CERTAIN**

**Start time:** \_\_\_\_\_

**Total amount of time needed:** \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR X**

**Total amount of time needed: 10 min.**  
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Novick	4. Novick		
Hales	Hales		