

## ORDINANCE No. 186392 As Amended

\*Authorize agreements between the City, United States, and Portland Police Association related to police interactions with persons experiencing mental illness (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council previously authorized the Mayor to enter into a Settlement Agreement remediating City practices related to police interactions with people experiencing or perceived to be experiencing mental illness and to settle a lawsuit filed by the United States (*US v City of Portland*, No. 3:12-cv-02265-SI (D.Or. Dec. 17, 2012)). Ordinance No. 185736, unanimously passed by the Council on November 14, 2012.
2. The City and United States have jointly requested that the Court accept the Settlement Agreement, and that request is still pending.
3. Shortly after the lawsuit was filed, the PPA filed a motion to intervene and a separate grievance (No. 2012-12). In both cases, the PPA asserted that the Settlement Agreement affected its bargaining rights. The City disputed those assertions.
4. The Court granted the PPA intervener status in the federal proceedings, but deferred making a decision about the collective bargaining effects of the Settlement Agreement. Instead, the Court asked the parties to participate in formal mediation.
5. In June of 2013, the parties reported to the Court that formal mediation had been unsuccessful in resolving the dispute. The Court set a date in November 2013 for submission of pleadings moving forward for the litigation.
6. From July to November, PPA and City continued to engage in informal mediation and collective bargaining. During this process, the City fully informed the PPA about current and future implementation of reforms required by the Settlement Agreement.
7. As a result of the extended mediation and collective bargaining, the parties were able to negotiate a global settlement in which the PPA agreed to waive most of its alleged bargaining rights related to the Settlement Agreement, to dismiss Grievance No.2012-12, to withdraw its objections to entry of the Settlement Agreement, and tentatively agree to a union contract.
8. The global settlement is set forth in three documents: a memorandum of agreement (Exhibit A), a letter of agreement (Exhibit B), and a collective bargaining agreement (companion Ordinance heard on December 18, 2013).
9. Only the City and PPA are parties to the letter of agreement and the collective bargaining agreement. However, the City, PPA, and United States are all parties to the memorandum of agreement.

10. If the City and PPA enter into the letter of agreement and collective bargaining agreement, then the United States, PPA, and City will present the memorandum of agreement to the Court for its approval on December 19, 2013.

NOW, THEREFORE, the Council directs:

a. The Mayor is hereby authorized to execute Agreements, substantially similar to the forms attached as Exhibit A and Exhibit B.

Section 2. The Council declares that an emergency exists because delay in entering into the MOA will delay the implementation of the Settlement Agreement; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 18 2013

Mayor Charlie Hales

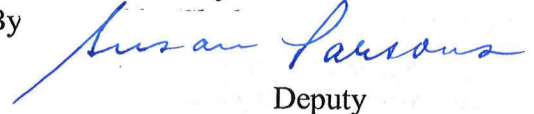
Prepared by: Ellen Osoinach

Date Prepared: December 11, 2013

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By

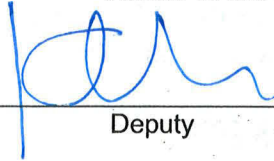



Deputy

1191

Agenda No. **186392** As Amended  
**ORDINANCE NO.**  
 Title

\*Authorize ~~Agreements~~ between the City, United States, and Portland Police Association (PPA) related to police interactions with persons experiencing mental illness. (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Charlie Hales</b>	CLERK USE: DATE FILED <b>DEC 13 2013</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Office of the Mayor Bureau Head: Charlie Hales	<b>ACTION TAKEN:</b>
Prepared by: Ellen Osoinach Date Prepared: December 12, 2013	
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter 	
Council Meeting Date December 18, 2013	

<b>AGENDA</b> <i>2012</i>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <b>10:00am</b>
Total amount of time needed: <b>1 hour</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	