



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14TH DAY OF SEPTEMBER, 2016** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

Commissioner Novick arrived at 9:38 a.m.
Commissioner Fritz left at 11:47 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Jason King and Mike Cohen, Sergeants at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
1011	Request of Craig Rogers to address Council regarding our homeless citizens (Communication)	PLACED ON FILE
1012	Request of Crystal Elinski to address Council regarding unethical contracts and bullying (Communication)	PLACED ON FILE
1013	Request of Fredric Alan Maxwell regarding finding that chinook (Communication)	PLACED ON FILE
1014	Request of Mike O'Callaghan to address Council regarding shelterless (Communication)	PLACED ON FILE
1015	Request of Thomas Edward Mullen to address Council regarding the homeless (Communication)	PLACED ON FILE
TIMES CERTAIN		
1016	TIME CERTAIN: 9:45 AM – Direct the Bureau of Human Resources to lead the City Employer of Choice initiative to attract, develop and retain a diverse, culturally competent, fully engaged workforce that provides excellent public services (Resolution introduced by Mayor Hales) 45 minutes for items 1016 and 1017 (Y-5)	37234

September 14, 2016

1017	Adopt the Strategic Plan to Implement the 2012 Model Employer Resolution (Resolution introduced by Mayor Hales) (Y-5)	37235
1018	TIME CERTAIN: 10:30 AM – Authorize an Intergovernmental Agreement with the Oregon Department of Transportation as the Tax Administrator for the City of Portland Motor Vehicle Fuels Tax (Ordinance introduced by Commissioner Novick) 15 minutes requested	PASSED TO SECOND READING SEPTEMBER 21, 2016 AT 9:30 AM
CONSENT AGENDA – NO DISCUSSION		
Mayor Charlie Hales		
1019	Reappoint Christopher Kopca and Kirk Olsen and appoint Jeff Bachrach to the Development Review Advisory Committee for 3-year terms (Report) (Y-5)	CONFIRMED
Bureau of Planning & Sustainability		
*1020	Accept and appropriate Oregon Department of Environmental Quality grant in the amount of \$50,000 to fund the Deconstruction Grant Program (Ordinance) (Y-5)	187979
Office of Management and Finance		
1021	Extend term of franchise granted to LCP Oregon Holdings, LLC to maintain a pipeline system within City streets (Second Reading Agenda 999; amend Ordinance No. 180378) (Y-5)	187980
Commissioner Steve Novick		
Bureau of Transportation		
*1022	Amend Intergovernmental Agreement with Multnomah County to provide maintenance services west of the Willamette River for FY 16-17 (Ordinance; amend Contract No. 51062) (Y-5)	187981
REGULAR AGENDA		
Mayor Charlie Hales		
*1023	Establish the redemption interest rate and the redemption penalty rate to comply with Code Chapter 5.30 Collections and Foreclosure Process (Ordinance) 10 minutes requested for items 1023 and 1024 (Y-5)	187982
*1024	Amend Collection and Foreclosure Code to clarify aspects of the redemption process (Ordinance; amend Code Chapter 5.30) (Y-5)	187983
Office of Management and Finance		

September 14, 2016

<p>1025 Authorize revenue bonds for urban renewal areas (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 21, 2016 AT 9:30 AM</p>
<p>1026 Expand the authority of the Risk Manager and designees to serve as agents of the City Attorney to investigate and settle tort claims and clarify the scope of fair and moral claims for which the Risk Manager is authorized to investigate and settle (Second Reading Agenda 1004; amend Code Section 3.15.020 G) (Y-5)</p>	<p>187984</p>
<p style="text-align: center;">Commissioner Dan Saltzman Bureau of Development Services</p> <p>1027 Consider the proposal of Madeline Kovacs and the recommendation from the Hearings officer for approval to change the Comprehensive Plan Map designation from High Density Single Dwelling Residential to Townhouse Multi-Dwelling Residential and the Zoning Map designation from R5 to R3 for property at 4736-4752 NE Going St (Previous Agenda 1009; LU 16-133809 CP ZC)</p> <p>Motion to accept the report; adopt Hearings Officer's recommendation: Moved by Fritz and seconded by Saltzman. (Y-4; Fish absent)</p>	
<p>1028 Amend the Comprehensive Plan Map designation and amend the Zoning Map for property at 4736-4752 NE Going St at the request of Madeline Kovacs (Second Reading Agenda 1010; LU 16-133809 CP ZC) (Y-4; Fish absent)</p>	<p>187985</p>
<p style="text-align: center;">Commissioner Steve Novick Bureau of Transportation</p> <p>1029 Authorize grant application to People for Bikes up to \$800,000 for outreach and education associated with transportation infrastructure projects (Second Reading Agenda 996) (Y-5)</p>	
<p style="text-align: center;">Commissioner Nick Fish Bureau of Environmental Services</p> <p>*1030 Authorize a settlement agreement and amend contract with Tapani, Inc. for additional work and compensation for the Interstate-5 at SW 26th Water Quality Project No. E08679 for an estimated \$480,588 (Ordinance; amend Contract No. 30003974) (Y-4; Fritz absent)</p>	
<p style="text-align: center;">FOUR-FIFTHS AGENDA Commissioner Saltzman Portland Housing Bureau</p>	

September 14, 2016

***1030-1** Authorize the purchase of property located at 322 SW 11th Ave,
known as the Joyce Hotel at a price not to exceed \$4,220,000
(Ordinance) 15 minutes requested
(Y-4; Fritz absent)

187988

At 12:07 p.m., Council recessed.

September 14, 2016
 A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
 OREGON WAS HELD THIS **14TH DAY OF SEPTEMBER, 2016** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

Commissioners Fish and Saltzman arrived at 2:05 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidi Brown, Deputy City Attorney at 2:00 and 5:30 pm; Lauren King, Deputy City Attorney at 3:38 pm; John Paolazzi and Mike Cohen, Sergeants at Arms; and Mike Miller, Sergeant at Arms at 5:30 pm.

The meeting recessed at 3:32 p.m. and reconvened at 3:38 p.m.
 The meeting recessed at 5:18 p.m. and reconvened at 5:30 p.m.

		Disposition
1031	<p>TIME CERTAIN: 2:00 PM – Equitable Contracting and Purchasing Commission presentation to City Council (Report introduced by Mayor Hales) 45 minutes requested</p> <p>Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-5)</p>	ACCEPTED
1032	<p>TIME CERTAIN: 2:45 PM – Appeal of Portsmouth Neighborhood Association against the Hearings Officer’s Decision to approve the application of Bridge Meadows for a Conditional Use and Adjustment with conditions for New Meadows, a proposed group living facility, at 8710 N Dana Ave (Hearing introduced by Commissioner Saltzman; LU 15-273480 CU AD) 1 hour requested</p> <p>Motion to tentatively deny the appeal with two modifications to Hearings Officer’s decision. #1: p. 33, IV(A) add after “Exhibits C.1-C.5” the words “except for changes to the parking that may be negotiated through a good neighbor agreement.” #2: p. 34, IV(E) change “representatives met in good faith” to “representatives <u>strived to meet</u> in good faith.”: Moved by Fritz and seconded by Saltzman. (Y-5)</p>	<p>TENTATIVELY DENY APPEAL AND UPHOLD HEARINGS OFFICER’S DECISION WITH MODIFICATIONS; PREPARE FINDINGS FOR OCTOBER 12, 2016 AT 11:00 AM TIME CERTAIN</p>
1033	<p>TIME CERTAIN: 3:45 PM – Amend City Code to revise filing process, investigation and appeal provisions of complaints of police officer misconduct (Ordinance introduced by Auditor Hull Caballero; amend Code Section 3.20.140 and Chapter 3.21) 1 hour requested</p>	<p>CONTINUED [DATE TO BE ANNOUNCED]</p>

At 7:02 p.m., Council adjourned.

MARY HULL CABALLERO
 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.

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.**

SEPTEMBER 14, 2016 9:30 AM

Hales: Good morning, everyone, please welcome to the Portland city council. Please call the roll.

Saltzman: Here **Novick:** **Fritz:** Here **Fish:** Here **Hales:** Here

Hales: Commissioner novick will be here but a little late. Before we get into the council calendar, itself, I want to turn to commissioner Saltzman pre gavel.

Saltzman: Thank you, mayor and colleagues. Today the flag of the city of Portland is lowered in honor of two-year-old Zachariah Luda Daugherty and 15-year-old Fallon Smart. Young Zachariah, still a toddler, suffered traumatic injuries sustained from his mother's boyfriend, a man now in custody facing a charge of murder after Zachariah died august 16 at doernbecher children's hospital. We know little about Zachariah's short life and only wish that we could have seen the signs and dangers he faced so that he would not have suffered this way. We also want to take this opportunity to remind anyone with information about this case to contact officer slater at 503- 823-9139. Sadly, Zachariah's life is not the only one that we are honoring today. The city flag is also being honored, lowered in honor of 15-year-old franklin high school student Fallon Smart, a victim of a reckless driver on august 19. Although the driver is in custody, we know that may come as little comfort to the family and friends of Fallon and everyone in the franklin high school community grieving her loss. To everyone that came out for a memorial bike ride in Fallon's honor on august 26, we hear you. And understand the fear many of our public, many of those using our public streets face when we fall short of our vision zero goals, Portland must do better. We are honored to have Fallon's mother and father here, and I believe that Fawn wanted to say a few words so please come on up.

Saltzman: Thank you for being here.

Fawn Fallon: Is there thank you for allowing me this opportunity to speak. On august 19 last month I lost my daughter, my best friend, when she was struck and killed by a car on southeast Hawthorne. I know we all want to help solve street safety in our Portland community, and I would like to extend a thank you to the Portland police bureau for how supportive that they have been through this process. Portland has been my home from the formation of my first memories, and I have tried to prepare my children for life here. From one to nine I always insisted that Fallon hold my hand, I always made her and her younger sister stop and look for cars. Until one day Fallon shot me an irritated look and I knew that she was ready to cross without me. At the age of 10, I let Fallon go to the park with her neighborhood friend, even though it was only one block away, the first time I let her go by herself, I paced around the house for an hour. When Fallon was a little older I took her to see a public screening of a film, her grandfather wrote and produced about Portland bike culture. At the end the main person gets killed in a car on sauvie island, and we left the Hollywood theater in tears because it represented our deepest fears. At the ages of 11 and 12 I started to teach my daughters to ride their bikes in the city. I would always shout to them; you must always stop at stop signs. Don't expect the cars to see you every time. When Fallon was in fourth grade and again in six grade her entire class participated in a bike ride from oaks bottom down the east side esplanade across the steel bridge to a park

September 14, 2016

and back. I chaperoned a group of six girls who braved the streets, signaled to cars, fixed their chains that fell off and earned a sense of empowerment in their city. When Fallon was 13 we bought a house in the foster Powell neighborhood. We never thought that we would be able to buy a house. As a family we were attracted to the foster streetscape project and the potential of foster Powell becoming a walking and biking friendly neighborhood. When walking to the Holgate library I would tell Fallon, it's not enough that cars stop when you are trying to cross the street. You must make eye contact with the driver because you don't know if that driver is stopping for you. Once Fallon turned 15 she started studying and stressing to earn her driver's permit. Fallon, who was always an advanced student experienced failure for the first time when on her first attempt she failed the driver's permit test. You see my daughter had a scientist's mind. And she was always, being years ahead in academics, so she was always trying to answer the questions with the most logical solution rather than just memorizing the answers. The night before she passed her test my husband asked Fallon, where do pedestrians have to cross? She responded at a crosswalk, and where is the legal crosswalk, and Fallon responded every intersection is a legal crosswalk. The morning of Fallon's death we were spending time on Hawthorne as we had done so many times. It is the neighborhood I grew up, so I enjoyed passing the tradition down to Fallon. She loved it there. We enjoy getting tea and since she was a little girl, we would shop at Powell's bookstore, just as I had done with my father. Fallon was going to meet some friends and go window shopping, and surprisingly she wanted me to go to the bubble tea restaurant so we could just sit together. We parked on the opposite side of Hawthorne, not at the time of the accident, before we crossed she asked where is the crosswalk, and I told her every intersection is a crosswalk, a statement that will haunt me forever. I left her that morning, I left her in the bubble tea shop so she could socialize with her peers, I didn't say goodbye because I didn't want to embarrass her. I didn't tell her I loved her. After the crash that afternoon I blamed myself, for hours, with time, I have come to believe that I did everything that I could to keep her safe. I taught her everything that I knew about the pedestrians, cyclist and is motorist safety, and it still was not enough to keep her alive. The truth is, I am only a mother. Who needs your help. I won't fool myself into believing that I know the solution to what is ailing our city, pedestrian collisions are increasing and the individual responsibility was not enough to keep Fallon alive. Something larger has to be done for the children, so the children are not harmed, and that other mothers have a chance to say I love you. I am asking you for your help. Thank you for hearing me.

Saltzman: Thank you very much. Now I would ask that we bow our heads in a moment of silence to honor Zachariah Daugherty and Fallon Smart. Thank you.

Hales: Thank you, commissioner. Thank you for being here to give voice to your family's loss and our city's loss. All right, let's begin the work this morning, please, with communications. We have some folks that are signed up to speak to the council, and want to call on you each to do that. I want to note that commissioner novick arrived so the full council is here and let's please take item 1011.

Item 1011.

Craig Rogers: Good morning. I am Craig rogers. Citizen of Portland. Two evenings ago I called up a friend of mine that I have not spoken to in a while. Her name is Gayle, and through Gayle, I met a gal named Cindy, and my friend Gayle told me something that rocked my boat is that Cindy is Fallon's grandmother. I remember when Cindy bought the van, so proud to have that van take the grandkids around, and it really rocked my boat. You know. I had the process that took more than one evening, and fortunately, yesterday Leah, rob, and Cindy were on think out loud on opb on vision zero. It was, it was really incredible. They hit a home run. The amount of information that was contained, there could

September 14, 2016

have been more but for what they did, it was really incredible, and they talked about tough love, you know. Behavior modification. What we're going to have to do change people's habits. I liked it when Leah said, of mahatma gandhi, there is more to life than increasing the speed. If you have the opportunity you can find this online, think out loud, opb. It's really worth a listen. It is so good. So anyway, with regards to the homeless, we have the big problem, and these people, a lot of them, they need to be helped, and I really encourage you, in your position, when you make decisions, rather than to make few people happy, try to make decisions that serve the most, for the most good. In other words, to serve the people rather than to rule, and I appreciate this opportunity to come and speak before you. I know myself I can end up in a bubble. I have mountains of mistakes behind me. I try to learn from them, which makes me a better person. Those mistakes are valuable. They guide me to a better way. So I really encourage you to be very astute in how you spend the money. Right 2 dream too was going to be built. That's, that cost a lot. Wapato is hanging out there, already built, a roof over their heads and stability. Make decisions and put your heads together. Really work as a group unit so you can come to some good answers here. Thank you for your time.

Hales: Thank you. Ok. Item 1012, please.

Item 1012.

Crystal Elinski: Good morning, commissioners. And mayor hales, my name is crystal elinski. And regarding the circumstances of our city, the homeless and those vulnerable to the dangers overcrowded and inaccessible City is, is, it's, it's just blowing this out of proportion with young people and car accidents and more and more and, and places that I used to live, they are just, they are dangerous. I'm not sure why people get away with the way they disregard the city in people's lives. I bow my head every day for a people we have lost and people in car accidents and on the streets. And in police custody and places they are supposed to be taking care of -- we have more people with mental illness a lot of young people losing hope with our environmental circumstances and lack of housing and food; having to steal and the multi, and multi-family housing but they are ted wheeler particle board, four-stories condos for the rich and not encouraging any living livelihood. We need rent control. We need a living wage. Just as much as you all earn. And consideration for our transit system, the people who serve us whether they are police officers and businesses, and our teachers and neighbors and that's why I am here today, last time I spoke with you I asked for your endorsement for the citizen review -- for the endorsement on the oversight of the police, and I have since gotten references on that board. I told you it was Kathleen Sadat who encouraged me to not give up on coab and I've been following it closely. I cleared up my time and I would like to say for the record that I wanted to make sure that I was here to ask you for your endorsement again. And mayor hales, and I tried to be here on the fort earlier but this time of year of course, you remember this was 2013 when the federal agents attacked me here, and in city hall, and that still has not been resolved, and so if we could have that ten minutes that you told me and your staff that we would have, we could discuss this at length. Also I did not say to the woman who resigned and took the other post, commissioner Fritz, was telling me that I had criticized her for being overwhelmed and overworked. I would never criticize another woman for that but my point was is that the way that she spoke to the people at the meeting that I was encouraged to go to, by Kathleen Sadat, I was surprised. I found it demeaning and bullying and not encouraging our citizens. We need to get more people involved and I would do a very good job in getting people involved in the police oversight.

Hales: Thanks very much. Thanks very much. Ok. Let's take item 1013 please.

Item 1013.

Hales: Are you here? Ok. Let's move onto the next would you please then.

September 14, 2016

Item 1014.

Mike O'Callaghan: Michael O'Callaghan, a little update from spring water trail where I live. Ok. More of an update on the ninth circuit court of appeals. They denied the expedited or excuse me the restraining order. They did accept the expedited consideration, and they are assigning me an attorney. Ok. And Charlie I give you an a for compassion on this. This is the most compassionate sweep that ever been swept in, and now as far as the legality, I don't know where you are getting your information from, but heads should roll, Charlie. Anne Akin, here's a quote, camping in a temporary structure ordinance against the homeless are based on the improper motives. Find the plaintiff state and equal protection claim. You lost. Ok. The sweep violated the equal protection from the district court here. You are sworn to uphold the constitution, ok. Portland, this little thing here is really aghast. You stole three tents of mine. I contacted nine agencies and I have not received my three tents back or any response from anybody. And this is the third time my property has been stolen by the city, and I have been unable to reclaim it. The last time they told me it was across barber boulevard I went out there with a camera and they told me the address. It did not exist. These are a few problems, Charlie. You heard the solution. It's the duplication of right 2 dream too and dignity village and hazelnut grove and smaller units, and you need to pass Them. Someone is telling me that there was some letter to allow dignity village to not violate the zoning, so whatever you have got to do, my basic thing is, as I have said many times, leave us alone, ok. If we take on these responsibilities, as small villages, you are not responsible, ok. They can get sued. Ok. Leaves you out of the loop, really. You know. We'll handle that because we can get a community agreement, that's one of the things that you have got to have a community agreement non-violence training. Three people who want to start a village, that starts it, in the county, give us a free permit. Do what you have got to do and I put in there all the contacts that I did. It is absurd. If you settle, I won't sue you.

Hales: 1015.

Item 1015.

Thomas Edward Mullen: Good morning, thank you, sir, and council. My name is Thomas Edward Mullen. I've been a citizen of Portland, Oregon for some 52 years. I've been working on the homeless situation for over 40 some years, and I am here to voice too council I've been trying to get some assistance because I work alone. I've been trying to look at a different problem in working with the homeless situation in the last years. I have seen the storm coming about the affordable housing, if they would not have stopped the undivided house program, that started in the late 1970s, that would have stopped a whole lot of these problems with the homeless and the people, that's mentally retarded and everything with the 24-hour crisis center that we would have had there and for the families and everything that fell within the cracks as you all call it that could not afford, affordable housing or whatever until they got back on their feet. Now you are coming up 30 something years, and you had duplicated everything that we would have done so you have stolen every one of my ideas. You overpowered me and took it from me. So at the point of 8-31, 1989, it became a Thomas Edward Mullen versus pope Williams of Portland, Oregon, I got the whole catholic against me saying you ran over a father. Therefore, they are still within the loop so we will have to start that and knock me clean out of the loop. I got injured by the city, and 1-14-1994, that took me all the way out physically so now I can't work can't get around or nothing so this is all within the state of Oregon. As you started this motion today with the flag, you dropped the flag half flag, I am now going to make this number seven, as the young man said, if you are going to speak on the flag you must know the power of that flag. If you turn your flag upside down it means that someone is threatening you or someone has stole your property, and the federal government of

September 14, 2016

Washington d.c must be called. Not what you want to do, you must be called in. I've been flying my flag upside down for the last 15 years, ain't nobody got here yet so therefore all the way to Washington D.C is in violation. Because the law still quote and it still quotes now so therefore you guys want to cry about what that flag means, you want to honor the flag. You've got to honor the whole policy of that flag and that's where you are in violation, and I agree with that, about that number seven who refused to stand up for the flag and I refuse too at this point in time until you honor the whole policy not when it helps you, so therefore, I am here to seek money to get back into helping the housing, as a citizen of Oregon I should be able to do that, and show you a way that you guys have been overlooking things that could move the situation along and I have put in more time than you guys. You've been here 15 of five years or whatever so therefore, I am speaking for the whole state of Oregon and people in this situation, I want someone to get back to me and if you're scared to talk to me, please hire someone not scared to talk to Mr. Thomas Edward Mullen about this or I will take it politically or to the public.

Hales: Thank you.

Hales: We have a consent calendar. I don't believe that there were any requests, only four items on it. Let's take vote on the consent calendar as printed.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye. [gavel pounded]

Hales: 1016.

Item 1016.

Hales: Read them both together.

Hales: And 1017.

Item 1017.

Hales: Ok Anna Kanwit and other panelists are here to present this, this morning. Good morning.

*****: Good morning.

*****: Good morning.

Anna Kanwit, Director, Bureau of Human Resources: Thank you, mayor and Commissioners. Anna Kanwit, director of the bureau for human resources. We have two resolutions before you today. The first is the employer of choice resolution, which would direct the bureau of human resources to lead, the employer of choice initiative to attract, develop, and retain a diverse culturally competent engaged workforce that provides excellent public services. As a companion to this, also presenting to you the resolution to adopt the strategic plan for furthering the city's goals to become a model employer, persons with disabilities. I do have three people who are also going to be testifying in support of that resolution along with a video of testimony which if I don't have the technology expertise to do that, gale Baird will help me out, so thank you. So moving first to the employer of choice. We began this work back in august of 2014. Fred miller talked to me and said the city is a great place to work, and that's often not recognized. And we could make it better, out of that the employer of choice concept was born. The work was done by the senior managers within my bureau, and input from city council offices, from bureau directors, and from various employees, including the staff that are part of a business hour group that omf hosts. We also did a lot of research and we test drove some of the concepts through engagement surveys with the bureau of human resources staff. Before -- and from that, we learned that some of the things that employees would like to see in order to have a truly engaged workforce, autonomy, be able to problem solve, and understand how their work fits in with the enterprise, that's the city, to be safe, to have bold ideas not shut down, and work where there is a commitment to diversity and last but certainly not least, to be able to have fun. Work is an enjoyable thing to do. So why would we create an identity of the city as an employer of choice? One is to mark the city. To new

September 14, 2016

generations of employees and increasingly competitive labor market. Current employees should be recognized for and understand the value of their work. Through the city's commitment to be a value-based employer will increase the engagement and if you have an engaged workforce employees are likely to stay and have higher job satisfaction and provides better public customer service so what is an employer of choice? Gale Baird who is the workforce development manager, is going to discuss that but I wanted to point out that this is really part of a culture shift for us in the city, and to be successful, it needs to be intentional, and rewarded and embraced by all city leaders. To do this work, we created the champion circle, which is a cross bureau team of engaged folks who are willing to lead this effort for the city. They are committed to enhancing The city's identity, our brand as an employer of choice and will serve as the clearinghouse for great ideas, gale will cover those, and they are attached to the resolution so we really can work across the silos and learn from each other. So with that I will go ahead and turn it over to gale.

Hales: Thank you.

Gale Baird, Bureau of Human Resources: Good morning, mayor hales and commissioners I am gale Baird, training and development manager for the city. Thank you for the opportunity to provide testimony on this initiative, which we think is really critical for the city and the workforce. The employer of choice, that term means different things to different people. Our model, the city's model presents the underlying components of the employer choice with the understanding that each of us experiences it differently. As Anna mentioned, the literature over many years shows that the best employers, so most admired and profitable and the public sector considered most effective, or best run, are deliberately focused on what they offer to their workforce, and to recognize employees as their most valuable resource is what employer of choice is intended to do. So as an employer, the city offers job-seekers, the base operating on the basis of fundamental values of public service and trust and equitable outcomes, and diversity and inclusion, and ethical conduct. People who are attracted to those values are the people that we want to hire and keep them, and our model that you have is attachment a or exhibit a. We have identified five beams. Under each of these are the descriptors of job satisfaction, and engagement, and along with programmatic areas. And so before I go on to each of those themes, just to mention that the term employer of choice doesn't mean that a particular employer is attractive or desirable for every job seeker. Some people are not motivated necessarily by employment in the public sector. They are seeking other things. The people that we want are those who want to make a difference and who want to be part of making a difference at the city of Portland. So each of these shows the themes. We have strategic creativity. Effective leadership. And employee development, and learning, and supportive and inclusive work environment, and total rewards. So obviously, the five things describe different parts of the work experience at the city. And within that, we show that the city is a value-based employer, so values are why I came, and the work experiences are why I stay. Those are the engagement factors that we want to support. Part of the work that we have done over the past couple of years on this involved taking an inventory if you will, and seeking out investigating what the city and within city bureaus what we're already doing. Because we have found that many times the bureau, as part of its Own employee programs, will develop initiatives, onboarding programs, and training, and all different kinds of things that they do in recognition of employees, and part of our goal with employer of choice is to share those across the city to the extent possible. So that we are creating a more enriched culture city-wide. Questions in.

Kanwit: One more thing, thank you, gale. So part of this is, you know, why we are doing this is the city you know, we want to fit our programs, initiatives around employees into our identities and the employer of choice, which is a value-based employer. One thing, not

September 14, 2016

exactly an ask but a forecast in the resolution is we want baseline data. We want to go forward with this resolution and our ideas and by city-wide ideas, on how to enhance the workforce, and we want, we would like to do a survey, an engagement survey. The bureaus have done this for their individual bureau and is we have not undertaken it across the city. We don't have a specific ask today. The reason it is mentioned is that's one of the things we will come back with at some point. Thank you. Any questions?

Hales: Any questions? For either of these two leaders inside work?

Fritz: I have a question, and I appreciate the discussions you have had with staff about doing this as a goal and had adopting a strategic plan and the relationship of that in the budget. It will take additional Resources to, actually, do it, in addition to the 15,000. So I am asking my colleagues, as much as you, by accepting the document plan, are we affirming that we want, we do want to consider this as a high priority in the budget.

Hales: I think so. Yeah.

Kanwit: Well, I certainly would like that to be considered, but I do want, I mean, in terms of when I addressed the employer, the request there will be, part of my budget coming in for the beginning of fiscal year 2017-2018. There isn't anything today that commits a budget adoption but asking for support.

Fritz: This is an option too for you to make your pitch for that. You have asked for this before and if you could just talk about the consequence of not adding staff to do that and what would the staff that you will be requesting be doing?

Kanwit: If you will not mind, commissioner, if I could do that, move over to the floor and go over that, I can address it there so I think that will provide a little more continuity and I do have, as I mentioned, one video, testimony, and three others are here in support of the model, so I will go ahead and start that. If you just hang out in case I need you. That would be great. The second part of the presentation today does concern the city's 2002 resolution for the city to become a model of employer for persons with disabilities, and as commissioner Fritz pointed out, I have -- this will be my third year coming to council to request funding for positions to carry that resolution out. It was originally intended by Council, by the Portland commission on disabilities, and by the office of equity and human rights and by the bureau of human resources. And I think that everyone who supported the resolution, part of the issue is that the resolution was adopted and then we were in some pretty decent budget cuts, and two of the staff from my bureau that would have been able to assist in the resolution were cut from the budget. That's not to say that nothing happened. Quite a few things have happened since the resolution was passed. I want to note that besides the bureau of human resources, and the office of equity and human rights individual bureaus are taking on the programs and actions to improve employment and the environment for individuals who have a disability, and notably, the bureau of environmental services and parks, but I have to say that I was not originally aware of those programs. So it gets back to what we're talking about in terms of the employer of choice. Bureaus are doing a lot of great things but we don't have good mechanisms to talk to each other in addition, to what individual bureaus are doing. We expanded our focus of outreach from .75 to one position to increase outreach to communities, and individuals identified having a disability, and we've been hosting a job fair with insight, again, focused on attracting individuals who identify as having a disability to the employment with the city, and I believe it's our third job fair, is October 12, and we have participation from pretty much every bureau in the city, and in that job fair, as well. The city participates and attends night for networking, which is ohsu, well, basically networking event with trying to tie people with disabilities with employers and employers talking to each other. I have attended for several years, that event is on October 26, and in fact, Ian Jaquis is here today who is one of the creators of that event. Bhr did a survey in 2014 to obtain data around

September 14, 2016

how the city, our employees view the disabilities and what the environment is like. And it's not particularly positive, that survey. That said, this year, last year I was able to encumber 50,000 from my budget to hire consultants to create a strategic plan to carry this resolution further than we have done so far. It is attached to the resolution. It is titled, actually, a white paper institution plan because at 53 pages it's a little low, to be a strategic plan. We entered into a contract with Michael Spurlock, who is a, once was a member of the Portland commission on disability does a lot of international work with the u.n. And the mercy corps on this type of work. Unfortunately, he will not be here today. He was traveling in several countries in Africa, as well as middle east and injured himself so I have remarks that I am going to read that Michael would have provided. What Michael Spurlock did is he met with a variety of focus groups and stakeholders and council offices, and the bureau directors, and various employees to create, he did his own survey data and created the plan that is before you as exhibit a. The plan was also provided, well, both in draft form but the final form to pcod and again the business hour group of employees across the city for review. Page 25 of the plan is the detailed recommendations that Michael has that we wholeheartedly support. Significantly there will be a budget ask for 1.5 positions in my bureau. One position would be ada accommodation position. This is important. If you look at the word clouds at the back of the plan, one-word cloud shows really what the environment is like. Fear. Retaliation. Etc., etc., that many people feel that inhibits them from coming forward to request accommodations and for us to truly create a welcoming environment. The bhr has a centralized position for family medical leave and other medical leave requests. It has been very, very successful. Primarily for two reasons. It creates a safe environment for employees to come forward with their request for leave, and it also ensures consistency across the city. This accommodation's position would be similar. It would work with the bureau identified, and employees who work on title 1, and also, again, provide a safe environment for employees to come forward with the request for leave, and ensures that we create those accommodations. The second part, they recommended shift for the city from moving from a medical approach to accommodations to I guess a more humanistic approach for lack of a better word, and what that basically means is the way that we approach most of the accommodations today is we will ask the employee for information from a treatment provider that justifies that accommodation. Now that's not in every case but that is primarily the model that we follow. It does not make a lot of sense. It's no longer recommended by -- under the Americans with disabilities act or by the federal government, and again, it leads to -- it creates barriers that don't need to be there. For example, if we have an employee with low vision, who simply needs an attachment, a program on their computer, there really is no reason for us to ask them to provide information from a treatment provider. We can do it or the sit to stand desk which we provide pretty much across the board now, you don't really need a treatment provider to tell you that an employee, because of the condition, really does need the ability to stand up at work rather than sit all day. Those are very important. There are also a number of programs that are in here one the project search being spearheaded by commissioner fish's office along with a job carving program that ohsu has piloted that the parks bureau is looking at doing where we create meaningful work for people with developmental disabilities with a goal of that work becoming actual full time employment with the city at some point. So there are a number of things in here that I think are important and what I'd like to do it next read from Michael Spurlock's testimony and have the other folks come up here and talk to you and then take questions at the end. Michael Spurlock is disappointed he can't be here today, but--

Fish: By the way I think we are too cause if he was here I probably with all my colleagues compliment him on the way he went about doing this report the meetings he held with us

September 14, 2016

the follow up work and a really a superb document and I compliment you for hiring him cause I think he really got at the core of some very important issues.

Kanwit: Thank you I appreciate that.

Fritz: Just one second it seems we have an accommodation apparently the captions are not working. So can we just pause while we--

Hales: We're back in operation.

Kanwit: Great, thank you. Just one comment on Michael Spurlock, one of the recommendations that came out of the review of the plan, was that we should look at actually using his expertise in our design for the Portland building, so to be sure that is, actually, we're creating a welcoming environment as well. So talking to Fred miller about including that, I think it's a really excellent suggestion. All right, so from -- this is from Michael now. He had 11 observations from his consultants with the city of Portland. Persons with disabilities want to and can be productive employees for the city of Portland. Some but not all persons with disabilities have support needs or reasonable accommodations to enable them to carry out their essential job functions. Employees are reluctant to make requests for reasonable accommodation because of the stigma of revealing their status as a person with a disability, and their belief the request will be denied. While there are costs associated with the reasonable accommodations, those tend to be minor and are less than the cost of failing to provide the accommodation. Non-disabled persons tend to think of reasonable accommodation as special or extra, and therefore, something that is optional. This attitude is damaging. The truth is whether disabled or not no one views their own needs as special. The clear intent of the Americans with disabilities act to make the provision of reasonable accommodation routine. The only valid reason for reasonable accommodation to be deny idea is if the, it causes an undue burden. However, with a city of our size and the size of our budget, the chance that and accommodation request would create an undue financial burden is probably close to zero. I actually agree with all these remarks, as well. A new approach to the provision for reasonable accommodation is needed. There are many good reasons to provide the accommodations, cost effective, supports our independence and economic and social and lowers the cost of society, and ie reliance on welfare programs. No large city in the united states is doing this well. If this plan is approved it will place the city of Portland at the forefront of supporting equity in the public safety for persons with disability nationally if not globally. The city of Seattle has an excellent program to support people who identify as having a disability, and I hope it is studied in more detail and emulated by the city of Portland. I am also encouraged by a new ohsu program to support the employment of persons with developmental disabilities. Conversations about the strategic plan have been had with representatives from the Department of labor, office of disability employment policy and expressed their support for this plan, and in interest of the outcomes. The international labor organization, a body of the united nations based in Geneva has also expressed interest in support. While the main focus has been on creating a global business, and disability network to promote employment in the private sector they recognize the need for the public sector to take leadership in this as well. The city has made a commitment to being an employer of choice, and stated it values the diversity and recognizes that everyone can contribute to make the city a better place for all. This is promised on a bill from that commitment. The bhr strategic plan seeks to improve, who is given reasonable accommodation and how, combined with a focus on outreach and recruitment will help the city to attract qualified individuals with disabilities. There is a note, I noted, the cost associated with the plan which is the budgetary request for 1.5 full-time equivalent positions. Second given the success of the Seattle program, the commencement of the ohsu program and commissioner Fish's expression of interest in the

September 14, 2016

program to bring onboard individuals in the developmental disabilities, the council may want to consider how to design and institutionalize a pilot program specifically focused on employment opportunities for persons with developmental disabilities. The bureau of human resources is the lead for this plan and I am confident in the commitment of bhr to do this work. Bhr will need other bureaus to step up. Oehr has a dual mandate on disability, the parent bureau. The office of neighborhood and involvement has a disability outreach mandate. Parks has expressed an interest in the program, and for persons with developmental disabilities, and the police bureau's work with the community and persons who use mental health services is ongoing. These bureaus will make inclusion a priority within the work plans. Thank you. That was Michael's testimony. And then I am going to go ahead and have the people here come up and testify so dana.

Hales: Great. Thank you very much. Good morning.

Dana Coffee: I am Dana Coffee. I am a commissioner with the Portland commission on disability. My son has a disability, and he's 23. And he's smart and perceptive and funny and kind and educated, and of course I worry about his prospects to be hired to support himself. I am excited about this opportunity to talk with you today about the two resolutions before you. The census says that more than 18% of the civilian and non-institutionalized population has a disability. Ill-conceived attitudes and policies about disability need not and should not prevent someone with a disability from contributing to the workforce and earning a living. In 2012, our city council adopted the model employer resolution to promote a welcoming and inclusive environment for persons with disabilities. That's wise, humane, and just. Unfortunately, the budget wasn't available until now for the city to hire the modest number of staff, only 1.5 full-time employees to ensure that the resolution took effect. As of this year only 1.2% of the city employee's self-identified as having a disability. That the percentage of such employees may, actually, be higher because people fear to reveal, they fear to reveal that they have disabilities, is also addressed in the plan. No wonder about the reluctance. The survey sites legitimate reasons for that fear, and widespread misconceptions and myths, that people with disabilities can't do the work, they can't do the work that they are hired to do, require expensive accommodations, do not have the qualifications, and will not work as hard. It's a grave and continuing injustice to dismiss 18% of our population in this way. The problem is not disability. The problem is accessibility. As a commission, we are encouraged by many aspects of this plan, and we urge you to both support and to fund it. We also have some concerns, and suggestions to make this plan even better. So while we ask for your support of this plan, we, also, ask that you continue to have human resources and the new staff work in partnership with us to make sure that the voice and the needs of people with disabilities continue to be part of the process. There is pride in being an Oregonian and a Portlander. So often we have led the nation in important legislation, protecting our environment, and our people. Recycling public beaches, transportation, here's another opportunity for us to lead the way. One poignant statement from the survey in the plan was, I have never met anyone blind. I have never met someone with a significant speech impediment. Or someone who is completely deaf working for the city of Portland. Too often when we have conversations about equity, we don't include people with disabilities, and yet people with disabilities represent all of us, over 18% of us, in fact. And yet the disabilities' community is historically underrepresented and discriminated against in the workforce more so than any other group in our communities. Let's begin to change that today by adopting the model employer resolution and the strategic plan that will help to ensure it is effective. In my time on the commission I have been privileged to work with some of the most able and courageous people that I know. I would like to introduce you to one now, my fellow commissioner Angel. Thank you.

Hales: Thank you.

September 14, 2016

Kanwit: I appreciate that, so angel's testimony is video so we'll go ahead and make that work. While that is getting set up, one of the groups that I missed when I was talking about the work was the employment subcommittee of the Portland commission on disabilities, Travis wall was a member of that. He's going to testify today, as well, but that group really worked -- we spent a lot of time to go creating the survey and doing a lot of the work that we have done so far.

Angel Chesumet: Sorry I couldn't make it in person today. My name is angel chesumet, and I am a commissioner with the Pcod. I am really excited about this opportunity that we have with the model employer and the strategic plan that we're going to discuss today. I feel like this is an opportunity that we have to start in the city of Portland and hopefully to flow out to other businesses locally and maybe even nationally on leading the way in the disability movement. We are, one of the minority groups that any of us in this room today can become disabled. Any of us. Think about it. All the minority groups. You cannot all of a sudden be black. Or brown. And you cannot all of a sudden become gay. But you can, any one of us, can all of a sudden become disabled. At any moment in your daily life. Now that's pretty -- that's pretty surprising to think about, especially when you compare that to the low percentages of people with disabilities in the workforce. We have a right. It is our human right to be able to earn a living just like anyone else in this room. But we time and time again don't get the opportunity to because we are judged on not saying that people know, because people don't understand and usually are not open to understanding what it's like to live with a disability. They are judging because, they are judging on what they think that they know about a person with a disability. When in reality a person with a disability is, actually, is a person who would be a very hard and loyal worker and would be very responsible. We have a lot of qualified individuals in this disability community that don't even give -- get an opportunity, not even given an opportunity because of the ignorance that people have around the disability. We are usually not a part of the conversation, when it comes to equality for race and sexual identity and the lgbtq topics. Disability is rarely, rarely even remembered in the list of minority groups and memorialized in populations. I am encouraging us today to open up and let the disability be a part of our conversation at the table. I am totally blind. I use my guide dog Hennessey to get around. I actually have a master's degree in clinic rehabilitation counseling from Portland state university. Even with a master's degree, I struggle and have struggled to be seen as equal in the workforce. I am hoping that the city council would strongly, strongly and seriously consider implementing the strategic plan by first allowing the city to have the staff to start the whole process and start the ball rolling. I, along with my other commissioners of pcod, would hope that we would be a part of the conversation to consider shaping and forming the strategic plan to ensure everyone gets an opportunity to be considered in any type of employment that comes up in the city. Hopefully eventually as the attitudinal barriers are slowly chipped away, that we would be more equal, I'm sorry, that we would be more considered throughout our city and may be even eventually hopefully one day throughout our nation. So I encourage the city, the city council please to consider the strategic plan and starting the ball rolling with the new staff member and the half time staff member and to consider -- to continue to allow pcod to be a part of the table, and move forward with this whole process. I thank you for the opportunity and I hope that you will meet some of you guys in the near future.

Kanwit: All right thank you. So Travis wall is also going to come up and say a few remarks, and then Phillip wolf.

Hales: Ok. Great, come on up please. Good morning.

Travis Wall: Good morning Mr. Mayor and commissioners. Thank you for accommodating me and allowing me to come in and appear before you today. I am going to ask you to

September 14, 2016

bear with me a bit. I am, unfortunately, left one of the accommodations I need to function which is a pair of glasses in my car so I don't have the benefit of that. I also thought while we were talking about the accommodations I might point out that there is an accommodation that's present in this room that many of us able bodied people rely on, that is not necessary for everyone with a disability. Particularly those who are blind. So all of you are the benefit of a lighting system that without, you would have a hard time reading the documents that are in front of you. It's something that we all take for granted, as able bodied people but it's an accommodation for us to facilitate things in the course of our business. Some already shared what I am going to say but I think it's important to restate it for the record so I ask you to bear with me a bit. The recommendations before you today are a real necessity to continue to address what has been a long standing inequity both in this country and state and the city. People with disabilities have experienced some of the highest Rates of unemployment of any group in this country. And here in Portland, 15 to 20% of our community are people with disabilities, and yet only about 2% of our cities' workforce, in fact, are persons that identify as being someone with a disability. The unfortunate deleterious effects of unemployment affect people with disabilities in all sorts of profound and often lifelong and devastating ways, including poverty and homelessness, and as well as through racism. It's worth noting that the disproportionate number of people with disabilities are people of color and other disadvantaged people. In response to these facts and these conditions, and the moral, legal, and business case, for increasing the employment of people with disabilities, the Portland commission on disabilities brought to you a resolution in 2011 to make the city a model employer with disabilities. We were very gratified that today, that day and we remain thankful today that adopted by you and has been lent the support that you have given it. But in order to continue to move forward we must do a number of other things. We are very thankful for the leadership that Anna has provided to the bureau on this issue and through her efforts, the efforts of the staff, as well as the commission on disabilities and others, we have made some progress over the past several years, and certainly we began to put to go the vital Elements to the strategic plan that you have before you today. But the recommendations that have been presented are necessary to take the next steps. This remains an incomplete work, one that must be given more attention to succeed. So we would say let's make the economic recovery that many Americans are experiencing today a reality for people with disabilities. No longer should their dreams be denied and deferred. Thank you.

Hales: Thank you very much. Ok I think that we had some others that were going to speak. Other members? Yes. Good morning.

Ian Jaquis: Good morning. Thank you for giving me this opportunity to speak on this. I support everything in front of you today.

Hales: Put your name in the record.

Jaquis: Thank you, sorry. I am new to this. I am Ian Jaquis, I work at Oregon health and science university. I think I worked with everybody on the council at one time or another, and excited to have this opportunity to speak on this topic today. I have work closely with Anna and Nicole at various times on various events, and I know the passion that they bring to the table and I am excited to hear the stories that already are happening in the city. I think that with the adoption of these proposals it will further that, and it will energize that, and I am excited About the potential for the messaging that the city can send in making -- which is what I always tried to do, make it cool to be a person with a disability, and I think that the city, like no one else, can promote that. And I think that will help overcome the stigma, overcome the challenges that people with disabilities faced. Michael's protection, his strategic plan is exciting. For a person who is almost a lifelong person with a disability, this is an opportunity I never imagined. I think that with your endorsement and support and

September 14, 2016

messaging with that it will go a long way to raise the 1.5% people here who in the city who are, who have felt this, that will raise that level and I am sure that the percentages already are higher than that but we want to empower them to feel comfortable about that. The messaging about accommodations is important. And all that sort of -- all that's been mentioned is important but I think that ultimately, with the support of the city, that sends the message that it's ok for people with disabilities to apply to be hired, to thrive. I fully endorse and support that. That said, thank you for this opportunity.

Hales: Thank you. Thanks very much. Ok. You had some other speakers?

Kanwit: One more, Phillip wolf, and he's going to type into the computer.

Kanwit: As Nicole said we had interpreters but didn't show up so I am going to read what Phillip wrote for his testimony.

Kanwit: Hello. This is awkward. I am Phillip wolf. I am a commissioner. With pcod. Thank you for giving me the opportunity to type my message with you all today. I need -- I need a few more minutes than normal because my mind races faster than I type, so bear with me. Ok, here I go. When I was 20 years old I applied for my first job with the gap at Beverly hills, California. I got hired. Other employees got hired the same time when I got hired. Four months later, this employee got promoted, and I stayed the same position. For more than a year. I realized the discrimination is in play. So I filed a lawsuit and settled out of court. Here in Portland for six years now I have personally witnessed a serious disparity in hiring people with disabilities. With the city. I have applied three different, for three different city positions and got turn down. The most recent was for the position with the most recent was for a position, disability program specialist. It was a blow to my stomach, that I am continuing to be subject to be subjected as one of the, as one of the statistics, people with disabilities that are viewed as a burden. Evidently all the bureaus and the city people are not trained in providing accommodations. With people and their disabilities. They often assume that we must educate them and accommodate them, which isn't the case. And today to see this council scrambling for interpreters for us today is quite distasteful. I, as a pcod commissioner, fully support the strategic plan with an understanding that the h.r. shall hire staff to work with and to follow through. I believe I could have expressed better through asl but this shall do for now. Thank you for your time. It is always good to see you again. And by the way, allow me to remind you that we live in a system of oppression and here in Portland I believe can be a model to break, to break the system of oppression. Thank you.

Hales: Thank you very much.

Moore-Love: Mayor excuse me, my apologies for not getting the interpreter.

Hales: Thank you. Thank you very much. I am glad that we worked out a semi solution today so thank you very much.

Kanwit: Yes. Thank you. So just in closing, I want to say that I have been very honored to work on this, and with the various members of the Portland commission on disabilities and others it's really been a pleasure.

Hales: Thank you both and questions?

Fish: Do we have a lot of people signed up? One more? Why don't we hear that person?

Kanwit: I apologize; I didn't realize that I had someone else signed up.

Hales: Anyone else that wants to speak and we will have questions. Can we move a chair out of the way there, Anna? There you go. Thank you. Good morning.

Kathy Colman: Good morning. As you just heard I am Kathy Colman, and I am also a pcod commissioner. I am here today to ask the city council to approve the budget for the 1.5 staff positions to carry out the model employer strategic plan. As a director of a nonprofit, I am more than highly aware of the importance of having enough staff and resources to carry out the needed programs for the community, without adequate staffing,

September 14, 2016

funding, a budget, we won't be able to achieve the goals of the model employer plan. It's been 26 years since the Americans with disability act was passed and we still don't have equity -- that's too high for me, we still don't have the equity and employment for people with the disabilities. We are just entering the workforce or have a master's degree or a ph.d., we're still underrepresented, in Oregon, only 35.3% of the people with a disability of all education levels are employed, compared to 75.7% of people without a disability of all education levels. This was a huge gap that needs to be closed. The city needs to embrace the disability culture, and our intersectionality as disabled people of color, and queer woman, indigenous as people with disabilities in all parts of our community, the city will benefit from the skills and the education and the knowledge and lived experience that people with disability bring to the city bureaus as employers, as employees, or employers, it can be either. It's a new century and we should be back the narrow thinking that places with disabilities solely as a medical issue with an emphasis on the disability culture and identity, and city employers can increase their awareness of the disability and erase the biases that keep the people with disabilities from being employed. Pcod can assist in strengthening the plan through specifying the details regarding the goals and objectives, and important areas of data collection and analysis, and identifying important benchmarks, as a number of employers with disabilities increases. This is the beginning of a really important journey. It started in 2012. And I hope to see it increase with my people employed and entering the mid and high level positions in the city of Portland due to the success of the model employer program. And I am hoping that you will all support that program. Thank you.

Hales: Thank you and thanks for coming. Good morning.

Richard Robinson: Good morning. Honorable mayor and members, Richard Robinson, I am visiting from Los Angeles, the city council chamber, and it's kind of the board of supervisor's chamber. Sir, because of our constitution and democracy and freedom, based upon the British rule, parliamentary system, we're the best. The bureaucracy, which to some seems unwieldy, to me is a blessing of God. And in directing your bureau of human resources, consider the human aspect of life in the United States of America today. Most of the humankind's problems are caused by human beings, all we need to do is exert the effort and all our problems are solved. The glass is half full. The veneer of civilization is skin deep. There is a tendency to think all too often that we don't have the -- we don't have the ability to solve these problems, but here in Portland, Portland is a point of light. I am 75 years of age, traveled worldwide, and a student of child psychology, Barack is my cousin, and my step mother is Joan Oakley we build about 10 rescue missions nation-wide. So as you consider one of the most important -- this change of direction, in -- not just in Portland, but nation-wide because of our -- I got here when Bud Clark, Lee Brown were changing things, and I cannot express, it's inevitable, it's ineffable, the inevitable effect that you will have, sir, because of your position, Portland's position, not just here, but worldwide. Seriously, as Hillary is sworn in January, and the world, the proven leadership is brought back to the process. I am a Christian, I am a cock-eyed optimistic, peculiar, but I see you and this legislation as seminal. Thank you.

Hales: Thank you very much. Thank you for coming. Others that would like to speak on this please come forward. Good morning.

Charles Johnson: Good morning, commissioners, for the record, I am Charles Johnson. And I have to tell you that this is shocking. I am amazed that our city had not taken a step like this back before the 2008, 2008 to 2012 and up until now I can see the constraints but really, I would have thought that Portland would have had a full-time person looking at employee integration because although we're talking really, you know, on the urgent need for our city government to step up and do the right thing, now for people with identified

September 14, 2016

mobility and perception impairments or whatever the politically correct language is, the truth is that the majorly successful workplaces, Microsoft, apple, google, pay many people to facilitate employee integration into the workplace. And if you want to be a city government, a municipal government that is on the edge of highest performance of delivering service to the taxpayers and the citizens, it's Strange that we did not get to this point, you know, long before I came to Portland. So by all means I think that you will find that, you know, with city government we don't do much roi tracking I don't think but I am very confident that if you approve these 1.5 fte's, you will actually find that it probably makes sense to pull out another 1.5 fte on the general principle of instead of siloing people and forcing people onto a track, talking about how workers can collaborate in the different capacities and produce the best results for the people of Portland. Thank you.

Hales: Thank you.

Hales: Good morning.

Crystal Elinski: Commissioners, and mayor hales, I am crystal elinski. Speaking on this agenda item is -- I am very pleased to be here today, with some of my heroes, people that I've been following and working with for many years. I am here to express concern about what I have seen over the years, and also hope that this could bring. It does not operate in a vacuum. I mentioned earlier about our environmental declarations and our homelessness declarations. Announcements and lofty ideals that we put out without any teeth anyway to monitor it follow through I would really like to see this worked on when we talk about engaging more minorities, women, minority contracts for example we know that we've been talking about it for a long time and the procurement office the auditor found that the procurement office doesn't operate and we're using token agencies and not real tangible results. We are a huge city we have a lot of talent a lot of different ways of looking at things that we don't need to continue to the same lets say we've got that 1% dealt with and now we're doing well. I would really like to see this like when we talked about the homelessness 10 year plan to end homelessness we have action like we had back in the days when eric sten was here and worked on that. I have personal experience with agencies nonprofits that pretend to help people with disabilities and if mostly they just exploit people with disabilities and they get away with it because we don't know what it looks like to have our standards set. If you as the city, as an employer, can get this right, working with equity, minorities, even with the issue of homelessness, we can set the standard for these nonprofits that have -- for example, I recently tried to get a job that had to do with housing that a lot of disabled people are homeless, and we're promised so-called good housing which turns out is not accessible. They are not good at accommodating, then they make you work, say for example cleaning toilets at psu, my alma mater. For ten hours a day. I don't want to see this anymore. I hope you can set the standard.

Hales: Thank you. Anyone else? We had more questions I think, Anna, for you and gale. Come back up, please.

Fritz: I have a follow up question that you read from the report about the cost to provide the accommodation is less than the cost of not providing accommodation in terms of risk. My question is if an accommodation is needed does the bureaus budget take that or is there a central budget that a bureau can apply for?

Kanwit: No it would come out of the bureaus budget commissioner.

Fritz: I think that's something we need to look at it maybe a lot more possible to fund an accommodation in a big bureau like parks for example then it is in the office of neighborhood involvement or even the office of equity and human rights so I think moving forward I don't know if that's included as a recommendation to the strategic plan, but as a practical matter I think it should be considered.

September 14, 2016

Kanwit: Absolutely it's not included in the plan, but it could certainly be added to the list.

Fritz: And my other question was not to you, but to my other colleagues don't know quite well if the office of management and finance budget falls in the rank order in how much each bureau gets in the budget, but part of the question I think that we will be answering in the budget Do we have to give extra to fund something crucial like this or should the bureau's budget be reorganized that this becomes a priority whether or not there is funding.

Hales: Good question. Other questions?

Fish: Nice work, Anna. Would you remind me, what do you anticipate will be Michael's spurlock ongoing role? He's author of the white paper. He's interviewed us, made a number of very thoughtful recommendations. What is his essential future role?

Kanwit: In terms of this particular project, you know, that we are finished with that, so we'll be moving forward with the plan, but the potential role would be to contract with Michael to work with the design committee for the remodel of the Portland building, to ensure that that design does create a welcoming environment for everybody. Now, that has just a suggestion. I'll be following up with Fred miller on it.

Fish: You mentioned earlier in this presentation that we sometimes have challenges sharing information. The bureau may be doing something, innovating, but that information may not migrate. I recently at Fred's invitation went to a meeting of bureau directors and we talked about communications with our customers and some uniform standards and I gave some feedback as a customer on something I had gone through. This is the age old problem with our government. We're trying to establish city-wide standards. I guess the conversation I would like us to have as a follow-up who is best positioned to set the marker then make sure we're meeting city-wide standards? Is it the cao, chief administrative officer, through that process? Is it h.r. with a directive signed by the mayor saying these are the minimum expectations? Is it something Dante James, office of equity, establishes as baseline expectation? Then are we expected for example to set those expectations in written letters of expectations we give our bureau directors? I almost feel like every time we go through an important exercise we have to be very clear about how we set the bar and how we enforce it. If we don't, then it's not entirely clear how we get there. I have often thought actually that just as the mayor issues an executive order or equivalent assigning bureaus we could get to a point where there's a similar flavor, neighbor at the time of your assignment that sets -- the power of the bureau implicitly comes with the power to set expectations of how you manage the bureau. Mayors are not shy in assigning to bureaus - you share my passion for x, y, z, right? That's a precondition to the bureau being assigned. Let's think about getting beyond good intentions to making it clear to all bureaus there are baseline expectations and some kind of follow through, particularly in the area of sharing best practices and innovation we might do an annual work session where those things come to all of us, but where a bureau is doing good work it shouldn't just be communicated with Dante or shared at a fred meeting, the other bureaus should be inspired to put that into practice.

Hales: Good idea.

Fish: It's the age old problem when it comes to our government but I take it as a challenge as to how we can take it to the next level.

Kanwit: That's an excellent idea. One of the things we talked about that haven't presented to any of the commissioners and the mayor yet is a general list of expectations for bureau directors as well it would be particularly around the city-wide initiative. I think it would be very helpful, an annual work session, other reporting would be great.

Fish: I look at the work you've gun institutionalizing the 2.02 training. It's now mandatory. We get emails following up. That's how you go from good intentions to a structure that

September 14, 2016

requires everyone get the training.

Fritz: Can you explain what 2.02 is for the people at home?

Fish: 2.02 is the training we get on our policies around sexual harassment and related policies. Two other things. We're going through a period of transition. We have a mayor-elect. We don't know how this government is going to be organized starting January 1st, but I have said on behalf of the bureaus I have the honor of leading we do want to put into place the pilot on project search and the beauty, mayor, of that program is Seattle has already done a lot of the hard work and it actually in Seattle came out of the mayor's office. There was -- I think it actually has to come out of the mayor's office or a commissioner's office to go forward. I think we pick a bureau. The water bureau wants to be considered as the first pilot. Work out the details with h.r., and see if we can pilot this, test it, then see whether it has -- whether it's something that we could export to other bureaus. We want to go forward with that even though there's some uncertainty about who will be doing what in the new administration. Finally, I am unclear about the budget. Is it your intention to come forward in the fall bump or in the regular budget to seek the additional resources?

Kanwit: In the regular budget.

Fish: Thank you very much.

Hales: Other questions, comments, good suggestions? Thank you both very much. Let's take a vote, please, on the first of the two resolutions.

Saltzman: Well, thank you, Anna, gale, the commission on disabilities and everybody who has worked on this model employer resolution. Certainly is the -- as the testimony indicates and we all know we can and must do a better job providing employment opportunities for people with disabilities. I think Anna, you mentioned it in passing that work helps make people happy. Sometimes we don't feel that way when we're working too much, but when people are on the outside looking in of a work environment too many people with disabilities find themselves in, I think there's a lot they yearn for in terms of the camaraderie from just being around people and the positive sense that you said, maybe gale said that, working for the city, the sense of public service that it instills in so many of us. This is very important work. Appreciate your hard work and everybody being here today. Aye.

Novick: I also appreciate your hard work and appreciate everyone's testimony today. When Michael Spurlock told me about the appallingly low percentage of people who work for us identified as people with disabilities I was stunned. The number is so low doubtless we have a work force where people aren't reporting that, which is itself a problem but it's also so low that obviously people with disabilities are wildly underrepresented in our work force. Really appreciate that fact that h.r. is working to design policy and alert us to the policies and hopefully remedy that situation. I realize technically this is the 2016 isn't about that issue, but I just wanted to -- again, thank you very, very much. Thanks to everybody who spoke today. Thanks especially to Michael, who just did at the phenomenal work. Aye.

Fritz: Obviously all of us up here and I think everyone is recognizing overlap between an employer of choice and also being an entity which values people working with disabilities. Recognizing that people with disabilities have already on a daily basis worked really hard to overcome many challenges which what we want from our city employees. On the employer of choice, I personally will be very interested in having -- with Portland state or someone else to look at what are the factors. I would encourage thinking with the overlap on becoming an employer of choice of people with disabilities how could we structure an employee survey in a manner that people feel more comfortable answering the questions honestly. I have six people working with me. Then sometimes -- we get aggregated data that there's only seven of us in my office when it's identified as the commissioner of utilities, people will say, I wonder -- when people are more comfortable and I think it

September 14, 2016

overlaps into people with experiencing mental illness or who have experienced mental illness, which is one. Disabilities that we struggle to provide accommodations with in many different places. I think this is a really good start. As I mentioned in my previous comments, I believe we should be asking the new chief administrative officer how can you make this happen? Not always expecting the answer give us more resources but rather this is the most important thing, which for a bureau of human resources you put such a lot of work into this, Anna, I appreciate all the work you've done, your leadership, recognizing so many different equity issues and becoming more inclusive in many ways. Thank you for your work and for this presentation. Aye.

Fish: I want to join with my colleagues in thanking Anna and Gale and everyone who has been working on this. Anna, you have clearly identified this as a core issue that you care about and that you have led on and we appreciate that because it's going to take tenacious leadership for us to move the needle on this. So thank you. I think Michael impressed everyone up here when he interviewed us then wrote the report. So he's done a great service. Someone mentioned in their testimony it was 26 years ago the Americans with disabilities act was passed. It's worth remembering that it was signed into law by a republican president. So it was not then seen as a partisan issue. It was seen as a next important step towards a civil rights agenda that the underlying value was to make America live up to its highest ideals. I wonder today whether this could pass the congress of the united states that currently has organized, a congress that consistently fails to address the issues of concern to Americans but does find time to pass bills naming post offices. I wonder whether this would pass or would even have broad support from one party. We have worked to do. We want to become a model employer, an employer of choice. For all the reasons set forth in the white paper I think we're ready to get to work. The one thing I want to say on funding, echoing what in friend commissioner Fritz said, when we sign on to strategic plans and model employer policies and the like, I think implicit in that is that we are going to put the resources behind it to help you be successful. I have been a little frustrated when we adopted the age friendly Portland plan but we're always have to beg, borrow and plead to get funding for even the most modest part of that. I take very seriously our responsibility once we have adopted a big plan with goals and aspirations we have to follow through with resources to give you and others the resources to be successful. My bureaus look forward to joining with all the other bureaus in implementing a number of these recommendations and I'm personally very encouraged by what project search and as a concept could mean to our city in providing opportunities for people with developmental disabilities. Thank you for your good work. Thanks to all the commissioners who came out today to testify. I'm pleased to vote aye.

Hales: I'd like to thank these committed public professionals and volunteers that have come here today to remind us that this is important work and that we're committed to it. Thank you very much. Very pleased to vote aye. Now on the second resolution, please. Adopting the strategic plan.

Saltzman: Aye.

Novick: Again, thanks so much to Michael and everybody else who worked on this. Aye.

Fritz: This is to become the model employer people with disabilities one of the first things I got to do as a new council member in 2009 to establish the Portland commission on disability which mayor tom potter had established or set in the path being done with Nickole Cheron, now with the office of equity and human rights. Then when mayor Sam Adams and I co-founded the office of equity and human rights we did so after robust participation from the people of the Portland commission on disability insisting that Portland, which is now one of the only ones in the nation to recognize disability along with race as two of the biggest challenges that we need to address and need to address them

September 14, 2016

soon. I was very struck by the video from one of the commissioners on disabilities, also the comments from each one of them. The example of Phillip wolf needing accommodations and I appreciate what you did to make sure that that happened and he could participate. Noticing that commissioner Phillip wolf was suddenly not tracking as he had been doing when he was watching captioning before. The video suggested that all of us are at risk to become disabled and if we live long enough all of us will have some disability at one time or another. I would encourage that survey to check often. It's not a static number for people with disabilities. So part of the equation is getting people to self-identify. Part of it we may see -- it might depend on the age of the work force or whatever else is going on. Politicians are kind of in the public eye anyway. We get all sorts of questions, but I would appreciate an ongoing annual survey to keep checking in because it's really important. We need to know where we are before we can figure out how we can get where we need to be going. Thank you. Aye.

Fish: Aye.

Hales: It's about talent that was brought up today that in a world where talent is preeminent we need to accommodate talented people. That's what this is about. It's also about doing the right thing. We see a lot of plans and reports. This one was particularly compelling and clear. I want to read the seven key assumptions that are on page 10 and 11 of this report because I think they really are arresting. One, disability is a normal part of the human condition. Two, able bodied privilege needs to be unpacked. Three, a model employer proactively addresses inequities. Four, model employer strives to meet a standard above what's legally required. Five, requests for reasonable accommodation are legitimate. Six, the bureau of human resources needs to be the decider and reasonable accommodation. Seven, an inconsistent approach to reasonable accommodation could make the city more liable. That's very clear. That builds a very good floor for this important work. Thank you very much. Aye.

Hales: Let's move on, please, to 1023. Did I miss one? I did. 1018. Time certain.

Item 1018.

Hales: Commissioner novick.

Novick: Colleagues, as you'll recall council unanimously sent a 10 cent per gallon fuel tax to voters and voters approved this measure which will fund important projects all over the city. The money from that tax will fix crumbling streets, it will fix dangerous crossings, it will build high quality biking and walking infrastructure to make it safer for kids to walk to school, for seniors to walk to bus stops, for everybody in Portland to get around. One of the reasons that a gas tax made sense as a mechanism is that we can rely on the existing tax collection mechanism of the state to collect the revenue. However, we had to work out exactly how that would happen, and we have been in conversations with odot for some months and now thanks to the work of pbot and odot, we have the official intergovernmental agreement or iga, as cool kids call it today, between us and odot. So mechanics of that, I will give you Leah treat and our finance group ken lee, who has spent months and months working on various iterations of this fuel tax and higher proposals to raise revenue. I want to take this opportunity to thank ken lee very, very much and to hope that he never leaves pbot. [laughter]

Hales: Good morning.

Leah Treat, Director, Portland Bureau of Transportation: Good morning, mayor, commissioners. Thank you. Thank you, commissioner novick. As he said we're here to finalize the iga with odot so we can administer the motor vehicle fuels tax. We want to provide an update on some of the other progress we have made on delivering on the projects. So again in May the voters of Portland put their trust in us to effectively use their tax dollars to deliver a pre-identified list of critical street repair and traffic safety projects.

September 14, 2016

We are committed to delivering these projects on time and on budget in a very transparent and accountable manner. To that end we're very pleased to report we have made great progress in preparing for project delivery and ensuring a successful 2017 construction season. The following program controls and oversight components have been put in place. We have fixing our streets oversight committee that is going to convene for the first time Monday of next week. We have created a fixing our street staff controls group including our highest level managers who are going to oversee project delivery. Suzanne Kahn, our group manager for maintenance operation, art Pearce, great manager for policy planning and projects, and Steve Townsend our city engineer. Drop schedule for project delivery over four years has already been created. Projects well defined and will be easy to implement have been scheduled for the first year of the program. There are also a number of projects we will still need to do robust public involvement to deliver and to finalize details, example would be expanding our safe routes to school program. We need to have open houses that engage our community partners in the spring of next year. So today we're pleased to be finalizing the iga with odot to administer tax collections. Odot administers motor vehicle fuel tax collections for 16 other Oregon cities and two counties. We did evaluate the possibility of having the city of Portland the revenue bureau collect the tax, however we did find that odot would be the most efficient option. Within iga to odot we anticipate the cost to administer tax collections are not expected to exceed 3%, and as stated in the iga, tax collections will again no later than January 1, 2017. Collections will be done on a monthly basis and pbot will receive the revenue on a monthly basis. In closing I want to tell you about a couple of other program launch activities you may be interested in this Monday September 19 we are going to have a groundbreaking base repair project at southeast 104th and bush. There's about \$2 million every year that will be coming in from the motor vehicle fuel tax that is going to be allocated to our maintenance in-house crews doing base repair around the city. These are small pavement spot improvements that will prevent our streets from falling into further disrepair. They also make our streets safer because they remove sunken areas. If you think about you commonly see these at bus stops where you see pavement pushed up from buses riding on them, an example. October 5th we'll host a town hall at David Douglas high school in east Portland. We want to continually communicate with Portlanders and receive feedback from community members about the fixing our streets project and are looking forward to that initial launch in east Portland. Also as I mentioned this Monday we're launching our first fixing our streets oversight committee. We're very appreciative to the people that applied and to those who were selected to help us manage these programs. With that I would like to turn it back to commissioner novick, who is going to introduce the committee members for fixing our streets.

Novick: Thank you. We have had 78 applications for 16-person committee. We provided -- committee who would represent people with disabilities, people bringing the motor vehicle driver perspective, pedestrian perspective, bicyclist perspective. People from every quadrant of the city but actually we have representatives from five areas of the city separating out central Portland. People representing transit and freight interests, somebody representing businesses with just one or more employees. Somebody representing businesses with one to 50 employees, people representing people of color. The names of those who have been approved we thank them very much for volunteering, thank you for your future service. Carolina Gonzalez, alain freisenstrang, Elliot Logan, Derek Cransky, Herb Jenkins, Jennifer Rawlins, Justine ramos, Mary Helen Kincaid, Mike Galbreath, Mitch defriedas, Samuel gollah, Steph ralph, Tony Ramm, William Henderson, and tsoa shang. I want to thank these individuals very, very much for their scientists to the city of Portland and thank all of pbot staff for getting us to this point. Now I believe that we

September 14, 2016

do have some invited testimony. I think Jennifer Rawlins, a member of the oversight committee, is here. I want to thank her very much for her advocacy with the city club.

Hales: Good morning.

Jennifer Rawlins: Good morning. I'm Jennifer Rawlins, just here to thank you all for your support. I'm here as a member of this new committee and we're really excited about that, but I also chair the city of Portland's research study on street funding and as someone who's spent more time thinking about streets and funding and maintaining them I just want to say thank you so much for your support. There's a long history in Portland of inaction on this topic, and I'm just grateful that you are all willing to take an important first step. I know that I speak for the members of the oversight committee when I say we're all really excited to get to work and see what can be accomplished.

Hales: Thanks very much. Any other invited testimony? Anyone else that would like to speak about this before we pass it on for second reading? It's not an emergency ordinance. Thank you. This will pass to second reading next week. Easy as that. Let's move on, then, to 1023, please.

Item 1023.

Hales: And 1024 while you're at it.

Item 1024.

Hales: As it happens I start mid-day yesterday at Lents school. I was there actually to help film a video about solar panels on their roof, nothing to do with this issue, but across the street from Lents school is a zombie house boarded up, ugly, a blight on the neighborhood. You walk down the street to Holgate and 97th, there are two zombie houses boarded up, in one case burned out. Needles in the yard. What people in Lents might say other neighborhoods in Portland wouldn't put up with they have been putting up with for way too long. This team of people is starting to change that and these actions before us are two more bricks in rebuilding a system where we actually get these issues resolved and I'm very pleased with the auditor's office, city attorney's office, city treasurer are continuing to move this forward. With that I'll turn it over to our treasurer and city attorney.

Jennifer Cooperman, City Treasurer: Thank you. Jennifer Cooperman city treasurer and Dan Simon from the city attorney's office here to speak on two ordinances regarding the foreclosure process for properties that are approved for sale by city council. First I would like to mention that regarding the five properties council approved for foreclosure back in June, title companies have been requesting payoff amounts for the lien amounts on three of the properties as part of the potential sales transactions so there appears to be activity that will hopefully lead to properties moving into the hands of new owners even before the foreclosure sale takes place. Also, rules governing conduct of the foreclosure sale were posted to the treasury website on August 1st. Code requires that these rules be available at least 60 days prior to the foreclosure sale, so I anticipate gearing up the actual sale process starting in early October. Both the items on today's agenda pertain to redemption period which is again the one-year period after our foreclosure sale when an interested party has the right to reclaim their property by paying in full the amount of the foreclosure sale price plus interest and penalty. The first ordinance establishes the redemption period interest rate and penalty rate both of which are required to be set by ordinance and are not currently in place. The recommended interest rate of 12% is equal to the interest rates charged during the lien collection process that's managed by the auditor's office and which is already specified in code. The recommended penalty rate of 20% is consistent with IRS tax code. The second ordinance will first give purchasers the right to possess, maintain and improve the property during the redemption period and second, if a property is redeemed, will allow the treasurer to use all or some of the redemption penalty amounts to

September 14, 2016

reimburse the purchaser for costs that were incurred during that redemption period. Current code limits the rights and abilities of purchasers during the redemption period. The current code also does not address how that penalty amount is to be used, presumably it would go to city. These change will align city code with ors. There's a concern that unless code is amended these properties may not attract bidders nor will successful purchasers be able to address the health, safety and livability issues until the one-year redemption period has expired. I would be happy to answer any questions.

Hales: Thank you. Would you like to add anything?

Dan Simon, Deputy City Attorney: Mayor Hales, city commissioners, I'm Dan Simon with the city attorney's office. I support everything that she said. I believe that the 20% redemption penalty represents some sound analysis and thinking on her part and balances the rights of the redeeming party, potentially redeeming party to come in and redeem the party for the interest and penalty rate with the financial security that would be granted to somebody who would be purchasing the property at the foreclosure sale and their ability to make maintenance and improvements in the property and ameliorate some of the conditions Mayor Hales referred to earlier.

Hales: As you may recall Council we created a new position in the city attorney's budget to focus on this issue, Mr. Simon is that person. I hope you've had a chance to work with him. He's doing great work and we appreciate it.

Simon: Thank you.

Cooperman: I have and he has.

Hales: Questions for either of these folks? We also have the auditor's staff here. Any questions about these two ordinances? Let's see if there's anyone who wants to speak on either of them. Come on up, please. Thank you both.

Lightning: Yes, my name is Lightning, I represent Lightning Watchdog PDX. One of the concerns on the foreclosure process I had was where the money will go. In 2015 the Oregon legislature amended ordinance 275275 directing the proceeds from the sale of real property acquired by foreclosure to an account or fund to provide, number one, funds for housing placement and retention support services for youth and families with children. Two, flexible rental assistance to place youth and families with children in housing. Three, funds to develop new low-income housing that is affordable to youth and families with children with 30% or lower MFI. Again, I want to have the HIF account set up to transfer these funds for foreclosures to go into an investment fund which can then be utilized for affordable housing. I have stated I wanted to see more impartial position taken from the code enforcement people that are doing nuisance liens upon the sale until we separate that completely from any back room deals to nonprofits before the sales take place to transfer these properties to nonprofits. I want it to go into the HIF fund then be used toward affordable housing and children with families that might need that type of assistance. Issue number two on the redemption period, I do have a problem within that first year that anybody goes in and touches that property without actually owning the property, and what my problem is, is that if they damage the property in the first six months because they don't have proper contractors in there, I redeem my property, now they have damaged my property. I'm going to sue somebody for those damages. I want to have a cap limit set on exactly how much they think they are going to go into that property and set a cap because that's all you're going to get paid back. Otherwise I'm going to look at who damaged my property and I'll sue them. An issue I have had before on the code enforcement liens is boarding up properties without you owning the property first. Again, why have a problem with that when you board those properties up that can also limit any sunlight into these properties, create mold, now you have a house worth nothing. You have an environmental liability. I'm going to look at when I want to sue for that liability when I own that property if

September 14, 2016

I'm on title to that property, stay off my property. If you come on to my property you damage my property, I'm going to sue you for all damages that you incur without my authorization to board my property up. Number 3, I want to know why some of these properties can't be located. I want to hear their stories. I want to understand if they had any threats made against them by any code enforcement officers or law enforcement and at that point they can come back with their attorneys and sue you for making them flee their properties. So I'm going to be watching this process very close. I hope you follow the same type of guidelines that Multnomah county does and you take interest to protect those people who are on title of these properties and make sure they are treated properly. Bds has more complaints of any bureau in this city so I'm going to be watching this very closely. Thank you.

Hales: Thank you. Anyone else? Let's take a vote on the first of the two.

Saltzman: Aye. **Novick:** Aye.

Fritz: Many thanks to the city treasurer Jennifer Cooperman and the work going on in the city attorney's office. Thank you, mayor Hales for leading this. I have a comment on your statements beginning that this would couldn't happen in other areas of the city and seeing more in Lents. There was a home in my neighborhood that was vacant for at least five years and another one on my commute into town, the one that got burned out on barbur that has been sitting there looking ugly with graffiti. Even when there's a market presumably for the one that was vacant has recently been demolished and a very nice new house is going up. I would expect it to be selling at an outrageously -- a price they wouldn't have guessed 20 years ago when I bought our house. So it's a very difficult legal issue how to make this fair to the property owners, how to make it fair to the neighborhood and how to avoid the government being saddled with the cost of these houses so I commend you for your work. Very significant, moves the ball forward a lot. Aye.

Fish: Aye.

Hales: Well, I think it's important to stress that the houses that we're focusing on here are vacant and abandoned. They are in condition like you just described all over the city that is really egregious. At a time where we have a housing crisis. We have young people trying to buy their first home being outbid. There's a vacant house down the street that maybe somebody would fix up if it was in the hands of a responsible property owner. So that's a big part of the message here. Yes, there are property rights and we respect them but there are also responsibilities. These are folks that have abrogated those responsibilities by letting their houses fall into terminally bad condition. Maybe they can be fixed up or they have to be torn down but they become a polite on the neighborhood. Those are a specific subset of houses that we're talking about, so I'm proud of this work. Thank you, commissioner Fritz. I think this is again a case of bureaus working well together, advancing a complex set of issues forward to real solutions. I just appreciate it all from all of you that are working on this very much. Aye. The second one, please.

Saltzman: Aye.

Novick: I appreciate the mayor's efforts to address the housing crisis from every conceivable vantage point. This is one example. Aye.

Fritz: This is an issue that I have been hearing about and worrying about for seven and more years I have been on the council that mayor Adams tried to address and that you have actually made progress on, so thank you. Aye.

Fish: Aye.

Hales: Aye. Good work. All right, let's move on to 1025.

Item 1025.

Hales: Good morning. Still morning.

Eric Johansen, Office of Management and Finance: Good morning, mayor,

September 14, 2016

commissioners, city debt manager. This emergency ordinance authorizes issuance of revenue bonds in the amount of up to \$112,305,000 to fund urban renewal projects in five the city's areas. The bonds will initially be issued in the form of lines of credit and will fund urban renewal activities for three years. The lines of credit will ultimately be repaid from proceeds of long term debt and other tax increment revenues. Out of the 112 million about 37 million of that represents the rollover of balances on existing lines of credit that expire at the end of this calendar year. The remaining 75 million represents new project funding in the five urban renewal areas over three years.

Hales: Thanks. Questions? Thank you very much. Anyone want to speak on this item? If not, it passes to second reading. And 1026.

Item 1026.

Hales: Second reading, roll call.

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

Hales: Aye. And 1027 and 1028 together, please.

Item 1027.

Item 1028.

Fish: Mayor Hales, first could you read that again? [laughter] just kidding. Mayor, I was not here for the hearing on this matter. I have not subsequently been able to review the complete record because I would have to look at the audio and video. So when the vote comes up I will just step outside for a moment.

Hales: I was also absent but did review the record so I'm prepared to vote. Anyone else? Any other procedural issues before the vote? Let's vote on 1027.

Moore-Love: I believe we need a motion first.

Hales: You're right.

Fritz: Move the record.

Saltzman: Second.

Hales: Roll call, please.

Saltzman: I'm very pleased to support this zone change and I appreciated the testimony last week from neighbors and others, most in support, one opposed. But this is definitely a zone change and the intended development that Mr. Spevak outlined last week I think is really a fantastic step to provide more affordable housing projects in our city. To do it in a very innovative manner as Mr. Spevak is known to do. I'm very happy to support this. Aye.

Novick: I heartily concur with commissioner Saltzman's evaluation. Aye.

Fritz: Thank you for being here. Aye.

Hales: Excellent project. Aye. 1028.

Saltzman: Want to thank Matt Wickstrom for shepherd it this through. Aye.

Novick: Aye. **Fritz:** Aye.

Hales: Build some housing. Aye. Let's take -- 1029 is second reading. Let's take a vote on that, please.

Item 1029.

Hales: Roll call, please.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

Fritz: Unfortunately, I need to go.

Hales: We can do the rest.

Fritz: I'm going to the girl scout lunch.

Hales: You do not want to be late for that.

Item 1030.

Hales: Commissioner Fish?

Fish: Thank you, mayor. This ordinance would authorize a settlement agreement and amend a contract with Tapani Inc for additional work and compensation for the interstate 5

September 14, 2016

project at southwest interstate 5 southwest 26th water quality project number eo8679, for an estimated amount of \$480,000. To be clear, I want to just clarify a couple things. The 480,000 amount noted in the ordinance represents the amount of the settlement. The overall amount reflected in the ordinance is \$727,359. So before someone questions our math, I just want to be clear, that represents the settlement and the additional scope of work that was not disputed and that we are paying. This was a cooperative project between bes and odot to manage and street storm water from barbur boulevard and i-5. Odot contributed over 1.4 million to the project but because the redesign of i-5 was complex and challenging it resulted in additional work added to the contract and agreed to. The additional work pushed the construction into the rainy season. The contractor filed claims for additional compensation due to delay and inefficiencies caused by working in the rainy season. Bes was able to negotiate a fair settlement with the contractor. This ordinance would authorize us to amend the contract amount for \$2.85 million, an increase of 727,359, or 34.22% above the original contract value. Scott clement on the is here from bes is here to answer any questions my colleagues may have.

Hales: Any questions for Scott about this settlement? Maybe not. All right, Scott, stand by. See if anyone wants to speak on this item. There are not. Then therefore let's take a vote. Emergency ordinance.

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

Hales: Aye. And four-fifths item 1030-1.

Item 1030-1

Hales: Commissioner Saltzman.

Saltzman: Thank you, mayor. The Joyce hotel roughly located at the southwest 11th and alder has been an important resource for our community providing both short term and low barrier housing for people with limited housing options. This purchase will allow the housing bureau to rehabilitate and remodel the building and make necessary seismic improvements. The Portland housing bureau is purchasing the Joyce hotel for \$4.2 million. The building currently features 69 single room occupancy units and ground floor commercial space. The rehabilitation of the Joyce hotel will ensure the safety of the residents and contribute positively to the neighborhood. The Joyce hotel has long provided transitional housing for vulnerable residents with limited options so I'm honored that housing bureau has the opportunity to add they essential community resource to our portfolio. As a city we must continue to prioritize our resources to invest in the social safety net for Portlanders who are most vulnerable and at risk. I would like to recognize Dan zilka, the owner of the Joyce hotel, for his cooperation in selling it to us. Thank you to ed Blackburn for taking over management of the building during that transitional time. I would also like to thank Javier mena, karl dinklspiel and the housing staff for leading this important acquisition and thanks to Shannon Callohan on my staff for her work. And we also have Kurt Creager and Sean Hubert from central city concern maybe if you want to say a few words.

Kurt Creager, Director, Portland Housing Bureau: Mayor, members of council, we know your docket has run long so we'll be brief. In 2001, the city council adopted a no net loss policy. There was over 1,000 market affordable units in that particular portion of the city in 2002. The Joyce hotel constitutes 76% of the remaining market affordable units in the central city. So it's an uncommon opportunity and frankly a fleeting resource. We were approached by Mr. Zilka's attorney in January and it took several months for us to consummate a deal. Partly because there were -- he had a long-term property management company providing services to the property at the time. Both for hostile stays as well as for long term rental stays. We did make an offer on the property in the winter which we consider to be a humanitarian gesture with all tenants in place. Unfortunately, he

September 14, 2016

made other business decisions which caused many people to be displaced. Those individuals were paid for and the relocation covered by our budget. So this is quite a different story because there are fewer than 20 residents remaining. I'm pleased that central city concern has been handling the property on our behalf in this intermediate period of time. Sean Hubert is here to discuss the actual operation of the property.

Sean Hubert: Good morning, mayor, councilors. I'm Sean Hubert with central city concern. I would like to thank the Portland housing bureau for their efforts to acquire and preserve the hotel as well as commissioner Saltzman and to note our support of the acquisition of this critical housing resource. Homelessness is a complex issue. There are individual factors such as poverty or job loss or addiction and then there are structural factors such as shifting insufficient public mental health approaches. One of the most critical causes is loss of affordable housing. Between 1970 and 2000 the U.S. lost over 3 million low-income housing units including loss of over 2 million single room occupancy or SRO housing units, typically the lowest barrier housing units available in a community often offering daily or weekly rental options with low or no screening or application barriers. Now surprisingly the increase in homelessness in this country largely mirrors this loss of low barrier housing. To provide some perspective, San Francisco lost 50% of their SRO stock over this time frame. L.A. lost 60%. In Portland we have lost about 75%. Chicago and New York lost about 90% of their SRO stock so homelessness dramatically increased. San Diego recently studied why they were climbing up the national homelessness rankings and attributed much of that climb to the loss of over 75% of their 14,000 SRO units starting in the late 1980s and escalating over the past decade. We know there was a difference between the housing that the market delivers and affordable housing, which is why we invested in affordable housing but there are also important nuances even within affordable housing and we need a greater variety of options if we're going to meet the diverse needs, housing needs facing our community. The Joyce represents a critical, scarce option in that continuum. What is the profile of someone living at the Joyce and why is this kind of housing resource been so important to them? The average age is 51. About three-quarters are male, one quarter female. About 60% are white and 40% are people of color. Mostly African-American and Native American. The average monthly income is just under \$900. One resident has been living at the Joyce since last fall. The Joyce afforded him a housing opportunity initially on a week to week basis and later on a month to month basis when he couldn't find anywhere else in the city. He has two evictions on his record, significant health issues and severe agoraphobia. The only other option had been a shelter which exacerbated his symptoms. He was hit by a car and is recuperating. He believes had the Joyce not been available to him at that time allowing him to move in despite the fact they had lost his I.D. And could not navigate the typical lease paperwork and process he would still be on street today. In the short to medium term it can be renovated and perhaps play a role as a relocation hub while we pursue other housing options in downtown and the close end particularly as we move forward. Over the long term the preservation of the Joyce should be looked at as an important part of an overall strategy to develop and preserve a diverse range of affordable housing options that taken collectively meet the housing needs of all of our community members. Thank you.

Hales: Thank you both. Questions? Thank you. Anyone want to speak on this item?

Moore-Love: Two people signed up. Charles Johnson and Crystal Elinski.

Hales: Come on up.

Charles Johnson: Good morning, commissioners. Thank for your time. It's a difficult issue to talk about because there are still 20-some residents trying to avoid homelessness but we also need to talk about bang for the buck. Earlier I mentioned return on investment. We're talking about \$4 million to perpetuate a 69-bed flop house. Now, I'm pleased sort of

September 14, 2016

to learn that it's coming under central city concern management, although I think that housing activists if we're really serious about concerns need to engage about the diversity of low income landlords in old town Chinatown area. I know we opened up the Erickson under a different organization and there are some others in there, but if we believe, you know, on the fence in Portland about socialism and crony capitalism, if we believe in competition and 80% of low-income housing is done in that particular neighborhood through central city concern, you all are going to become the complaint department for the central city concern residents. The other issue that is problematic for people living these experiences on the street is at 333 northwest 6th avenue the west wind hotel, which is fussier than the Joyce, they have premium bedbugs, quite simply, if you are moral people you would finally get back to eminent domaining the place. Everyone that lives there is a victim of predation. When a person that gets a \$700 a month check has to give up \$500 to live in an sro that's full of pests, the job is not getting done as far as the level of service for -- we talked about these zombie houses, how some neighborhoods may or may not have a high level of immunity. I hope that the type of work that is being done for the Joyce and hopefully those people will move into more just living situations. Many were in the similar situation where huge amounts of their paltry monthly income went to the Joyce's owner. He's not a saint. This is an extortionary deal. Equity means that there are not just 20 or 30 or 69 cherry picked winners a pool of 3,000 homeless people. It's an awkward situation and I know you can't respond with a perfect solution, but these issues we can't forget about them and the people that are suffering in them. Thank you.

Hales: Thank you. Anyone else? This is an item we can take action on today and we will. Roll call, please.

Saltzman: Well, again, this is a vital asset and it will provide much needed housing in our downtown core for people of limited means and it will also as Sean Hubert from central city concern mentioned provide a staging areas as other buildings in the downtown core undergo seismic renovations we can move people in and out and this is a great step strategically as well in terms of providing needed housing in our downtown core. Aye.

Novick: Congratulations to commissioner Saltzman and the housing bureau for pulling this off. Thanks to central city concern. Aye.

Fish: You know, sometimes the most important work we do on this council gets the least commentary. Really today the room should be filled, Dan, with people to address this win for our movement. So a couple of things I want to add. First of all, this reading about this in the press, it was like the perils of Pauline. So the one thing about Dan Saltzman is when he gets a bone in his mouth he doesn't let go and he's persistent. It took a very persistent leader to get this deal done because after all, the owner had no legal obligation to negotiate with us, which is one of the challenges generally with preservation. It takes a willing seller and willing buyer. So Dan, congratulations. This is a significant win for our movement. To the professionals at the housing bureau having worked on preservation when I was commissioner in charge these are some of the most complex transactions and we have a lot of talent at the bureau, so congratulations, Kurt, to you and your team. Finally, I just want to acknowledge something about our value system as a city. Imagine that you're walking through downtown and you're at director park, one of our treasured places. You look south at an historic building, a building that in almost any city might be high end condos or the home of a foundation or many other things, instead some of the most impoverished and disabled people in our community live in the admiral because this council said we were going to preserve it. If you walk from there and you head towards providence park and you come up to an expensive hotel across the street is an historic building called the brauno, which we have preserved in a very desirable neighborhood. If you continue and you head down over to the brewery block and you get closer to all the

September 14, 2016

activity that's happening along Burnside, you come to the Joyce. The Joyce isn't yet an admiral or a brauno because it has not been renovated and we haven't made that investment, which is part of what we do with preservation. But I think someday in the same breath people will say the brauno, the Joyce, and the admiral. Buildings that provide decent housing for very low income people in highly desirable parts of our city that many in other cities would have given way to a wrecking ball or high end development preventing people of limited means from living in a desirable place. It fits our values. It's a less expensive option than new construction. It fits our sustainability values but more than anything in this case, it ensures a stock of long term affordable housing in a desirable part of our city, which is a cornerstone value of our housing agenda. So Dan, congratulations and to everyone who made this day possible. Aye.

Hales: The state of emergency means three things. It means rapid action, maybe not quite as rapid in this case but you certainly tried to make it happen rapidly, deliberate innovation and real money this. This was all three. I really appreciate, Dan, your leadership and the great work here. This is a great save. It will do a lot of good in the world. Well done. Aye. We're recessed until 2:00 p.m. Good job.

At 12:07 p.m. Council recessed.

September 14, 2016
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.

SEPTEMBER 14, 2016 2PM

Hales: Please call the roll.

[roll call taken]

Hales: welcome to the time certain items that we have queued up this afternoon. We'll start, of course, with 1031.

Item 1031.

Hales: I'm pleased to call forward director James and some folks in the community that have been working really hard on this issue. I guess here's how I would introduce it. This is important work. Fervently believed in by all of us in this community. Incompletely accomplished with learning as we go along. That to me is why we're here and that's why it's important we hear from the equitable contracting commission today about how we are making this a city of opportunity for everyone. That's the goal. We're not there yet. How do we get there, how do we get there sooner and better than we have so far? Director James, thank you very much for your work in supporting this effort. Look forward to hearing from you.

Dante James, Director, Office of Equity and Human Rights: Thank you, Mr. Mayor. I appreciate it. It's my pleasure this afternoon to be here and introduce the report from the equitable contracting and purchasing commission. As you know, in February 2015, the city council established the commission on equitable contracting and purchasing designed to increase utilization of minority and women owned businesses in the city in contracts and increase the inclusion of minorities and women in the workforce as well on city projects. It was originally housed and staffed in the bureau of internal services and the commission was transferred to the office of equity and human rights. Held its first meeting under that umbrella in June of this year. I would be remiss if I didn't point out there was no staff position associated with that transfer so I really want to thank my staff for stepping up to ensure that the support was provided as effectively as possible and report that you see is always Jeff Selby and his expertise in preparing such documents, I know nobody else gets to steal him from me but he is the one that put this document together in the lovely fashion that it is.

Fritz: If I might interrupt for a second, I didn't understand when we looked at the budget that the staff -- no money for staff was being transferred to you.

James: Correct. There was a small budgetary piece that came with it to fund the commission itself in some sense, a budget for the commission but no staff associated with it.

Fritz: Maybe that's something the commission will address. I thought we established the staffing when we established the committee so do go on.

Hales: Some funding but no additional staff as yet.

James: Correct. In the time commissioners have received data on minorities and women in contracting and workforce thanks to the mayor's office help, Diana Nunez specifically and ben morrow for helping disaggregate much of the data that you will see this afternoon. The data came over in an aggregate form. It was not disaggregated specifically by race and gender nor by contract by individual projects, so then from the mayor's office literally

September 14, 2016

went through project by project and disaggregated that by comparing the data of certified firms to the data of who was working on particular projects so was able to desegregate that specifically. But as I'm sure you know, procurements, the platform that they use is not able to do it in that same way, so it had to be done manually. So the commission after receipt of data really wanted to live up to its mission of providing guidance and advice to city council. They are here before you to offer their advice and counsel based on the data that they received and have conclusions and recommendations based upon that information there are currently six commissioners. There are then three open seats on the commission who will be moving to fill those within the next 30 to 60 days and will be coming back before you with names of individuals that we would ask you to seat on the commission itself. If you have had a chance to look through the data it would certainly be presented to you and explained to you but I think the data will speak for itself, we do have a long way to go. There have been quite a few ordinances and resolutions put in place to address the issue of minority owned business contracting and workforce. We still have a long way to go, and I think the presentation today will give you some recommendations on how to continue to address and improve that as well as thoughts and conclusions on why we are here where we are, I guess. So I would at this time introduce commissioner Maurice Rahmin, who will begin the presentation, then he will introduce his fellow commissioners as the presentation continues and we can certainly come back for any questions you may have.

Hales: Thank you very much. Good afternoon. Welcome.

Maurice Rahmin: Thank you, commissioners, mayor, for having us here. I want -- one of the things that I want to introduce you to is Nicki Nicky. She is going to run through this project as far as the data points. She's assistant project manager. She works underneath Ali as assistant project manager and so this data is her future. This is what's going to affect her as she goes through her professional career in this industry. I want to just let her lead in this proposal.

Hales: Great.

Fritz: Some people may not know who Ali is.

Rahmin: Ali o'neill heads up our construction division and also is my wife. That's who she works for.

Nicki Nicky: Thank you for having me here today. Resolution 36718 was created fair contract reform reporting. One of the earliest resolutions established to promote accountable, fair contracting services. Its purpose is to provide and invite greater community input regarding the procurement practices. Based on the data we have today it's clear that inequality didn't change in the construction industry and perhaps has gotten worse. The fcf has not had a positive effect. Maurice Anything to add?

Rahmin: One of the things I would say is that we created these resolutions, we passed resolutions, but the impact we're actually going in the wrong direction. The impact has been as hoped. It's glad to see the ecpc as a part to be able to identify this for you.

Nicky: Resolution 3675, established the minority evaluation board to make sure minorities and women had a say in the evaluation process, at least one member must be a minority selected on a panel of five or fewer and three minorities on a panel of nine to 11. Now, I imagine if the whole board included only minorities and women. Perhaps these work force and contract numbers would look a lot different. We often have all white male committees seated to represent all of Portland and no one bats an eye. Why don't we change that up? Do you have anything else to add? Okay. So one of the most in depth resolutions is 36944, which includes contract workforce. It established a 27 aspirational goals for minorities and women on city funded construction projects for apprentices and journey level workers combined. Already that's an issue since it doesn't split the goals between

September 14, 2016

journey level and apprentices as well as minorities and women. As you can see by this pie chart white men strongly outnumber all other races. We're going to take a closer look at 2013-14, there is a little mistake there. Year 2013-14 there are 2.5 more white men than all other categories put together. The only category that comes close are Latino men and they are still outnumbered 5-1. Let's look at the gender gap. All together there were 9306 men compared to 166 women. That's more than 56 times more men than women. Looking at some of these bar graphs here, Asian, Latino, Latina, native American, white women all dropped from the first and second year in 2014 to 2015. Most notable are african-american men and women. They actually dropped consistently each year. For african-american women most of them are laborers instead of carpenters or mechanical or some of the other better paid jobs in industry. Most of them are also apprentices. So the numbers are there but the hours are laughable. The same goes for african-american men although it gets a little better. For example, in carpentry there were two african-american men on the journey level and they worked a total of 21.5 hours which comes to less than three days. The rest were apprentices and they worked more or less than a couple of weeks. So even though they are minorities are there willing to work, minorities and minority women are not being utilized throughout the project. These numbers are horrifically low. Most of the diversity is contributed to cba projects which we'll look at in a minute. Without those projects these numbers would be much, much worse. Furthermore, everyone is spread out on multiple projects. Imagine being the only black woman on the job, no support, no one to back you up if you have a complaint. If the cities and various communities aren't doing their jobs' it's hard to continue in a field even if it's good pay. Do you have anything else to add?

Rahmin: One of the things I would like to point out is that most of the construction projects minorities are relegated to a shovel, a broom, or a flag. This is unfortunate but the reality when we started to look at the data and we looked at the utilization when you did have utilization that's where minorities and women had the opportunities of work. It was not in mechanical, electrical and plumbing, concrete work, it was those types of jobs. That's reflected in the data provided by the city.

Nicky: Another aspect of resolution 36944 is prime contractor development. The city resolved to accept recommendations for strategy to increase minority owned, women owned and emerging small business utilization in city contracting. Notice that they say accept recommendations, not make recommendations. They also resolved to do a business development force for a program participant which anecdotally usually is a workshop on how to use quick books. There that to be a more effective way to use this resolution. Let's look at the charts. Obe, mbe, wbe. In 2011-2012 obe had 190 contracts, wbe had 20 contracts and mbe had 16 contracts. The numbers go up marginally in 2012-2013 very interesting in 2014-15. As you can see mbe had 57 contracts, obe, 942, and wbe, 88 contracts. While these mwbe contracts appear to increase exponentially due to the city resolutions or what not, if you look at obe's contracts, actually, they increase from 190 to 942. If you compare obe to wbe, obe had nine times more contracts in 2011-2012 and ten times more contracts in 2014-2015. Compared to mbe, obe had 12 times more contracts in 2011-2012 and 16 times more contracts in 2014-2015. Year 2014-15 could have just had more contracts and mbe and wbe actually fell behind in comparison. Everyone's numbers may have increased but so did the gap. Do you have anything to add?

Rahmin: I think I'm hoping that this resonates, the fact is that there's more work happening out there, minority firms and small business firms are getting quite a bit more work and the opposite is for women and minorities in the workplace whether it's contracting, whether it's workforce numbers, we continue to see this lack of utilization of

September 14, 2016

minorities through the -- after the disparity study we still see that drop. So we're getting to the point where it's getting really close to when we talk about 22 hours utilized by african-american carpenters, journeyman carpenters, we talk about 20 hours utilized or zero utilized for journey men women. They are out there. Your study, the data shows that they actually went to work with whether or not they were laid off, left, but we see this consistent pattern of a journeyman female getting on the job site, having four hours' worth of work then no longer is on the job site. African-Americans having three days' worth of work then let go or something. So I think the ecpc wants to look deeper into this because it's so dramatic decrease. It's impacting.

Fritz: Who decides? Which of the people who show up for the job get four hours of worker versus a full day of work?

Rahmin: In my opinion holding the contractors and subcontractors accountable. What happens is you have in my opinion micro aggressions that might occur on the job site which if you're a minority or woman, you're like, I'm not welcome here and they leave and go to work somewhere else where they are more accepted or you have foremen and superintendents that make the determination that that person isn't worthy to be on that job site and so then they are let go. But we're seeing that pattern. We're not seeing there's not enough availability. There isn't availability of minorities and women ready to work. What's happening is they are not having the opportunity to work on city projects.

Fritz: What you're saying is that the company that is doing the work is first responsible for the who's getting—so the city is responsible because we're not holding the overseer accountable.

Rahmin: We're not holding them responsible from the resolution that we passed 36944. This is 27% utilization for apprenticeship and journeymen. That's where the ecpc would like to help to make sure all contractors prime and sub are held responsible for some sort of retention or training to actually be able to have a more acceptable utilization of women and minorities.

Nicky: Okay. Next aspect of resolution 36944 is subcontractor utilization it created an inclusion plan for subcontractors to participate on city funded projects. Administrative rule 1.23 added more practices and procedures for implementing subcontractor equity program. Basically, it doesn't really give specific ways to get more minority and women subcontractors. It says set goals for dmwesb subcontractor utilization but doesn't give a goal. Encourage contractors to diversify subcontractor utilization but has no way to enforce that. It relies on the belief that all contractors are actually interested in increasing diversity when the more likely scenario is they are interested in increasing their bottom line. They are businessmen. The number of contracts increased from year to year but so did the gap just like with prime contractors. There's another -- this should be 2014-15. Obe's over all dollar amount was about seven times higher than mbe, 11.5 times higher than wbe, whereas in 2012-2013 it was only three to four times higher respectively.

Rahmin: Again, at one point we have to ask ourselves what's going on. We have the prime contractor program that you look at the numbers from when it was conceived to where it's at and you see a reduction in minority participation. When you look at the work force numbers and see reduction from the disparity study and resolution, utilization and high skilled jobs, so we're seeing this pattern at some point we have to ask, is this institutional racism? Is this contractors discriminating against women and minorities? We have to ask that question. If we we're honest with the question we have to say, what are the real solutions to these problems? Not just create another resolution or another plan but actually say, how do we fix this problem? We are going in the wrong direction. We actually have to ask ourselves that question.

September 14, 2016

Nicky: Okay, another aspect of resolution 39644 involves professional technical expert services. It requires bureaus to solicit from at least four qualified consultants and half must be from minority women esb firms. The aspirational goal was increase from 15 to 20%. On most of the minority consultants are outreach coordinators who specialize in getting minority and women involvement. So far it seems ineffective. Other aspects of resolution 39644, contractor pre-qualification. It was created to eliminate pre-qualification for construction projects under \$250,000 and unfortunately the issue has still not been resolved. So that's the last resolution for that. For the community benefits agreement, this is resolution 36954, it was designed to increase opportunities for minority women and disadvantaged owned businesses. The Portland water bureau piloted this program in the Kelly butte water reservoir and Interstate maintenance renovation projects. Powerful tools promoting underrepresented people. Unfortunately, the only data we have comparing cba projects to non cba projects is for year 2012-13. But as you can see, the numbers increase for cba projects versus non cba. It has dba, which automatically adds 23 projects to their numbers. Also most of the cba contracts awarded to mbe subcontractors were to flagging, trucking and landscaping companies. Very few were awarded in skills that are generally better paid and have more of an imprint on the building. Also each dba project lists the number of hours worked by women and minority. The only report that gives a clear breakdown of the data shows they were utilized throughout the project much longer than a couple of days. As mentioned earlier these two projects greatly contributed to work force numbers and without them the numbers would look much, much worse.

Rahmin: I would just say I know there's a cba meeting next week. If you remove that you also see almost nonutilization of women and minorities. The gap is that great. It's the reason you see such a drastic drop last year is because cba projects are winding down. The reason why we report out that so few hours we're talking less than 100 hours for african-americans I think 49 on the carpentry side. Why those numbers so low because there's no one monitoring trying to make sure that there's true participation. For me it's truly heartbreaking because I come from a family of affordable housing. I got my opportunity in a ct program for electrical. I was able to start my own business. We're from a poor family. This was our outlet to be able to have me get a pathway out of poverty. We're denying people that pathway when we're not monitoring this stuff. It's truly unfortunate. I hope I can persuade this commission, this mayor to do something about this. It's been too long. We can't have in the study that show the same results there are people looking to work on these jobs right now. There's tons of construction right now. I hope that this resonates with you, this opportunity that we have to move people out of poverty and not just to continue this pathway in this direction that we're going.

Fritz: Looking at the data you just showed us, would it be fair to draw the conclusion that when the city is in charge of managing the project the numbers are better and women and minorities are used more days is that what I heard correctly?

Rahmin: What's happening is the only real tracking that occurred is through the cba projects that show that the oversight committee that was able to do course direction and if a woman or minority was removed from the project there were organizations that could track them to make sure they could actually continue into the program. So there's a lot much tracking and a lot of guidance basically to help the city with those goals through the community, through the pre-apprenticeship programs, through the community organizations. So a system put together to create these outcomes. When that went away, what happened to those people?

Fritz: That would mean you have both employer who really wants to do the right thing and the community partnership that can help find the people.

Rahmin: Yes.

September 14, 2016

Fritz: How much does the hiring hall process in the construction trade, unions where there's a seniority system, how does that play into which individuals get to work on a job?

Rahmin: One of the things that is with the hiring halls, I think they would say the same thing, where they could diversify and through different mechanisms they say we could diversify and they have. The hiring house actually has the most diverse workforce. The fact is that the contractor is ultimately responsible for hiring those people. So if you have a contractor that the minute I walk in the room to go to work and they see the color of my skin and they let me go and I only have two hours, the hall can't call that contractor and say, you need to put this person back to work. That's the discretion of the contractor. So although you have union halls in my opinion are doing their best job to make sure that's they have piercing of the books so that minorities if I request a minority and the owners request a minority I can actually get that minority might be lower down on the books but actually can come to the front of the line to work for me. Because they are doing innovative stuff like that they are actually proactive, but at the end of the day if we do not hold our contractors accountable, our subcontractors accountable, the unions will have 50% minorities and those will stay on the books and the majority will continue to work.

Fritz: Thank you.

Rahmin: Do you have any other questions from us?

Hales: Questions, reactions? Thank you. Who is next, please. Come on up. Andrew, come on up.

Hales: Good afternoon. Welcome.

Andrew McGoff: Good afternoon. Andrew mcgoff with work systems. Member of ecpc.

Michael Burch: Michael Burch with the carpenters, ecpc.

Mcgroff: Maybe I'll kick us off. We're here to just provide our perspective on some recommendations to hopefully address some of the challenges that we have seen either through the data or just our historical underperformance around these issues. I'm not going to read through these but one thing that was pretty clear as a new commissioner, as a new committee, a lot of the work force data is we think collected pretty sporadically. There's not a consistent methodology to collect it. There's not a consistent array of elements that we're looking at. One of our recommendations is to create a standard template that helps us track a variety of work force data and then hold all contractors to reporting that data. We think that there are easy ways to do this. We actually have a tracking system that we use for work force related stuff that ties into the unemployment insurance system. We would be happy to sit down and figure it out if that were an issue for the city, but just looking at what are those elements that are essential to not only understanding the race and gender of people but what occupations are they in, how many hours are they working, are they actually seeing increase in their wages, are they moving up the scale. So that's sort of I think our initial recommendation.

Burch: In view of the data that we have received through the ecpc, it's pretty clear what has occurred since the disparity study. We have made some practical recommendations we think would be easy to implement if there was a desire on the part of the city and the bureaus to implement the changes that we recommended. And we think that they will produce results. We spent quite a bit of time and energy and resources in trying to come up with some valuable ways to affect the contracting and the work force that the city has their arms wrapped around. We think these are good recommendations.

Hales: Keep going, please.

Fish: It was a flash.

Mcgoff: Second recommendation just looking at trying to address that issue about we do pretty well it appears on getting people into entry level positions, apprenticeship level positions. The real challenge is to help them transition to journey level status. Creating

September 14, 2016

some retention programs, advancement programs in partnership with either labor unions or other organizations, contractor, we're on site to help new entrants into these professions transition up and looking at effective strategies to do that we think would be a smart thing to pursue moving forward. This is one that sort of is near and dear to my own heart. I talked to you I think on multiple occasions. We have a public workforce system in the city of Portland, probably 40,000 people a year. They are unemployed and under employed and unfortunately it means they tend to go more diverse than the general population, so it's a great place to recruit potential candidates for training or jobs. Assuring some connection to that system I think leverages the resources that are already in there and also presents an opportunity to combine resources to create a much better opportunity for people who are interested in pursuing these kinds of positions.

Fish: Can I just try to restate that based on our conversation? What we want to get away from is the case where someone gets a job, does one project, they are back on the street. We want to use a broader regional framework to be able to have people go from job to job growing their skills and have continue was employment.

McGoff: That certainly is embedded in these, yes. It's not only about trying to be successful on a job. The challenge here is you have to be successful in multiple jobs and creating that connectivity on a regional level and also on a training and support level is what people need to transition off.

Fritz: Before you move on, what issues do we need to consider because you said where appropriate to direct them to use our partner at workforce. Are there technicalities when we can and cannot do that?

McGoff: It depends. If the relationship -- if there's a lot of people on the bench, that will probably need to be negotiated project by project. I think it might vary by occupation as well. So you may have a surplus in one occupation but a shortage in another or you may have high levels of minority and women represented in one occupation. So it's just trying to figure that out. I think that us is what was meant by that.

Fritz: But you're suggesting that we could on some public projects say you need to start with this partner of ours then go to the others? You think that would be a possibility?

McGoff: I think that's absolutely possible.

Burch: The current work force plan actually has I believe a rider in it that says if you cannot find who you're looking for then you go to these programs in the community that are state approved. So it would be pretty simple I think to add work force.

Fritz: So could we switch that to say start with work source then go to the hiring hall?

Burch: I believe we could. You asked Maurice earlier about whether or not we could provide the union halls could provide workers to jobs. We can pierce the list. There's language in our agreements that will allow to us pierce the list when the requirements are on the job. Requiring ethnic minorities, women, apprentices, journey level workers we can meet those requirements. The issue is having like Maurice said requirements of the contractors not aspirational goals but the cooperation of the contractor and real goals that we can assist them in meeting.

McGoff: Finally, I mean, I think really making sure that if we're going to invest in training we're investing in organizations that are successful in providing that training for women and minorities, then I think this underlies all of the recommendations of the council is that we want to use ecpc as a mechanism to oversee the resolutions and the progress on those resolutions because we think that that is the appropriate role and one that we think we could do effectively and be the kind of resource that I think was envisioned through the creation of that body.

Fish: We need feedback from procurement and Christine and find out how this alliance with stuff we're doing, how it doesn't. We also need some legal feedback to the extent

September 14, 2016

we're going to be trying to when you say, for example, pierce the list at a union hiring hall we're getting into an area where potentially there are legal issues. Have your recommendations been reviewed by procurement and by legal? Let's start with procurement. Have we got any feedback from our procurement team about recommendations in substance and in terms of timeline for implementation?

Mcgoff: Not to my knowledge.

Burch: No. But a piece of your question has to do with have we gotten feedback from procurement. We pierced the list on the project. Procurement was at the table.

Fish: I'm talking about over all recommendations.

Burch: So no.

Fish: Have these recommendations been forwarded to them for comment?

Mcgoff: I don't know. I would have to ask.

Burch: Not yet.

Hales: That can happen.

Fish: That sounds like the next step.

James: At the last meeting these recommendations. [audio not understandable]

Fritz: I concur with your recommendations, particularly the one of having the commission oversee these issues. I would like to add one I would like you to oversee cause you said oversee the recommendations on resolutions and ordinances. Mr. Burch would remember when we discussed paid sick time there was a discussion in Portland as to whether halls would be included or not and they were under the Portland system then the state exempted them, so I would like to know what are the numbers for how much sick time male and female from the building trades from the hiring hall are claiming and I would also like to know given the issue of paid parental leave, which can pass into sick time for a little bit, how many men and women take time away from the hiring hall after the addition of a child to their family and is there a disparity between male and female. Thank you.

Burch: So if you give me another minute, I would like to read a statement. This is my statement. I would like to first thank the mayor for the opportunity to present today on these critically important issues. I also commend mayor hales and the council for creating equitable contracting and purchasing commission. When african-american journeymen show up on the job site are turned away by their contractor, given show-up pay for two hours they show up as -- then that show-up pay is used to calculate percentages of minority work force participation on city contracting projects. The system is clearly broken. When as in 2014-15 annual participation by African American workers in city construction projects is less than 5% of hours worked by white males, for example 286 hours for african-american males compared to 6020 for white males clearly the system is broken. When work force utilization for all categories of minority and women workers shows a steady decline, when minority contractors get the smallest sliver of the contracting pie clearly the system is broken. Mayor hales, city council, these are not distant memories from the '50s or '60s, these are realities from the last five years. Obviously the work of ecpc is needed more now than ever. I'm, however, gravely concerned that the commitment of some of the work is doubtful at best since our founding ecpc has struggled to be taken seriously not only by the bureaus that are charged with overseeing but by members of the council itself. We have been stonewalled by bureaus when it came to the provision of information that unveiled the fact I just mentioned. We have been circumvented when particular projects were deemed by certain decision makers to be inappropriate for our review. We have been provided insufficient resources to conduct the work that is necessary to meet our charge. And when we have been consulted at the 11th hour after all decisions have essentially been made by the very bureaus that resist our work there have even been threats and efforts by some decision makers to disband the

September 14, 2016

commission. These challenges have led some commissioners to resign in frustration. We're down three. However, I cannot turn my back on this. I have spent most of my working adult life attempting to eradicate opportunity disparities for minority workers and the need is too great, the stakes too high for me to quit. Regardless of road blocks and frustrations. Let me be clear. My goal as a commissioner on the ecpc is to transform the way Portland does business. I believe, mayor Hales, this is also the reason you created the ecpc, and plainly there was -- as we have seen there will be resistance to that sort of change. Overcoming that will require political courage and leadership. Mayor, you told us that you want to make the ecpc truly work, not just a matter of appearances. I'm calling on you and other commissioners to renew your commitment to the ecpc and our mission by doing the following. Giving us genuine oversight authority and provide us with sufficient dedicated staff and resources necessary to make that oversight a reality. Two, include us in the policy discussions from the beginning rather than leaving us out of the room or handing us systems that have already been developed without our input, three, accept and implement our recommendations even where perhaps especially where it's inconvenient or requires upsetting the status quo. There are examples in the city when stakeholders and policy makers work together, are committed to doing the right thing and are given the right tools to get the work done. We can overcome the living history of racism. Will require hard work and dedication, acknowledging difficult truths. It's only by doing so that we will ever be able to become the city that we hope to be and the city that we hold ourselves out as. Otherwise business will continue as usual with the promise of opportunity for the city's minority will remain an illusion. Show-up pay for turned away workers will be counted as utilization will continue steady decline and the overwhelming amount of contracting opportunities will go to male white firms. Thank you for listening and having us here today.

Hales: Thank you for your recommendations.

Fritz: A question I have in addition to that. Part of it is the data keeping, accuracy and such. Do the employees or the apprentices and journeymen who show up on the job get sent home after two hours, do they report back to the hiring hall or someone that that happened?

Burch: It depends how long that apprentice has been around. If they have a mentor, they report it. If they don't, they just put their name back on the list and they go out again.

Fritz: How did you get to the numbers of hours worked? Where did that data come from?

Burch: It came from the city's report to the ecpc.

Fritz: So the city requires that. That's how we get that data.

Burch: The city -- the data is reported to the city by the general contractor. It comes in, disaggregated, then it's aggregated. The only way to get it back to -- is to have ecpc office to desegregate the data.

Fritz: With your commissioners, you're all active in business and I'm concerned we may have a different kind of version of Portland polite here, that you probably know if there's companies more likely to have those kinds of practices than others. I hope that the commission will be helping council know what the problems are and how we can add more things into the things that we require so that we give bonus points to companies that are better about using minorities and perhaps demerits for something else for those who are not. I know that's a very complex thing that I'm asking but I do hope that's part of how we can work together better as we continue to struggle with these issues.

Burch: From my point of view we would love to.

Fritz: Thank you.

Hales: Who is next, please? Welcome.

Herb Fricki: Good afternoon my names Herb Fricki. I'm here to present recommendations for pte professional technical expert services. Before I dive into the

September 14, 2016

recommendations I want to say one thing. When you look at the data from 2012 up to 2014, whatever it is, the amount of work the city has put out is like quadrupled or five times increased. I think we're seeing situation where we're starting to max out on what pte firms are available to do that work. When the comment about the outreach efforts, I think they are doing a remarkable job, it's just that there's not enough firms out there and we need to be doing more than we can to find those firms that can do the work.

Fish: You wear a lot of hats. In what capacity are you testifying today?

Fricki: I'm on the commission. As a commissioner.

Fish: These are your views, not anyone you represent?

Fricki: No. But I can tell you from my own experience it's hard to find people out there to do the work. Just finding the professional staff. Everyone is really busy. But in terms of recommendations we would like to see a hard goal set in terms of subcontracting set at the same as construction at 15%. Even that said I think the goal should be pushed more toward minority contractors and women owned businesses. Esb had you look at the data they are more contracts going to esb than individually the minority and women owned businesses. Revise or provide a better definition of qualifications for small business. That relates more to how the individual under 50,000 contracts are done. We don't know how the individual bureaus decide who they are going to send out. The rfps do in terms of which minority businesses or women owned businesses are qualified to get those rfps. Disaggregate point system provides for minority participation. We would like to see a separate point system where minority and women owned businesses their points are separated out. Right now everything is combined. That way we can see how the businesses themselves -- shown that we're focusing on minority and women businesses here. Require prompt pay for m and wbe professional business firms. I know there's been issues with the new system the city's implemented but even with that we're seeing prime contractors not paying subcontractors within as long as 60 days. Sometimes it's gone up to 90 days. Develop contracting utilization and tracking system for small business participation and awards is prime and subcontractors. We just like to see better data. It's not consistent and in some case it is doesn't appear to be complete. I'm sure each bureau is keeping track of their own pte contracting. It needs to be brought together and somehow we could see that where all the contracts are actually going. Not in terms of just subcontracts but prime contracting as well. Provide a ecpc with project list of future contracting opportunities. That's just we would like to see what's coming down the pike earlier. That way in this business with pte, we really need to know what's coming down the road early on so you can start doing your networking. That's all I have.

Rahmin: We serve on the same committee. That's why I'm here twice. If we're able to track this stuff and the ecpc is given this data, we can do course direction and actually help advise procurement on some of the things that they can do. One of the things that I tell you, Mr. Mayor, is that we want to be the aspirin, not the headache. We want to help. We're not here to beat anyone up. We want to work to get this problem fixed.

Fricki: Thank you. Appreciate your time.

James: Just a couple closing comments if I might. I think you clearly heard the conversations around data. What you have in front of you is data that was in some sense difficult to gather because of the time, effort and energy it takes to have it done by hand. The software program that the city has in procurement isn't able to do it. I think as commissioner burch said the data comes in disaggregated then goes into the city's software program and becomes aggregated all over again because of the way the software works. It doesn't have a place for all of the different demographics that come into it. Procurement is working hard to change that system or end up with a system compatible with the state in a similar way it holds that desegregated data now it doesn't have it that

September 14, 2016

makes it much more difficult. Then when you also consider that the data comes from different places, you have data that comes from', pdc, data from housing. You have data that comes from the bureau that go into procurement. All that is data that we have to go and get. It doesn't come into one place. We have to go get it. I have had to ask housing and pdc and others for their data. It comes in and we have to then again ask them to do more with the data, do you have the staff capacity to disaggregate the data? If not we have to find the goodness of the mayor's staff if they have time, so it becomes difficult. If we're going to do this well, we need to know what the data looks like. We don't have the best way to do that. We don't even have really get way to do that. We just have the way that we make happen to do that. To commissioner Fritz's point about can we begin to address or provide criteria by which we evaluate contractors who aren't doing what we would hope they would do, in the pre-qualification process, there is a criteria among many that allows us to take a look at how the contractors may be working with minority women owned businesses. It is one of many criteria. But we don't have this data to evaluate. We don't know what their work force looks like specifically when the pre-qualification application comes to us. Then it becomes anecdotal conversation by the project manager who work in the various infrastructure bureaus, but they don't know this level of detail about the work force, about whether somebody's come for two hours and been sent home. They don't have that data, so again, there's no efficient way to gather that to use it sometimes when we need to do that. So just top underscore the importance of the data. Again, one of my favorite quotes is organizations move in the direction of the questions they ask. We can ask questions all day but if we can't get the answers because the data is not available we won't get to where we need to get. With that I will pause and ask if you have any questions of me and if not then certainly ask you to accept the report of the ecpc.

Fish: Dante I may have some questions ,but how many people signed up?

Moore-Love: Three.

Fish: I wonder if we could hear the comments.

Hales: Let's do that.

Hales: Good afternoon. Welcome.

Nate McCoy: Thank you. Thank you, mayor, commissioners, for having me. I'm Nate McCoy. I'm the executive director of the national association of minority contractors Oregon chapter. We're an advocacy group. We have 32 and growing mbe-specific contractors that we support through our services. I'm really here today as a last minute commitment to kind of just address some of the things we have heard today. I'm not here to talk about data and really tell you what's the wrong or right process to take forward. But what I am here to do is to provide that voice from the minority contractors that I support. Really what I would like to say is that we have heard a lot of discussion today I think what I want to take the conversation to the next level where the real problems really lie and why I think the work force is a shortage in the community. We have by I don't think even by law but state statute that a low bid process is supposedly the best process for city government to be using on projects. As of recent we have been doing a lot of other alternative contracting methods that I think have exemplified where we need to be looking and going in the future. Cmdc, construction management general contractor, alternative contracting. We have parks projects, two of them now being built by minority prime contractors. Not subcontractor but minority prime contractors. No cba agreements on these parks projects. Obligations to commitments to work for us, commitments to subcontractors. Wearing my prior hat as construction manager of the housing bureau we didn't have cba sponsored contracts. I would agree in a lot of ways that some of the things that some of the cba conversation is mentioning but until we get to a point where we're actually talking about contractor development and work force development right now they are in silo. Until we

September 14, 2016

get to a place where we can have the conversations mutually you will continue to hear one-sided conversation on both sides. I think the biggest travesty in this is what are we talking about with our youth? As you look across the industry, I work with Portland public schools closely. We have 50% of minorities in the school system yet when we look at data we can't even show 1% of minorities working on projects at the prime level. How are we going to get them to look at work in the trades when they can't even identify anyone in the work force that looks like them. It seems like a lot of the policies are majority white organizations to grow and thrive but yet our kids and future kids continue to be left behind. So the great thing that I stand before here to say about my partners and my organization is that we don't have any cba agreements out of the good heart of our contractors we work with Roosevelt high school, with Benson high school. We work with a lot of the school systems already where we don't get paid to do anything but support these youth. At some point I would like to make sure that we come together with leadership from council and have a real conversation about what's going on and hear these stories because we're losing kids at a high rate and if I throw housing in there that's a whole other gambit. I want to offer my support, my opinion, and I'll be here next week as well.

Fish: We understand your wife is expecting, so we wish you and her the best.

McCoy: Thank you.

Fish: You said something interesting about the silos and trying to bring this conversation together. Two things, one is the next time we have this conversation and we'll probably see you at the cba discussion next Thursday, it's been moved to Thursday afternoon at 2:00, I wonder if you can also get as specific as possible about any recommendations that you have but both in terms of the shared goals here, because we can -- people may be in silos but I think there's a shared set of goals. The question is how you get there. The second thing is how do we reconcile some of these interests? Cba, no cba, different approaches. The goal is to boost the numbers. Let's say you started from the premise that you didn't care what the machinery was, what the mechanism was, but you did care about the outcome. Then we are out of our silos apparently and all in accord. So when you're next before us I would love to hear some more specifics about where you think there are structural barriers including state law, and contracting rules that if you could be king for a day how would we change those, and the alternative contracting, you know, is something that we have tackled at this city but it's very complicated legally. You have to show a lot of things. It's not something you can use all the time. Number two, how do we move this conversation together? It sometimes feels like we have two very strongly held views that come together but I fear we're not reconciling them as well as we could. You're an important part of this conversation so I want us to go deeper on that. You did great out comes at the housing bureau. To the extent there are lessons that you want to share with us particularly if we're looking at maybe an update to the disparity study or changes to our code what are some of those best practices.

McCoy: Absolutely.

Fish: Thank you.

Hales: Next.

Matt Malsheimer: Mayor Hales, commissioners, thank you. I'm Matt Malsheimer I'm an attorney. I work with Pacific Northwest regional council of carpenters. I have talked with most of you about these issues on several occasions. I get the feeling sometimes that there's a question mark as to whether this is a real problem. People have trouble believing that this goes on in our city. But our history is rife with examples of, yeah, this goes on. And it's not just history. Aside from the work that I do for the carpenters' union I also plaintiff employment discrimination cases. I can tell you this stuff goes on day in, day out, on a regular basis. Far more than anyone wants to believe in the 21st century. The

September 14, 2016

history is not in the in the past, it's with us right now and these numbers show that. They demonstrate that what we want to believe, we're not past. We need to have strong programs that you as the council are in a position to implement in order to provide the very opportunities Mr. McCoy is discussing. That's going to really promise the youth of our city an opportunity in the future. Now, there are certainly debates around how that's best accomplished. It comes from within. All we have to do is see the numbers that we just saw to know that something that we have been doing is not working. When people show up they are sent home after three hours and that's counted as utilization? That's got to make every one of you sitting there think what on earth are we doing with our dollars? Is any of this stuff working? No, it's not. We got to be different. We got to choose to make the tough choices. We got to hold ourselves accountable. Easy-peazy has given you a golden opportunity to actually step out of this history and make the difference if necessary. It's not going to be easy. I'm not going to pretend for a second it is. There's plenty of resistance from the top legal system all the way down to people who just down the don't want to change the way they do business. Right now I would suggest this information here is a precursor to you taking very aggressive steps in terms of putting hard goals on every project that comes before the city. That's the kind of thing that the taxpayers, every person in this room, that every citizen sitting outside deserves. I was talking with Margaret carter. I had the opportunity to speak with her. I had never met her before. Wonderful lady. She has been working on this very issue, butting her head against the wall. Since the '80s. That's 30 years. We're not looking at reinventing the wheel. We've got the tools, it's just a matter of doing it. We have tools that are proven to do what needs to be done. The two pilot projects show what those tools are. I don't want to spend a lot of time talking about the cba today. I'll be back next week to talk about that, but all of us sitting here, Mr. Posey, Mr. McCoy, everyone in this rule can make an impact. The auditor's report took a look at contracting practical is its and noted that some of the very practices in place are actual lip undermining the diversity work that we want. We have to say, that's not working, go with what does work. It's not rocket sign science. We don't have to reinvent the wheel. I'm really here to talk about this and I believe they are strong, important tools to make sure this doesn't become something, we mean it now and six months down the line -- we forgot about that. Then 30 years from now, some attorney has ideas about making the world better comes in front of you and says, hey, 30 years ago we were talking about this problem. Let's really do something about it. We've got the ability to do it. We've got the tools. It may take courageous leadership. It may take willingness to step out, forge a new connection, but we can do that. I urge you all to support the ecpc in its work, give them some respect, Support, the funding, the resources to do the job that needs to be done. Thank you.

Hales: Thank you.

James Posey: Wow. Where to start. Good afternoon. I'm James Posey, Mr. Mayor, other commissioners. Most of you know me. Actually, mayor hales, you know where the ecpc started and why it was started. Quite frankly, I'm really disappointed that we have gotten to the point where now we have a one-sided view of the ecpc thing. It's a marketeering for the cpa, most of the people there are representatives on that now have interests that really does not represent a balance. The people that left the ecpc, you ought to explore that and talk about it. Moving up the line the way it's structured, lack of autonomy, mayor, you were at the city club and when you made the declaration that this was going to be a watchdog committee, and it's been anything but a watchdog committee. It's basically been sitting around twiddling their thumbs on a treadmill. Quite frankly you know as well as I do the issue of tracking has been on your desk for as long as you have been mayor. How in the world can you expect to actually have any accountability if you

September 14, 2016

don't know where the resources are going and who is benefiting from the program? That's common sense. It defies intellectual honesty to expect the program to work if you can't track it and you can't see who is getting what. I have been asking for it through Nick Fish's office, through everybody's office through, Dan's office. You know, the reality much of these problems would be solved if we had transparency. True transparency. Shine some light on this stuff. The community at large would be in an uproar if they saw how mismanaged some of these things are.

Fish: Let's be clear. When you talk about transparency you're not just talking -- I don't want to put words in your mouth. You're not just talking about data that city could pull from some spreadsheet. You're talking about verifying that data and getting beyond the data. So in turn there's some room that has all the data that you haven't gotten. You've raised fundamental questions about how we collect the data and the integrity of the data.

Posey: Let me give you an example. People mentioning esb, mbe, dbes. It might surprise you to know many of the mbes are frank companies. Some of these so-called dbes have companies that are really owned by 51% minority and 49% white women. It shouldn't surprise anybody that the marketplace has failed with white males because that's the poor resources to build on building capacity is based upon that sort of aggregation. This is just common sense. It's just being intellectually dishonest not to see who in these pools and acronyms we talk about, esb, mbes. I can share with you names, who those folk are, what their websites look like, who some of these people don't identify with a minority community. Outside of talking to council about it they don't step foot at the mlk breakfast or at the barbershop. They wouldn't have a clue.

Fish: James, I don't want to cut into your time. I'm sure the mayor will give you more.

Hales: I will.

Fish: With the change in state law we now have the authority to do some of those investigations to make sure people who claim to be certified or playing by the rules are in fact doing. That in fact we're setting up a mechanism through the legal department to do that. We actually last time we had this discussion we were talking about how do we receive complaints and how do we set up that system. But that has changed.

Posey: That's very good. I want to commend you all for that.

Fish: Thank the legislature for giving us the authority.

Posey: Actually, it originated from here going up there. They didn't just out of the goodness of their hearts jump off and do that. I want to talk to you about the math on that. This is about math. All those people who are in this marketplace are still there competing against the people you're trying to promote. That whole accumulation of esbs, false and fake minorities, they are out there right now. They are the ones driving this market down so you can't get capacity so now you have got an atmosphere in which a minority contractor who really wants to be a minority contractor is basically the probability of him being successful is null and void. Let me be honest about this. We talk about just take this for example. I don't know if you all know most of the work done in Oregon is not by unions, it's by non-unions. There's no representation of the nonunion people out here. Take a guy like me who started out dump trucking. At the bottom end. Worked my way up, did lot of other stuff. If I had to go through a union to start my business, it's just automatic deterrent, a turnoff. As you progress you get more money, more contracts, you can manage a union relationship. So you automatically really -- don't take my word for it. Look what these plas have done. How they discourage, how they work against people of color, minorities when they really are trying to make progress. One other thing, I know I have taken all the time here, but the fact that a person is striving to be a good contractor in this community you are already working against a whole bunch of barriers, administratively and otherwise. So when we're talking about having all these various programs,

September 14, 2016

requirements and everything that's automatic turnoff. I said this and Maurice knows this, I predicted, I predicted the cba catastrophe that you all are looking for. You're not even talking about it but that framework report was real nice. It said basically you basically said you had city administrators doing the same work, so-called cba was doing, virtually no compliance, duplication. The consultants got more work than the contractors did. That's embarrassing. I'm going to talk to you all next week and talk about what I have on my mind, but you guys take Dante. He tried to say it nicely to you all. You have an office of management and finance. That's a joke. These guys are begging for data that all public officials know you ought to have. Mayor, you said you were going to put it on the web side so the world could see who was getting these contracts and why or why not. I would go out and walk the streets to find out what these people are doing. I know the neighbors. I know where they live. That's how they are successful. They have cousins and brothers. They have a community and they come together. That's how they are on these jobs. That's how they mentor and develop people in their communities because they have relationships. This is about relationships and there are very few black people out here who have relationships and very few success. You said it best. You need to reward the behavior you want to see. When you see people who are successful you ought to reward them. One other thing here. Sorry about, that folks. I'm sorry about that.

Hales: Go ahead, James.

Fish: We'll break for dinner and come back for the hearing.

Posey: I go back a long way. First disparity study done for the city had good recommendations in it. I didn't like the idea of a sheltered market. That's another thing. We got to shelter these minorities, make them disadvantaged. There's no respect in that scenario. Disadvantaged. Maybe underutilized is better terminology. But here, way back when if you had a child that was having problems you would put them in a situation, you would cultivate them, some call it incubation. When the level of malfeasance is so low then you have to steal things to prop them up to get them to where they want to be. It's not about being legal and non-legal. This is about being honest and understanding the problem is. We need an incubation program so we can get people into the system so they can be competitive in this marketplace. You have to make special efforts over and above just level the playing field. We're too far low to get to where we need to be to be a success. That's really what I want to say to you all. I'll talk a little bit more about the cba. Go look on the market and see how it's affected people of color across the board.

Hales: Thanks very much. Thank you all. Are there others that want to speak on this report before we call Dante back for further discussion? Are there other questions for him? No other questions for Dante? Then let's take a motion to accept --

Fish: So moved.

Fritz: Second.

Hales: Roll call, please.

Saltzman: I appreciate the report, appreciate the frustration. You know, unfortunately this is something that gets reinvented every four years every time we have a new mayor that has to be a new mayoral stamp of approval on his or her solution to this problem. With all due respect to mayor Hales, you've tried, but I think we're in for when mayor-elect Wheeler becomes mayor we're probably going to do this all over again. Strap yourselves in and we'll try to do better. Aye.

Novick: This issue of the disaggregated data is frustrating. I understand it's a software issue, why can't they justify it? I'm looking forward to talking with the Procurement about what does need to be done so we have the data readily available. In any event it's critical. We have to do that. Thank you very much for the report. Aye.

September 14, 2016

Fritz: I first met Mr. Rahmin when his wife Ali and I were working the picket line at osu. We went out on strike in December 2001 and woe stayed out for 56 days for many of the same reasons we're talking about today. Respect, retention and remuneration. I think we need something like the office of equity and human rights like the department of justice settlement agreement. It's not just the mayor's responsibility. It's all of us. I think the ecpc, easy to say and harder to spell out, is equitable contracting and purchasing commission. It's an important thing. I didn't realize the office of management and finance didn't send a staff person or enough money for a staff person when we transferred the commission to the office of equity. Equity and human rights office is so small there's not capacity to do this without additional staff. I would favor doing something in the fall bump now that I know of the problem not waiting to the regular budget. I hardly ever say that because I think we should be looking at ongoing positions but this is urgent. It does remind me when we had the state of black Oregon report that showed in 17 years for african-americans on every single data point things were worse when that report came out than they were at 17 years previously. I'm horrified to find out that now the data such as we are able to call it is worse than when I first started. So whatever we have been doing, I do remember raising my children sometimes I stopped doing something if I kept doing it longer it might have been more successful than switching every five minutes but we need to be evaluating how are we doing this? Our bureaus. We mentioned parks has got prime contractors for the east Portland parks. We mentioned the water bureau has better than average participation on the job. Let's look at what we're doing right and celebrate that then do it again. Thank you very much to the commission it is hard to hang in there when you don't feel you're getting the respect, but you're there so we can keep people in the work force and have the city become what the office of equity said. We have to have fairness in jobs, contracts and services. We're not there on the other equity issues and we're not there on this yet but we will keep trying. Thank you, mayor. Aye.

Fish: Let me begin by just finding common ground here. We use a lot of acronyms. There seems to be healthy tension in the community around certain ends or means. Let's talk about what unites all my friends in this room. We began this process because we wanted to expand opportunity for people that have been shut out from participating fully in these opportunities. Since we control a lot of public resources that are investing in the community we wanted to make sure that the community was fairly competing for those resources. There is no disagreement about that premise. Sadly, what I think has happened is that this well intentioned effort has moved sideways. So I have a couple of ideas about how to address that but I want to start with where we agree. There is broad agreement on both the values proposition and on the goal. But how we get there and how we measure progress and what success looks like there's some disagreement. So I thank you for the report. We are doing a formal exercise here of accepting the report, and I think the next step, mayor, is to take some of the key recommendations and ask procurement, legal and others to review them and to come back with us with a road map. But I'm going to take a slightly different view than my friend commissioner Fritz and urge us not to rush into addressing some of the structural problems because I think they run deep enough that we need to hit the pause button and hit reset. I have had conversations with a lot of the people in this room who I have the highest regard for about these issues, and these are the things we have spent the most time talking about. What is the mission of ecpc? How do we deal with the fact there's been so many changes in leadership? How do we attract and retain qualified members? You've barely got a quorum now. If people are coming and going that's not helpful to the cause. What's the role of ecpc, is it primarily to oversee the cba? Is it to look at equity in contracting? Is it to do some combination? My office tells me unless you tell me the lane I'm supposed to be in I generally get in the other lane. What's

September 14, 2016

the purpose? What have we charged people with? Then to the point that Amanda and others have mentioned once we have clarified mission and role and leadership and membership, you have to have the resources to do the job. We learned that the hard way for having for years' oversight bodies of our utilities that used to come in and give reports and object to the fact they couldn't get good information, they would make a report, the report would be forgotten within five minutes with all due respect to the folks who presented it and we had a structural problem so we created a new oversight body. We gave them dedicated staff people. We paid for it and we said you're going to be independent whether we like your advice or not. You're going to have a clearly defined role. That was a sea change. So I think all those issues have to be revisited before I want to start moving forward with this model because I think the foundation is not strong enough right now. I think what we're at risk of doing is just putting more plaster on the side of the building without addressing the foundation. And by the way, I appreciate that the appeal is made to this mayor for whom this issue has been very important during his administration in a number of ways. I appreciate that the council has been challenged to do something but in reality we're going to have a new mayor in a few months and unless the new mayor says this is a priority and wants resources into it it's not going to move forward. So we have a transition under way. We have a new mayor that has public said these are issues he cares about. I would like to see the reset conversation occur within that context. We're going to be back here a year from now in the next report to have the same conversation and there comes a point when shame on us for wasting your time. If you don't have clearly defined mission and role, if you don't have a full complement of members, if you don't have staff assess tipping you and you're not getting the data you need to make judgments, then frankly we're wasting your time. That is before we even get into this debate about what we heard today foreshadowed that we'll hear more about next week, what's the best vehicle to accomplish these ends. How much does the cba improve out comes or not? That's a good question. If we're going to be transparent we have to ask that and other questions but for me this has been a very frustrating hearing and the frustration is coming from you to us and I hear it. I don't like wasting people's time. I think we gotta go back and take what was a well-intentioned effort and idea and rethink it. We got to rethink what its mission and role is, staffing, what information it gets, who is around the table and we got to make sure that the next mayor is bought into that and since there's a transition that couldn't come at a better time. So thank you for the report. There are some things on the table that I'm very interested in pursuing. I cannot believe we're still talking about insufficient data to even make judgments about this stuff. That is on us and not just omf, the mayor, it's on all of us. We have to fix that. Thank you, aye.

Hales: I have a number of thoughts based on this discussion and others. Let me put some of these out here now. Certainly perfectly will to include the mayor-elect in these discussions but I want to take off on what some of my colleagues said on a couple of points. I'm happy that this is part of my agenda. I'm not happy about where we are in it. We have a lot of work to do. We have an unacceptable picture that's just been clearly revealed to us by the report we have heard today. So maybe it's less about who is in office though I think our commitment matters and the future occupants of this will matter too but maybe it's less who is in office than how we set this up to succeed. If we're dealing with institutionalized racism maybe, we need institutionalized authority to act on the problem. We can certainly create that institutionalized authority. If we want the power for change to be real, then it might need to be somewhat politician-proof. It's nice when we're helpful but it will be hopefully continued when maybe we're not as helpful not casting aspersions on anyone in particular. I believe the mayor-elect is committed to, this I am, everyone here is but we haven't made the progress we all want to make and there's no

September 14, 2016

excuse for not making that progress. When I ran for mayor there were two cranes on the city horizon of Portland. Look out the window today. There ever was a time we could make real gains it's in this marketplace and it's going to last for a while. There could be a bit of recession or she-down buy we have a thousand people moving to the city every day. There's a lot of work out there. If ever there was a time we ought to really be able to make change, it's in this time right now. I have heard a lot about policy, about data and staff and about oversight. I want to spend a good part of the next three and a half months talking about what policies are working and what are not, what should we change. What are the right goals? What are the right tools, right programs? Next weeks discussion is a piece of that. Data, I agree, we have to fix this. Again in a time where data is all around us all the time we ought to be able to know this. This shouldn't be that hard. I'm proposing in the fall bump staff support for this function. Thank you, commissioner Fritz. We'll continue that discussion. I think that's obvious. Then oversight really matters. I'm committed to police reform. We're making a lot of it, but the fact we have oversight from the fed rule government tightens us up and makes sure we do a good job. Very real oversight authority for this shared purpose, shared by everybody at this table, everyone in this room, actually by our city administrators, I don't think we have city administrators who don't want to make progress here, I'm going to assume good faith on all parts. I think there is a lot of it to work with but we're not there yet. Thank you. Don't as commissioner Fish said don't let us waste your time. But don't leave yet. I don't intend to and I don't think anyone here does. So thank you for a clear-eyed look at an unacceptable situation. I look forward to working with all of you to make it better. Aye. Take a brief break and come back with the rest of our agenda. Thank you.

At 3:32 p.m. Council Recessed.

At 3:38 p.m. Council Reconvened.

Hales: Let's take up item 1032.

Item 1032.

Hales: Okay, we're going to go through a number of procedural announcements to set the stage for this. Some of you have been at city council meetings before welcome. If you want to speak on this item, you'll be given the opportunity just let out clerk know. We typically allow three minutes for individual testimony, it does not look like we are having trouble accommodating that today. You need only give your name you don't need to give us your address. If you are here representing an organization, let us know that. We follow rules of decorum. So if you agree with somebody's testimony, give them a thumbs up. A polite hand gesture to the negative is okay if you disagree, we save applause for visiting dignitaries and students so unless you are one of those keep it non-verbal to everyone here gets their say. With that I will turn it over to our city attorney for announcements. I have procedural steps I need to go through as well.

Lauren King, Deputy City Attorney: This is an on the record hearing, that means that you must limit your testimony to the material and issues in the record. We will begin with a staff report by the bureau of development services staff for approximately ten minutes. Following the staff report, city council will hear from persons in the following order. Appellate will go first and will have ten minutes to present. Following the appellate persons who support the appeal will go next. Each person will have three minutes. The principle opponent will have 15 minutes to address city council and rebut. If there is no principle opponent council will move to testimony of persons who support the appeal. After the principle opponent council will hear from persons who oppose the appeal. Each person will have three minutes and the appellant will have five minutes to rebut. Council may then close the hearing, deliberate and take a vote on the appeal. If the vote is a tentative vote, council will set a future date for the adoption of

September 14, 2016

findings and a final vote on the appeal. If they take the final vote today that will conclude the matter. The scope of testimony. I would like to announce several guidelines for those addressing city council today. The evidentiary record is closed. In is an on-the-record hearing. This hearing is to decide if the hearings officer made the correct decision based on the evidence that was presented to it. This means you must limit remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issue, you may be interrupted and reminded that you must limit testimony to the record. Council will not consider new information and it will be rejected by city council's final decision. Objections to new evidence. If you believe a person who addressed city council today improperly presented new evidence or presented a legal argument that relies on evidence that is not in the record you may object to the argument. Objections to new issues. Finally, under state law, only issues that were raised before the hearings officer may be raised in the appeal to city council. If you believe another person has raised issues today that were not raised before the hearing officer, you may object to council's consideration of the issue. The applicant must identify constitutional challenges to conditions of approval. Additionally, if applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to respond. They will be precluded from bringing damages in circuit court.

Hales: Those requirements are founded in state law. I need to ask if any members of the council need to declare a conflict of interest. I hear none. Does anyone on the council wish to report ex parte contacts on this case, information gathered outside of this hearing? Okay. If anyone wants to challenge those assertions that we have not had ex parte contacts or have a conflict of interest, this would be the time to do that. Hearing none, we will proceed and I will turn it over to Ms. Stokes for staff report.

Kathleen Stokes, Bureau of Development Services: Thank you. Good afternoon, mayor hales. Council members. I'm Kathleen stokes the assigned bds planner for this land use review. We have Theresa Montalvo assigned bureau of transportation planner in attendance to answer questions you may have for her. This proposal is for a project that goes by the name of new meadows, group living use for 19 residents. The proposed facility would provide housing and counseling services for 14 young adults who are transitioning from the foster care system to an independent adult living. There are up to four rooms that would accommodate both a young parent and a child being one of the young residents with their child. One of the rooms would also house a resident assistant. The program will provide workforce development and educational support and life skills training, and a full-time counselor would work at the facility. The applicant also requesting in addition to conditional use approval for the group living use, an approval of an adjustment to reduce the spacing requirement in the code between group living uses which generally requires them to be 600 feet apart to reduce out to 185 feet. Bridge meadows is the applicant for this review, and bridge meadows development, which is an intergenerational project is located 185 feet away. Bridge meadows site has approved conditional use for group living facility for up to 52 residents. And that includes in the intergenerational model children and foster or adoptive parents of those children and also surrogate grandparents. The plan is that these individuals would also have an interactive relationship with the residents of new meadows. The proposal for new meadows is as a group living use was significantly revised to address concerns of the neighborhood regarding the original design. The revised proposal was approved with conditions by the hearings officer on July 14th, 2016. That decision was appealed by portsmouth neighborhood association mainly based on remaining concerns regarding scale of

September 14, 2016

the development and the reduced distance from another group living use. This as it has been said is an on the record case, but following the neighborhood appeal, the applicant did extend the final day for a local decision on this case until February 17th, 2017. The proposed development which is shown in the site plan here would include a parking area for five vehicles as well as detached accessory structures and outdoor area and storm water swale with the main residential facility. The hearings officer decision required the applicant to install L3 landscaping and an architectural split faced masonry wall along the north property line. The wall had to be six feet tall except for the part near the west property line where it would be reduced to height to provide adequate site distance at the street edge of the driveway. There was always a condition that required landscaping and a six-foot-tall fully side obscuring wood fence to be installed along the east property line for a distance of 45 feet running from the north property line to the edge of an interior walkway on the site. These are drawings that show the original proposal as it was submitted by the applicant. These renderings were revised in response to the neighborhood concerns, and the applicant actually canceled the originally scheduled hearing in order to meet and work with the Portsmouth neighborhood association. The applicants will talk about their participation in those neighborhood meetings and talk more at length about the changes made to the design, but the final submittal for the revised proposal is shown in these street views. The building is now proposed to be two stories with multiple entrances and varied roof lines. So looking at the area, the subject site and the surrounding area is zoned single dwelling, r5 and approximately 250 feet to the north there is an r2 low density multi-dwelling residential zone that covered most of the new Columbia housing development and a little bit former to the north and to the east is the university park and also community center in the open space zone. There is an aerial photo that shows the context that I was just speaking about with the new meadows site there marked in red as site. It's at the corner of north dana and hunt, and it's a half block approximately northwest of the bridge meadows site. The closest nearby uses that aren't in the household living use category are the, is the residentially zoned Rosa parks Portland public school and and new Columbia to the northwest which is developed with household living uses and then the university park and Charles Jordan community center which are two the north and east of the Rosa parks school. The following photos that we're going to look at show the site and the contest of the nearby properties and development. This is the subject site, a photo taken from north hunt looking to the north. The site used to be developed with an electrical substation and we can see remaining perimeter landscaping that was a screen for the substation. The utility pole you see on the right-hand side and the tire tracks are at the east edge of the property in the public alleyway. There is a close up of the alleyway. 15 feet wide running north to south through the block, obviously unimproved. The applicant doesn't at this time propose any changes to the alley in part because of the need to relocate the utility pole. Here we see the site from north dana looking north, northeast. The garage seen in the distance behind the utility pole serves a home on north wayland on the next block. It's adjacent, the garage is adjacent to the northeast corner of the site and it's accessed via the alley we were looking at. The taller buildings to the left of the garage are single dwelling structures located on narrow lots fronting to wayland to the northeast corner of the subject site. The site seen here in this view from south to north contains previously platted lots, narrow lots 25 by 100 that could allow by right the development of up to six single dwelling residences, which would include four detached houses and then the corner two lots, they are a little bit under sized, so, therefore, but you could still use the provision to have two attached units on those two lots making up the six possible homes on this property. This view is a home on north dana that abuts the north lot line of the subject site. As was discussed in the

September 14, 2016

hearing officer's decision the property owner of this property submitted a letter that raised concerns that the new meadows facility would negatively impact his family's livability and it was in regards to the proposed location of the parking area which would be adjacent to his property. This is a home to the east of the site of hunt and wayland abutting the alley with the subject site at the far left of the view. Another view of the same foam immediately across the alley to the east of the subject site with the main entrance and garage oriented towards north hunt street. And here we have. A view to the west along north hunt street. This is wayland avenue looking north from hunt street. The photo reflects the predominant character of the area with a mixture of one and two story single dwelling residences and this is a home directly across the site from the site on north dana. These homes also were on north dana and you see homes like this on both dana and wayland with the narrow lot development. These skinny homes are constructed on originally platted 2500 square foot lots, the same as the platting configuration on the subject site. Two of the homes on the left side of the picture are directly across the street from the proposed new meadows site and the other two are abutting toward the north and west of the site. This view is showing the south side of hunt street. We see part of it on the left-hand side of the picture. There is a dilapidated overgrown property that's directly across the street from the subject site, and we can also see some of the homes on north dana avenue here to the south of the site. On the right-hand side of the photo here we see that dense vegetation of that property that's dilapidated that surrounds that home, and beyond that to the east are taller new homes in the, and in the far background, the gold colored building is one of the rich meadows buildings. We will finish with a few slides of the bridge meadows development here at north hunt and wayland. And looking down the street here between wayland and Foss avenues and the last picture of the bridge meadows development. So the approval criteria for this review for the record are found in 33.815.105a-e conditional uses for institutional and other uses in the r zone and this is required to meet that criteria approval for the group living for 19 residents. Adjustment review criteria is section 33.805.040a-f. Adjustment is to reduce minimum spacing requirement from 600 to 185 feet. The hearings officer found that with conditions of approval these criteria were met. And I had already actually referenced most of the physical conditions. There was also a condition for an adherence to a set of house rules and a requirement that there be a good faith effort to establish a good neighbor agreement, and that there be implementation of safety and crime prevention measures. So at this point, city council has to decide whether the aspects of the proposal that were previously discussed and the issues and solutions raised by the applicant and those that testified in opposition, but they make their decision based on that, new evidence cannot be considered as has been said previously. Council can approve this appeal and overturn the hearing officers decision or deny the appeal and uphold that decision, or you can actually determine that it's appropriate to request further revisions to the proposal that are in keeping with those previously raised issues. That concludes my presentation. Do you have any questions at this time?

Fish: I have a question, there is a reference to a crime prevention measures, so what's the context for that condition?

Stokes: I'm sorry, do you mean the approval criteria or the --

Fish: What is it about this particular facility that requires a crime prevention plan?

Stokes: It's a standard requirement that the police bureau generally makes for these reviews. One of the approval criteria states that the proposal won't have neighborhood impacts on safety, and there is also an approval criteria that states that the city service agencies have found the proposal to be adequate and it names -- specifically the police bureau. So in light of those approval criteria for these reviews we often get responses from the police bureau

September 14, 2016

stating that they want to have an assessment to ascertain that the site will meet crime prevention through design standards, that there be adequate lighting, that there be visible signs showing the address so that emergency response vehicles or personnel can find the site. Those sorts of things are standards requirements.

Fish: That's helpful. So that goes back to something we talked about even going back to Tom Potter about crime prevention through environmental design, not who is occupying the premises.

Stokes: Correct.

Fish: That's what I wanted to make sure I understand.

Fritz: I have a clarifying question regarding the hearings office decision about condition e about the good neighbor agreement. It states the applicant must develop with the Portland neighborhood association representative of Bridge Meadows a good neighbor agreement or must document that the new Meadows and Bridge Meadows representative met in good faith with the neighborhood association for the purpose of meeting. Do we have an assurance from the neighborhood that they are willing to meet on that issue?

Stokes: It's my, that the Portsmouth neighborhood association is willing to meet. They have part of their appeal statement. They claim that they thought that there should be a requirement for a good neighbor agreement, be finalized ahead of time rather than that there just be a requirement that they meet and try to create one, and I can explain that in the past some neighborhoods and some situations have held up projects by failing to agree to meet or holding projects from being able to go forward on certain stipulations that they would not compromise on. So generally over time, Bureau of Development Services staff has worked with softening the phrasing on that type of condition to say you have to at least give it a good effort to try to have an agreement, and so that was the recommendation that went to the hearings officer, and he adopted that language.

Fritz: I agree with that you can't force people come to an agreement. The concern I have the way the language meets is the neighborhood association refuses to meet, then that condition cannot be met.

Stokes: Well, if -- I believe that the condition says that the applicant has made a good faith agreement to meet with the neighborhood.

Fritz: No, it actually says they must document that they met in good faith with the neighbor.

Stokes: Or made an attempt.

Fritz: It doesn't say that.

Fish: The language is met in good faith.

Fritz: This is way down in the weeds and we can discuss it later. Let's hear the appeal but I wanted to flag that as an issue.

Stokes: That is something we may need to look at modifying that language of that condition.

Fish: I'm tracking the issue because I'm interested, is your concern that it's a standard the applicant can't meet or that it's a standard that the neighborhood can frustrate.

Fritz: It gives the neighborhood veto power.

Fish: And the current language is they have to show they met in good faith?

Fritz: I think the language should be changed made a good faith effort to meet. Rather than

Stokes: I agree.

Hales: Let's flag that for discussion and it's in the record, people can testify that question if they would like to. Anything else from Kathleen that we need at this point. Thank you very much, let's hear from the Portsmouth neighborhood association because you are the appellant.

Brianna Robbins: My name is Brianna Robbins, Robbins and I am here today on behalf of the

September 14, 2016

Portsmouth neighborhood association and on behalf of my neighbors and myself. I do live in the Portsmouth neighborhood association. I didn't want you to get me confused with a lawyer or somebody who knows what they are doing. I will go through one by one the specific criteria and I don't know if you have the appeal document in front of you, but I will give you an explanation of each one of these and the concerns of the neighborhood association, and the neighbors. So and the approval criteria, 33.815.105 just to highlight this point this approval criteria allows institutions and other non-household living in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. So we are appealing based on the first a1 here, the overall residential appearance will not be significantly lessened due to the increased proportion of non-household living uses. We do believe it will significantly conflict with appearance and function. As you can see from some of the things that were brought up on the pictures, there was a map, a zoning, and you can see that this propose the area is surrounded by bridge meadows which is a group living facility. Rosa parks elementary which is a non-household use. Charles Jordan community center, which a non household use. As well as there is a church that was just off the picture. So it's actually quite a bit of non-household living uses. We believe it will be an unreasonable concentration of non-household living uses in the area. At some point we have to say, yes, that's enough and maybe we can live to a different location to build other non-household living areas. The group living will essentially while not technically under the Portland zoning code constitute a household living use. I disagree in noting that the proposal is like a dormitory facility. It's more like a community service institution, like the institutional use of the community service where these people are getting treatment. They have a full-time employee there to assist them. They have an ra. This is quite a bit more like an institutional use for community services, except that possibly, not necessarily, the people living there will be there for more than a month. I don't know that that's the case, but it seems to be. So I would like to make a point here that it is a group living use, and it is not close to household living use. It definitely is that as the hearing officer tried to make it sound like it maybe isn't. There was also inconsistency we wanted to point out where the hearings officer talked about the impacts within 400 feet and within 600 feet. I think that's within 600 feet would be accurate, but we were confused as to what exactly he was meaning. We think the whole neighborhood area would be affected, everything you saw in the picture and beyond. In a2, the intensity and scale of the proposed use and of existing household living uses, the hearings officer erred properly in this condition. The reason I say that is primary argument here was about what could be built there which is also what was just brought up. There could be six houses, it could be divided and while that's true that's not actually what makes this condition met is not what's possible and what's being proposed here. We are only looking at what's being proposed here. I believe I'm correct on reading the law that way. So in only looking at what's being proposed here and not a various amount of possibilities of other things that could be, maybe, might be, the scale is not compatible. The proposal is several times larger than any household use in the area. It is on a bigger lot. But the bigger lot has several smaller style buildings just like other bigger lots in the area or the smaller homes. The style is not compatible. I was pleased that they agreed to meet with us and do a focus group and kind of talk about our concerns, but the main concern of the people in that focus group were that they wanted individual buildings. They wanted the feel, the characteristics of household living uses of a neighborhood, of residential, and what they are getting is one giant building. And that concern was not addressed. Instead they changed the style and the roofing and the facade, which is geometrical changes that were nice, but, again, it's not addressing the concern we actually had. So the next point here is under b2, the proposal to mitigate differences in

September 14, 2016

appearance or scale. So like I said, in that control group the neighborhood the neighbors requested separate buildings and were denied that. The neighbors requested a mix of single and multi-level like bridge meadows they have two story, one story, two story that situation we were denied that. Neighbors requested moving the parking lot to will alleyway side so as not to interfere with neighborhood livability. The parking lot is next to somebody's home when it could very easily be moved to the alleyway side. If it's on the alleyway side it could have access to the alleyway as a roadway and it won't be bothering somebody's home, and the only, when I was in the focus group the only thing they brought up to not move the parking lot is because they might have to move a light pole. I believe a person's livability is more important than a few thousand dollars to move a light pole. I believe cliff who is the neighbor there, is his livability is more important than that. The next I have is under c1, which goes into livability. I could have segued that better. The proposal will not have significant adverse impact on the livability of residential zoned lands and specifically I want to talk about noise, glare from the lights, light night operations, that sort of thing. So and now you have already brought up the good neighborhood agreement and I was confused on the language. The good faith explanation makes a little bit more sense now. I wasn't really certain what that meant, what kind of documentation that would be and you did note that it said met in good faith as opposed to. As I understand from the neighborhood association we are willing to meet on a good neighbor agreement and to give background on that which I believe has been addressed in this, bridge meadows also chose to go into a good neighborhood agreement with the Portsmouth neighborhood association, and we think that although I know they are trying to soften the language to people don't sandbag and draw the process out, it should be required because it's already in place for another one of their facilities and I don't think that for it to already be in place on one facility and to stay on this one, at least they met is quite the same thing. I think that since it's the same company it's easy to say it should be required in this particular case.

Fish: Can I ask you a question?

Fritz: She has to finish.

Fish: And I have a question that's germane to what she just said. You mentioned on the good faith -- the mayor will, I'm sure the mayor will stop the clock and give you additional time. You mentioned the good faith agreement, what has been your experience with the good faith agreement at the other location?

Robbins: You mean meeting in good faith?

Fish: The good neighbor agreement?

Robbins: So the good neighbor agreement that occurred after the other location preceded me being involved so it happened, I believe, in 2009, and I believe they met and they came to agreement on it. Now, I don't have a copy of that, and as I understand Dorinda Schubert was supposed to provide one to Mary Margaret Wheeler Webster who is the chair of the Portsmouth neighborhood.

Fish: I didn't mean it so technically. What I'm trying to get at is you have a good neighbor agreement at a related facility, which would shed some light on what's the experience been in interacting with them, because a good neighbor agreement is not just a piece of paper, it's an invitation to relationship. So would you care to offer a perspective on the relationship between the neighborhood and the existing facility?

Robbins: My understanding is that the existing facility and the Portsmouth neighborhood association, now, I don't know about specific neighbors but they have interacted very well. Sometimes we hold our meetings at the community center that they have at bridge meadows. So we have gotten along in the past. They have connected in the past. It has not seemed to

September 14, 2016

be a problem.

Fish: Thank you.

Robbins: Yes. Just to restate, I do think it should be required especially because so many neighbors and what should be part of the record that was submitted by another neighbor, Allison McManus, I believe there are other 30 signatures of various neighbors saying they are opposed, they are concerned about this project. And to help quell those concerns a good neighbor agreement should be required not just meeting in good faith. All right. Oh, and as a note on that, and I don't know who exactly wrote it, but they were saying they would have quiet hours from 9:00 p.m. To 6:00 a.m. Which is not even consistent with Portland ordinance. Portland ordinance is quiet hours from 10:00 p.m. To 7:00 a.m. So this is part of the reason I think it should be required because we need to at least follow the law as well as making a good neighbor agreement. So I would want those things clarified in that good neighbor agreement. As a reason we think that this should also be a requirement, this isn't just a facility with some parents and some children and, you know, that kind of thing. This is specifically 18 to 24-year-olds, this is a specific age range and they are all specific who have a specific background, being foster youth so our concerns are higher because it's a younger crowd we are looking at, and we as most of us know, there could be an increased level of noise and late night activity associated with those residents and especially when concentrated in a specific area because it's more like a dormitory on college campus which will have house rules which is why I think the good neighbor agreement is more necessary in this case than it would be in other cases. Moving onto d2, which is about the transportation, is the transportation system capable of supporting the proposal in addition to the existing uses in the area on street parking and neighborhood impacts. Now, the only, and I don't know if this is standard practice but the only evaluation done was a traffic consultant hired by the applicant who did a study on a single day and coming from a scientific background you don't take one experiment and create a fact out of that. You would go multiple times and I believe it was late at night in January or December. So this is concerning because we consent that the studies, the applicant can't be relied on in determining whether the condition has been met. So basically I would think that the pbot would do their own study to make sure there is no impact. You have to remember there is a community center on Foss which is parallel, and so right down dana there was a park so there is increased traffic because of people attending these places. There have been claims that maybe the people in this particular building will not have cars but that doesn't mean their guests won't have cars. Somebody that their job is going to go there, the person who is an lcsw. That needs to be looked at once more because many, many neighbors have concerns about parking and traffic impacts in that air.

Hales: You used your time so we're going to dive into a couple of questions. One is did you raise this issue about the location of the parking lot not being on the alley during the earlier hearing? I was looking for that in the response and I didn't see what the hearing officer's response was to that.

Robbins: They believed that the concrete wall was sufficient. They decided to build a concrete wall.

Hales: I have a different concern which is if we have alleys we ought to be using them but that's not germane to this hearing. Okay. Other questions.

Fish: What was the alternative that you proposed or anyone proposed about where the -- if you put it at the other end of the property you have the challenge of putting parking on an intersection on the corner and our zoning code encourages putting buildings not parking at the street level. So was there an alternative proposal at some point that the neighborhood put forward about where the parking should be?

September 14, 2016

Robbins: I believe we have said that the parking should be on the alleyway side. If you picture the corner, the property is like this. They are proposing this is the actual corner, here is a road, here is a road. And it should go right here. It would go in the same place, but on the same corner and adjacent to an alleyway rather than adjacent to a person's home.

Fritz: Do you have other issues you didn't get to in prepared remarks?

Robbins: Just about the adjustment. I think the whole purpose of an adjustment is the whole purpose of that law is to prevent concentration of group living uses in a residential neighborhood. That is the purpose. So to trump that purpose with just another building owned by the same company seems frivolous. They have plenty of other places they could be building this and it would still serve the same function. So basically that would be the reason that we think the adjustment shouldn't be granted. But we also are saying that the conditional use should not be granted.

Fish: Could I ask you a philosophical question? Let's say instead of this use a developer came in and put how many houses would fit here, do you know?

Robbins: They are claiming six.

Fish: Let's say someone came in and built six homes and each property owner decided to bring two foster children in for a total of 12, what would be the different impact on the neighborhood?

Robbins: It would be different because those would be separate homes it would be consistent with the character of the neighborhood which is part of the conditions is a building that's consistent with what the neighborhood already looks like. We have individual homes. Most of the homes are under a thousand square feet. The proposal, I think is several thousand square feet so it will be noticeably different than the character of the neighborhood. And while we do have modern buildings and less modern buildings, 1975, 1920 built houses, it would still be consistent with a neighborhood feel rather than a group living feel. Does that make sense? Let's thank --

Hales: Thank you very much. Let's take individual supporters of the appeal. Welcome. Good afternoon.

Dylan Kruse: Thank you very much, my name is Dylan Kruse. I'm a resident at 8811 north dana avenue for the record. Thanks for the opportunity to be here today. You know, I know that we will have some conversations after this about the organizations, bridge meadows, new meadows, the tenants, the type of program being implemented, the need for these services within our community and the city. No one is disputing those. I'm certainly not disputing those needs or purposes. This is a social program, a group living facility. These are things we need to do. No one is trying to stop those purposes. What we are trying to talk about today is the design of the facility. I have been involved in the focus group and I have been working on this project as well as with the developers since the beginning and what we are simply asking and had asked for from the beginning gets to commissioner Fish your question, your philosophical question, we want houses, we want individual buildings, question want the facility to be broken up instead of having an apartment complex on an area zoned for residential houses. Building houses, breaking up this facility into smaller units does a number of things. One, it still allows them to administer their program on that same site, two, to the point of how many buildings we could build there, they can still house the same number of tenants, four, four bedroom houses, five, six three-bedroom, there are multiple options but they can still house the same number of tenants on the property. And they can maintain the existing r5 designation and respect the wishes of homeowners, individuals and tenants who have been opposing and asking questions about why it has been designed the way it has. It's a win/win for everyone. It also provides a contingency option, things change, use of the facility

September 14, 2016

changes. It's being managed by a non-profit. It's contingent on funding in the long run. If we are building a unique group living facility with a specific purpose and six years down the line things change and those circumstances as far as their funding and administration changes, we have a problem on our hands with the neighborhood. If it's individual buildings or homes, we can sell off the assets and do something different with the site. The other thing I want to add is this is not an isolated complaint. We are here today, we have taken time off from work to come here, but we do have a petition from 29 homeowners in the immediately adjacent area affected by this that have opposed and objected to the criteria. You have multiple letter from homeowners in the affected neighborhoods and you have appeal from the ports mouth neighborhood association. So this is not one grumpy neighbor. This is a large group of neighbors, the neighborhood asking series questions and coming forward where alternative proposals. The last comment I want to make and I think it follows up on the last discussion is thinking about development, thinking about equity in the city. That matters to us. I have been involved in the focus group since the beginning and we have been repeatedly told that we need to make this work. It needs to meet the needs of the developer. We have to compromise on this. We have to do what they need to do so they can implement their project. For those of us that live in the neighborhood, those of us who have bought homes, those of us looking to move there it's important we are maintaining the single family home status. We think there is a reasonable balanced compromise equitable for everyone involved that lets new meadows do what they want to do with the same number of tenants and respects wishes and desires of homeowners and we have that in front of now. We appreciate your consideration.

Allison McManus: My name is Allison McManus. I'm an owner of one of the thousands square foot homes on the street. I so small loan, big lot, that's the gist of what the neighborhood looks like. I don't oppose the new meadows program. I oppose the building scale and size, and the impact it may have on the quality of life of some of my neighbors. In my neighborhood we have the group holding facility within 200 feet of the proposal. So if they need an adjustment, usually it's a 600-foot minimum. Part of the bridge meadows conditional use, it was recognized that their group living facility portion of their project is different than the internal neighborhood on north hunt. They actually built only homes, triplexes and duplexes in the inner part of the neighborhood and left their group living facility on north willis which is a major thoroughfare, over a thousand feet wide in a two lane connector. And in this case we have asked multiple times that those same criteria of what is considered compatible is looked at in this case as well. We have talked about there are multiple buildings that could go on this property and house the same number of tenants, so I just really don't understand why we are not looking at the same kind of compatible uses for this conditional use and this adjustment than we did several years ago with the bridge meadows conditional use. I really think we have an opportunity to find compromise between the homeowners and the new meadows people on this project by scaling down the buildings or looking at a multiple building design. We continue to debate what the definition of compatible is, and if the new meadows facility as proposed is compatible with the neighborhood, some of the definitions of compatible are being able to exist without conflict, or designed to work with another system without modification. We are here today talking about this, so clearly there is still a conflict happening, and we are talking about what adjustments need to take place so that this can happen as proposed. So we are asking for a modification as well. I mean, clearly we are not meeting the definition of compatible at this point. I think we have the opportunity to. In my opinion this isn't an all soar nothing issue. There is room for compromise between the new meadows group and the local homeowners, and overall, I think compromise will be the best solution, and have the best long-term effects on the success of this project and the future of our neighborhood.

September 14, 2016

Thank you.

Hales: Questions? Thank you. Any other supporters of the appeal? Okay. So then let's move please to the applicant opposing the appeal.

Sarah Curtis: Good afternoon, mr. Mayor, commissioners, for the record my name is Sarah Curtis and I'm a land use lawyer. Appearing today on behalf of the applicant bridge meadows. I will let the other members of the team do most of the speaking about this project and the work the applicant has done to work with the neighborhood association and carefully consider feedback from neighbors and others, but I did want to respond just briefly to one point about the nature of this proposed use and the spacing between these two group living uses. The nature of the use and the space is precisely why we are before you today and the applicant is seeking conditional use and adjustment approval. If the proposed use with the household living use and we were talking about individual houses here. The use would be allowed outright and there would be no land use process required. What we have recognized as a community, however, is that there are times when we need our land use standards to be somewhat flexible, enough to allow for well-designed proposals that are not allowed outright within a particular zone. In those instances, the city opposes additional standards to be sure there will not be significant impacts on the neighborhood and the surrounding community. That is precisely what has occurred here. The city has applied its standards and found that they have been met. For that reason, we ask that you deny the appeal and affirm the hearing officer's approval. With that I will let the other team members address specifics of the proposal.

Hales: Thank you.

Shawn Suv: Good afternoon, my name is Shawn suv, executive director at new avenues for north. I will speak quickly because we have limited time. I want to thank the mayor and the city council for the opportunity to respond to this appeal and share more about the proposed new meadows projects. Many of you are familiar with new avenues and the work we do with homeless youth in the Portland community. Over the past 20 years operating a number of highly effective housing programs. Some of you know about our organization's commitment to preventing youth homelessness through our work with youth transitioning out of foster care. New Avenues is one of the main providers for life skill transition services for foster care youth in the state. We began doing this work because we recognized a strong relationship between kids aging out of foster care and those becoming long term homeless youth. That's true especially those in foster care that become teen parents. I know this council understands and appreciates the impact of homelessness, and the impact homelessness is having on the community and the need to come up with creative and collaborative solutions. For the past three years, we have worked together to develop the new meadows project to address significant gap and need in our community. The new meadows project responds to the displacement in north Portland of youth from communities of color and youth coming from some of our community's move impoverished families the project leverages the strengths of our two organizations creating wrap around services providing opportunities for foster youth to learn and practice skills and the chance to have long-term meaningful relationships with adults. You will further here from our team about the intentionality and the neighborhood consideration we have put in the design, how the design is focused on developmentally what these young people need most to be successful and how we plan to and are working with the north Portland community to help these young people have successful transition to adulthood.

Dorinda Schubert: Good afternoon mayor hales. I am Dorinda Schubert, executive director of bridge meadows. We have worked between our boards and leadership staff to come together and leverage our collective strength and our expertise. For the last five years as you

September 14, 2016

know bridge meadows has helped foster youth by providing them with forever families, supporting their adoptive families so that they are strong and thrive and providing median purpose as elders as they serve as surrogate parents and mentors to the kids. In the five years since we opened bridge meadows our city of Portland has received national awards for this innovation. New avenues for youth has received recognition for their innovation. The use of new meadows will have high quality housing built by the home builders foundation led by renaissance homes. Our resident adviser will live on the site with the youth providing real time support and the youth will have access to academic, vocational, and health services through new avenues high quality programming and there will be a significant amount of intergenerational community support to these youths providing them with the last leg of important support, family. The proximity of new meadows to bridge mode doughs is a critical factor in creating lifelong bonds and relationships. It's always been bridge meadows intention to be a good neighborhood. Elders attend tai chi and neighborhood children play at bridge meadows. We do have a good neighborhood agreement. We developed that several years ago, and I did provide that to the current president because she could not find it. Until recently, the Portsmouth neighborhood association meetings have been held at bridge mode doughs for well over two years which allowed our elders easy access to the meetings. In addition to the leadership and our board of directors, the community members at bridge meadows cannot wait to welcome these youth home and provide them with the support they need to live successful lives. Thank you.

Fritz: Could you just hold up for a minute? Were both of your points made to the hearings officer because I don't see reference to them in the findings?

Schubert: Exactly which points, commissioner?

Fritz: The points about the wrap around services and the proximity to --

Suv: Dorinda was traveling during the hearing and I presented those points as part of my testimony to the hearings officer.

Brian Carlton: Good afternoon, mayor and commissioners, my name is brain Carlton I'm with Carlton architecture and have been proud to be associated with this project. I have got a presentation that unfortunately I can't get below 15 minutes and I only have nine left so I will dance around a little bit for your make as well. A lot of what I had to say you have seen up on the screen and have heard as well. I do want to take you through a little bit of the process we have gone through and hopefully address some of the comment that's have been made by our neighbors in their appeal. This is the original design that we first worked on. It was designed, it is designed as a single building. It was designed to be modern, appealing to the young adults that we would be inviting here to live, and really wanted to have that energy and appeal to young adults. More importantly I wanted to point to the floor plan that we are showing here, which is a single building. And it's a collection of studio and one-bedroom efficiency apartments, very small apartments with a community space, collective space that provides a central kitchen, dining, living room that gives us a lot of opportunity for community development amongst the youth and one of our apartments is for a resident assistant, resident manager to live here full time. It's really important in this design, and I'm going to go ahead and read just to keep myself on focus here, it's critical to the program of new meadows that the residential setting encourage regular contact between the residents and with their resident assistant. The shared lounge, kitchen, dining and kitchen spaces encourage communication and relationship building. internal front doors along the corridor allow the resident assistant to watch over his or her flock and keep an eye on residents, and identify people who need encouragement or assistance along the way. So this concept of a single building is critical to the mission and to the program and the idea that we are bringing people

September 14, 2016

who might be subject to tenancy towards isolation and we are really trying to bring them into a community setting where they can mutually support each other and get that assistance from the resident assistant. We have heard loud and clear and I will quickly transition to this was the design we presented to the neighborhood association. And it is, this is some of the feedback that we got, and we heard a loud and clear the desire for single family homes. It's come in in every discussion we have had. We have acknowledged that along the way and quite honestly we have tried to explain our position at every time we -- meeting we have had where its critical to the program that these young adults are living in close proximity to each other and whether you call it supervision or guidance, where that resident is assistant has constant contact with these folks and is really helping them develop their life skills and launch them into adulthood. The idea of breaking them up into separate homes, while that works for certain groups of people, and certain people with upbringings that allow for that type of socialization, we have been very clear that we are working with kids who don't have that background, who don't have those skills, those socialization skills, and we really need them in close proximity to each other to really make this work. So we have continued to show the single building concept. This is a quick rundown, a lot of what you have heard already today of some of the concerns that the neighborhoods expressed beyond that in terms of scale, size, also set backs or front yard appearance, that type of thing and we have talked about the parking. I will come to that in a bit. So this is the revised plan that has taken that single building and really worked hard to break it into smaller, more home-like components. We used inspiration from the neighborhood in some of the newer in field development in terms of the proportions we used, we have created these notches in the building and single story elements to try to create the massing and scale of single family homes. This gives you a description of how we have created notches in the building and tried to set the massing up to be more reflective of what's being built in the neighborhood. This slide demonstrates that those notches in the building actually were set to reflect the typical spacing in some of the infilled development that's happening, skinny homes and infill homes, the distance between those homes in the neighborhood. The photos you are seeing are taken from the neighborhood. The site, we have increased landscape areas and setbacks to create more front yard space. And introduced some additional landscape features to try to soften that and create that front yard. We also did agree to introduce the cmu wall on the northern property line as well as the cedar fence along the alley to provide more buffer. If I could take an opportunity to address the parking issue, we did look at multiple schemes to try to look at how we could potentially relocate that parking. We did look at parking along the alley. We were told by pdot that in order to use the alley it wasn't a matter of just removing the light pole, we would have to pave the alley, introduce storm water treatment facilities to the alley, the budget for that was quickly getting into the six figure range. So it's not a simple fix to just park along the alley given pdot requirements to improve the alley.

Fish: Don't you have the same storm water requirements for the parking lot to the north?

Carlton: Yes, but it's a much more console dated that is much more contained. We would have to take that alley, develop a 20-foot wide street and as all of the facilities for that.

Hales: If the city's requirements were more reasonable, for example, we allowed you to use pavers and sand in an alley that's now dirt, and access a parking lot from an alley that once again becomes functional as an alley, would that make this more practical instead of requiring you to build a 20 foot street where none such exists. I'm frustrated with our own bureau as you can tell by my tone of voice. We either have alleys or we don't. If we have them, we ought to figure out how to use them. I can't figure out why we are not letting applicants solve this problem instead of walk away from it.

September 14, 2016

Carlton: I don't have a simple answer to that. There are always unintended consequences and every time we try to use alternate paving or modular paving it ends up costing more and we can sit and break that down. It's not an easy answer. Programmatically, and I'm going to feel the daggers from behind me from my staff who have reinvented this project several times or, programmatically, it does some nice things for us if we are parking off the alley. And we believe we could potentially rearrange the site to make that work. It just, it truly is cost prohibitive at this point for what we know.

Hales: Thank you.

Hales: We interrupted you. Go on with the points you want to make. I'm sorry. Go ahead.

Carlton: In terms of compatibility, we really did try and we do believe we are from a design perspective being compatible with the neighborhood. It is a mixed neighborhood. It has gone diversity of amendment and housing types in it. All of these photos are of projects that are within three to four blocks of the site, and this isn't including the bridge meadows development. It's not including any of the new Columbia development. These are old established developments to the site and newer infill -- we did include bridge meadows. I apologize. There's also examples of some larger homes that are being developed at the sight that are maximizing their site capacity. We did take very seriously the issue of what could be developed on this site in firms of our analysis of compatibility. The ability to develop six homes and if you have got a family of four to five people in those homes, you are quickly outdistancing the capacity of new meadows which we have set at 19 residents. We also believe that because of who our residents are going to be, we have got a disproportional reliance on mass transit and bikes, so we feel we have got a lesser impact on traffic and parking in the neighborhood.

Hales: What is the outbuilding?

Carlton: That is a -- trash enclosure, just a small sitting porch attached to it.

Fish: Can I ask why do you need onsite parking? Why is that central to the design? There is on-street parking.

Carlton: We felt it important in terms of a gift to the neighborhood our recognition of the neighborhood's concern for parking that we felt it important to have a certain amount of on-site parking.

Fish: But there is nothing programmatically that drives that?

Hales: You are not required to put in on-site parking, are you?

Carlton: For all of the discussion we have had, I don't have -- I believe we actually have to have a minimum number of spots on site. I don't think we are totally exempt from parking on the site.

Hales: I will check where staff on that quick.

Carlton: I apologize. This is an issue we hashed out a year ago and i'm trying to remember what we hashed out. But we did feel that it's important in terms of our addressing neighborhood concerns that we provided a certain amount of parking on site.

******:** There were a lot of very vocal neighbors that were upset at the idea of there not being parking and we settled on what was the required amount, not more, not less.

Hales: Right, but you also had neighbors that were concerned about green space, so they lost and the people that wanted parking won. So I'm not sure if that was a good bargain. We will talk with staff about that.

Carlton: And we did have neighbors who asked that same question, why do you have parking on site.

Fritz: Presumably some of your young adults with have cars that they need to drive to work and there may not be enough places on the street.

September 14, 2016

Carleton: We also feel pertinent to our request for adjustment for the distance, we also feel that it's very important that this new meadows program was conceived to be a sister program or a feeding off of the success of bridge meadows and the adoptive families that we have there and the elders that we have there. So that proximity and the ability for residents of new meadows to travel quickly and easily over to bridge meadows and more importantly the residents and specifically the elders to be able to travel quickly and easily over to new meadows is a key part of the program in terms of developing a sense of community with these young adults of a community of people who understand what they have been through, understand their background, and are there to help them launch into their life. So that proximity as Sarah said earlier is important in terms of accommodating this program and really building it for success. I believe that is all I have with a minute to spare.

Fish: Mayor I have a question, could we indulge for a second and ask their attorney to come back for a second.

Hales: Sure, would you, please?

Fish: So thank you for your presentation. There was a comment made by an opponent that I want to give your attorney a chance to answer because I just, since you do land use work, I would be interested in your take. She said in so many words that there was now an abundance of non-residential facilities in the neighborhood which were beginning to change the character. Now, frankly I think typically we don't think about schools and rec centers as being facilities that change the character of our residential neighborhood. In fact, we have residential neighborhoods across the country beating down our door for us to put a community center or other amenity in their backyard, but she referred to a school, Rosa parks, Charles Jordan, a church, and bridge meadows and now we are doing new meadows. Let's take the community facilities out of the equation and say bridge meadows has been a success. That's the neighborhood. New meadows has been spawned from that. If that goes forward, it will likely be a success. At what point do we have to consider concentration when we are in effect building on the success of something which after all is seeking conditional use to operate in a neighborhood for which it wasn't initially envisioned? At what point does concentration become a factor we are required to consider?

Curtis: Well, I think that's an appropriate question for this type of review. It's the reason the city has a spacing standard to begin with that would require that these type of group living uses generally speaking be spaced at a distance from one another, so you don't have uses that are non-household living uses and character overwhelming a particular neighborhood. What I think is important about this adjustment process is that you evaluate on a case by case basis and so here you have a well-designed proposal and there is a reason for there to be an adjustment of the spacing standard. You have evaluated all of the key factors related to impacts to the neighborhood, and the fact is that if another, yet another group living use were to come into the Portsmouth neighborhood association and ask for approval, then you consider that question as these uses are proposed. So where that, I, you know, do we know it when we see it? Where that tipping point is I'm not sure. I would submit, however, that in this instance, I think this is, these are two organizations that have a track record of success. This is a well-designed proposal and in this instance, I think an adjustment is appropriate.

Fish: And I think you make that point very effectively. I'm just, I'm contemplating that there will be the son of bridge meadows, son of new meadows where the argument is we are building on success, proximity, shared services and I just, I'm just trying to get my head around at what point is there a line where we say, actually, no, you are now changing the character of the neighborhood by doing this on an ad hoc basis? And you are saying we should look at these things on a case-by-case basis and apply the criteria. I'm flagging that at

September 14, 2016

some point I think there is a line we have to tackle. I'm not sure what it is.

Fritz: You put your finger on it is a discretionary decision then each one is considered case by case. I don't think I remember two entire pages in the hearings office decision dealing with one criteria on the specific one, and also the in depth discussion of the definition of large which comparing it with the what large meant by the same hearings officer in a previous decision. So I think it is something that grows a bit over and over by time, and that's why it's best been stated that we look at each one and listen to both sides and make a discretionary decision.

Fish: It was an old joke I went to the fights and a hockey game broke out. Here I think the analogy is I moved into a residential neighborhood and at some point these wonderful group homes and programs run by blue chip non-profits started coming and we are doing this under conditional use so in each instance we are potentially saying there is compelling public policy reasons to do this but since an opponent raised the question of concentration, I wasn't persuaded with the concentration argument when she brought Rosa parks and Charles Jordan in because in most residential areas in the city they would love to have a high performing elementary school and community center but here there is a question about at what point do you get to the tipping point where you are fundamentally changing the character of the neighborhood. So thank you.

Hales: Other additional points you want to make?

Carlton: Just real quickly, I do want to just one comment was made by appellant that pertained to commissioner Fish's comments about when is enough, enough. In making sure we are characterizing this program appropriately, we are not providing treatment. These are not patients here. This is a group living situation. It's not an institutional function. We are providing counseling, and training for these young folks so in a lot of ways it is earth no residential option in a diverse neighborhood.

Fish: I would say, Brian, I listened carefully to the opponents and I didn't hear anyone picking a fight over the people staying there or the services being provided so that's why I'm focused on design, scale, compatibility and about how many conditional uses are we going to allow in an area where it then begins to change I think it's that you mentioned that, but I didn't really hear an opposition based on problematic--.

Carlton: I agree, and I was only responding to words I heard actually if I could take a second and add, it's something I said several times over and went back to the office and talked about it's been a pleasure working with the neighborhood association and the representatives in this case it had been frustrating as we have tried to explain the program. It's been a respectful relationship throughout and having been in many neighborhoods throughout Portland proposing projects that people weren't excited about having across the street from them very have done an incredible job staying focused on the issues and concerns and throughout the hearings process on the approval criteria. I do want to compliment them for their work on this.

Fritz: I just have one further question, do any of you know whether the bridge meadows approval required a good neighbor agreement or required to try to have a good neighborhood agreement.

Carlton: It did

Fritz: It required you to have one?

*****: Yes, commissioner Fritz It did, and Greg Williams and I worked on that together and created a document that stood the test of time.

Fritz: And what I'm hearing is that your very are willing to do that in this case also.

*****: Yes, we are

Fritz: And I heard from the neighborhood association that should the appeal not prevail they

September 14, 2016

would be willing to meet as well so I think we can have language that would get to that. Thank you.

Hales: So individual supporters of the, opponents of the appeal, are there any signed up?

Kevin George: My name is Kevin George and I work for the department of human services for child welfare services. As a part of my job is program and policy development for children and youth and young adults in foster care and for developing transitional services for supports for youth, young adults who are exiting the foster care system without a permanent family or a permanent support network as they move toward successful adulthood. In the past 12 months there were 78 young people in Multnomah county alone who exited foster care system without a permanent family to provide ongoing support and safety net as people launch into adulthood. Most often as people leave foster care these young adults move into the first apartment into someone else's house or apartment with little to no support on how to navigate the world and most have had to fall back on from emotional support, and most of us had families to fall back on from emotional, financial support or to help us understand what it means when you get a water, rent, and electrical bill. Most people have positive caring adults of family and friends to help them navigate adulthood. As a parent of three young adults I can fully appreciate the need for positive, scaring support in navigating the new world. The young adults from foster care do not have the positive care and support they need so much, so programs such as new meadows is the right program for them what is unique is the relationship to care and supporting adults. And the demonstrated success of peer-to-peer group living in a semi structured environment. There other examples in Oregon of young adult transition models for youth Lane county has neighborhood economic development corporation has a 12-unit apartment in Eugene transitioning foster youth. Salem has center court commons through catholic community services and they have a dorm style apartment where they are transitioning youth out of child care. These programs have been a success, they are also limited to provide these young adults with the intentional connection to supportive adults and fully engaged them in their community which will be a significant component of the new meadows program. I am most excited about the opportunity to have these young adults learn from and develope relationships with the older population this is where culture and community values are found and can be passed to young adults who don't have new opportunities to have ability to make relationships. The intentionality of the shared living space is critical to the success of this program. The department of human services worked with bridge meadows and new avenues for youth for a number of years and seen their individual and organizational commitment to quality and services for children and families. They have been instrumental in taking a holistic approach in research, best practice models to develop comprehensive service. It will further enhance the further overall positive experience to bridge meadow in that community. Thank you for the opportunity to speak.

Hales: Anyone else?

Kurt Creager, Director, Portland Housing Bureau: I'm sorry. Good afternoon, for the record I'm Kurt Creager, director of Portland housing bureau. I wanted to speak in favor of new meadows and in opposition to the appeal. I do want to respect the Portsmouth neighborhood. Neighborhoods that value their neighbors and their neighborhoods are, should contest change in their neighborhood. I don't think any one of us would want to live in a community that didn't care enough to raise issues and to press forward their case, but in this instance, we don't think that there is a reason to -- a reverse the hearings and examiner decision. It's also important for the record that you know that we have a million dollars from the city of Portland housing bureau budget supporting new meadows, \$800,000 for construction and \$200,000 for soft costs.

September 14, 2016

Fritz: Was that presented at the hear something.

Creager: Yes, Karl dinkelspiel was a witness at the hearing and he is an employee at the housing bureau. The emancipated youth is the term of art in our industry. When youth, foster youth age out of the system and I thought that was a sardonic term because it talks about freedom, but freedom in a tight housing market, freedom without resources means that these youths are the most vulnerable in our society. They are victimized and prayed upon by older adults. So group quarters that allow some means of shared, shared costs really helps them succeed in life, moving forward. In this instance, the property will have 19 individuals of which a few will be small children. If it were developed in single family density, which is permitted, there would be a capacity for six single family homes, and under the title 33 definition of a household, one or more persons related by blood or marriage, domestic partnership, legal adoption, guardianship plus five additional people, you could have six people per house or six homes or 36 total individuals whose behavior is going to be totally random and up to their own standards of behavior. So by having 19 individuals supervised in a group setting, connected to programmatically by the nearby bridge meadows, this is actually less than it would be than if it was developed as single family detached homes. People want single family. We believe at the housing bureau the connectivity between the programs is essential to there is mentoring and remodeling for the youth by the elders nearby. There is staff supervision and double coverage of staff supervision by the two properties and maintenance and repair staff can respond more quickly to any requests to provide repair and replacement needs so we think that this is an overall good solution to a community-wide problem and I do want to underscore that these kids are from north Portland. They are not being imported from someplace else.

Hales: Thank you.

Fish: Kurt, the question that preceded you from an opponent is what happens if this program for some reason discontinued. We have a conditional use. You are an investor. The city is an investor of this. What happens to the building?

Creager: Well, if they went out of business, I think we would want to secure our lean rights in the property and make sure that another responsible non-profit or engaged to operate the facility.

Fish: Would that come back to us on conditional use.

Hales: It would have to, if it was different use, it would have to, not a different operator.

Creager: We have a regulatory agreement that will run 60 years, so we have through that regulatory agreement the means by which to replace the operators.

Fish: If there was a change in operator or a change in use, would you bring that back to council?

Creager: The commissioner in charge. I'm not sure it would come to council but the commissioner in charge at the time would have approval authority.

Fish: Can you put in the regulatory agreement that the council would be notified of any change in operator or use?

Creager: I don't see a problem with that.

Fish: That gives the council notice. I saw the council nodding. So that someone has an obligation to tell council if there is a contemplated change.

Fritz: So are you concerned about the operator or going to something completely different.

Hales: Both.

Fritz: Cause if it was going to something different then it would have to come back.

Hales: If it was different use, it would have to come back.

Fish: I'm just thinking we have the hook of a regulatory agreement to make it explicit that that

September 14, 2016

comes to council. We may not be here. When that event happens I want to have someplace where it's memorialized.

Creager: We have no opposition to that.

Hales: Thank you very much. Is there anyone else that wants to speak? Now, the appellant, you have the opportunity for rebuttal of any of the testimony that you have heard if you would like to avail yourself of that, come on up.

Robbins: I'm just going to cover a couple points that they made even though I would love to talk for longer than that. We obviously heard from the other testimony as well as mine and we agree that it's an honorable organization that is providing an important service to the community that's not being judged here and that's also not part of the conditions. And also he just spoke and said the youth would be from north Portland, but heard prior testimony from sean suz saying that they could come from all over from other states even so that was inconsistent. In their testimony I didn't hear anything about them meeting the conditions, the legal conditions, I didn't hear much about the law. They stated what they needed to have their program work which was a single building and to be in close proximity to the bridge meadows. I want to show you on the zoning map, this star here I put for the road is just off the map. There is an empty lot owned by Portland housing authority that would perfectly suit their needs. A person would need to walk a couple of blocks in order to reach bridge meadows. I presented this prior and they just completely disregarded me, but I think if they want their needs met, they can do it, they just can't do it with this property. I believe that it's not too much to ask for them to either consider single homes and this isn't a density thing, this is a character of the neighborhood thing which is part of what the law says. It's not changing the character of the neighborhood. It's not impactful on the character of the neighborhood. So we would require either single homes or distance between group living facilities. At what point will the concentration be enough that there is a rejection of a proposal. And I would like to point out the dilapidated property across the street is owned a property development place. So that's going to be developed and the property back here is being purchased I believe by a developer. So there are other properties that this could hatch. If we are continuing to allow it's setting a precedent that this is a group living neighborhood. And people who bought homes here that spent thousands of dollars, the neighbors coming to me they made investments in a neighborhood, a single family home neighborhood and it seems disrespectful to not listen to their concerns to not at least respect a maybe making a bigger distance or respect maybe having separate houses. If they want their program needs met, they can do it, it will just be a couple of blocks away. And we are not contesting a change for the neighborhood. We are contesting the character of the neighborhood. When I bought my house, I looked at the zoning, and I looked what can people do. And I didn't think that not only would somebody be asking for a conditional use, but also an adjustment. That seems like quite a bit to ask if we are trying to maintain a neighborhood, a single family home area. And I understand that it may be difficult to deny the applicants proposal considering the social purpose and that their doing good in the community, however, it's important that we follow the law regardless of that message. If a proposal does not meet the necessary conditions, it should be denied. The flick ant has the ability to create a building or achieve their social message in a way that is compatible with existing laws and regulations. They have the ability and they can do that. I believe they will be able to do that especially with the knowledge of how much money they are getting from Portland housing bureau. They will be able to build this in a place that's more appropriate or they can build houses on the land they have purchased. I think that's all. Thank you for listening today. I appreciate it.

Hales: So I have some questions for staff so I would like to ask Kathleen to come back up

September 14, 2016

and Curt Kreuger the other Curt in the room because I want to return to the parking issue.

Fish: We have some best people although not our experts in the room.

Hales: Yes, Best would be a factor here. The key test well one of the key tests in this case and it's been extensively discussed in everyone's testimony. The proposed development would have to significantly lessen the overall residential appearance and function of the neighborhood; we've heard from the appellant that they don't believe that the project has and we've heard from the proponent that they think it has. There's two ways I think this proposal is different from the prevailing pattern of the neighborhood. One it's a bigger building and two it has a parking lot so let me return to the parking lot question what is the provision of the parking lot did pbot approved it and did pbot require it.

Stokes: Kathleen Stokes, bds staff and I have two or three clarifications. In answering the question about the parking lot and I know there were questions like why are they having the parking spaces. Well the zoning code requires parking for residential uses and most residential uses and the standard for group living uses is one space per four residents so 19 residents triggers the requirement for five parking spaces onsite.

Hales: Onsite, but let me interrupt you because pbots report that's in the record says at this location the city's transportation plan classifies these streets for all transportation modes and that local streets provide local circulation for traffic, pedestrians and bicycles and except in certain circumstances should provide on street parking. Why are we not replying on onstreet parking to meet the need?

Stokes: We generally look at the code required onsite parking, but it's only one space per residential unit or one space per four residents. Most residential uses generate more parking we don't require that additional parking for visitors to be onsite that's where the onstreet parking can be used and as far as the questions about the location of the parking and the ally improvements Mr. Kreuger has some additional information.

Fritz: I'd just liked to make a point especially since we haven't gotten to our next item yet. The code requires the five spaces Ms. Stokes just said, the applicant did not request and adjustment to that.

Hales: Right I get it.

Fritz: So why are we discussing it?

Hales: so I want to know what the provision of it was because Mr. Carlton understandably a year later wasn't sure so it was our requirements not their proposal.

Kreuger: Let me try to take a little stab. When we're doing a conditional use review we're looking at the actual specific use that's proposed on the site. Excuse me Curt Kreuger with pbot. The code isn't actually descriptive as in on space here or three spaces for this project. This is a good example we look at a church and say how many people are going to come to this church what's the congregation size. The we try to determine how many spaces are going to be put on site versus how many spaces might be used on the street and we do this with kind of a discretionary view to determine what's appropriate for that particular use. In this case we felt some amount of off-street parking should be provided so as to not completely use up all of the on street parking. This particular project is going to close two existing driveways that have been there when the pge substation was there. So we are gaining on street parking, we are losing the parking space of the parking lot. If the parking lot went away, we would gain additional on street public space.

Hales: I won't chew on this longer because this may be an issue for the regulatory process not for this proceeding, but do you look at the context in a conditional use case? So the context that I see when I look at google earth is there is one to two cars per block face parked on the streets of this neighborhood. If this were northwest Portland where we have issued

September 14, 2016

7,000 parking permits for 4,000 spaces, I could understand not relying on street spaces in the conditioning process but in the context in which typically the parking load is nowhere near this, for future cases I would hope to see us relying more on street parking.

Fish: Can I follow up on this?

Fritz: Because I don't know what time of the day or night that was taken. I need to kind of declare if not an ex parte contact because I didn't discuss this particular case but I happened to have dinner both at bridge meadows with Ms. Schubert and with Mary Margaret Wheeler who helped me collect \$5 bills in one of my elections and I go to the Charles Jordan community center a lot as the parks commissioner. There is a lot of parking on the street. I mean, it's very difficult to find parking on the street

Fish: Mayor can I follow up as well. Let's say that pbot's requirement for this particular use was 24 parking spaces. Well, we would certainly take a look at that and that may mitigate against, that may weigh so heavily in our decision about changing residential character that that could be a deal killer so presumably under those circumstances they'd seek an adjustment.

Hales: That's why I'm worrying this bone not only because I'm anti parking lot but because we have got testimony in the record that most of the residents in of this facility will rely on bicycles and transit for their movement around the city. Yes, some of the staff may drive to it. Did you require bicycle parking by the way given that that's in the record?

Stokes: There is bicycle parking that is, it is required in the code and it is being provided through this proposal.

Fish: Well, the other thing, mayor, is if you didn't have that parking and we were somehow able to unlock the mystery of the alleyway, the building actually might change in scale. This is not an incidental matter because they could use this. But what I, what cur, if this was just add as of right residential development how many parking spaces would we require.

Kreager: We would require on per house or driveway per house.

Hales: The reason, the critical issues here are does it significantly lessen the overall residential appearance or function. How does it change the—how does it differ in the reliance of a great deal of the site not occupied by buildings occupy it by a parking lot that's not typical.

Fritz: Might I suggest a couple of amendments to the conditions of approval and then to move denial of the appeal, and --

Hales: So are we, any other questions before we take a motion? Because we need to take a motion if someone wants to make one, but, Kathleen.

Stokes: Yes, I was wondering if I could make a couple of points of clarification on some of the things that were discussed here.

Fish: I'm not sure you need to. The clock is late.

Hales: We are going to make a tentative decision today.

Fish: We will give commissioner Fritz a channeled to frame it.

Fritz: What I was going to suggest as part of the motion is condition a on page 33 of the hearings office decision that the design should be as approved as indicated. I believe it's c1-c5. We might add onto that unless changes to the parking are negotiated in the good neighbor agreement. And then under e, which is the one I was gnawing on at the beginning of this hearing, to change -- I very much appreciate that both sides say they are willing to work on a good neighbor agreement and I hope you will be able to get one but in case that doesn't happen, it should say in the fourth line down must document that the new meadows and bridge meadows representatives strived to meet in good faith with the neighborhood association for the purpose of reaching --

September 14, 2016

Hales: So commissioner proposes those changes. Are you making those changes in context of an overall motion?

Fritz: With those amendments an overall motion to deny the appeal and up hold the hearing offices decision with those amendments.

Hales: So it would be a tentative decision.

Saltzman: Second.

Hales: Second to that, tentative decision with those additional amendments. Are there any further amendments to the motion before we take a vote on it?

King: I just want to remind you that you want to make sure that it's clear on the record that the hearing is closed and with the tentative decision we have to set a date and time certain to return.

Hales: We will do that subsequent to acting on the motion. This is the closing of the hearing. We are going to take a vote on a tentative decision and set a date for findings.

Novick: Can I ask curt one more question? Sure. Could we theoretically agree to allow no on-site parking?

Kreager: We would have to revise the findings to address the parking impacts without having a parking lot that the surrounding on-street parking --

Fritz: There are findings that it's not.

Hales: Okay. So roll call, please, on commissioner Fritz motion and the amendments included in it.

Saltzman: I appreciate the testimony of the neighborhood and new meadows and or bridge meadows and new avenue for youth. I'm familiar with both organizations, know they are quality organizations. I am convinced they will be good neighbors, and I think that, you know, there already seems to be a camaraderie between the neighbors there was just a concern about whether new meadows significantly alters the residential character of the neighborhood. I guess I reached the conclusion that it doesn't, and, therefore, I will support the recommendation of the hearings officer as amended by commissioner Fritz. Aye

Novick: Aye

Fritz: This is one of the most interesting decisions I have read from the hearings officer spectacular work by Kathleen Stokes and other staff. Greg franks should be very much commended for laying out all of the issues ahead of time and making findings as to why they were met, and major kudos to the neighborhood association because it's obviously you have been through it too. You know your stuff. You have laid out the issues very clearly, and I think, I know that with the good hearts of both sides that you will be able to maybe make modifications in the good neighbor agreement. It's very clear that from the first design to the current one, it's much more compatible to the neighborhood, and I would expect that you may be able to find even more and make the Portsmouth neighborhood an even more wonderful place to be. I think that the different examples of what's there right now are really evidence of why it's such a wonderful neighborhood and thank you, everybody, for your participation in this. Aye.

Fish: This has been a terrific hearing and I will support motion but I will express a couple of reservations. One is that for me it is significant that new meadows has a relationship to bridge meadows. And I might have a different view if it was an entirely new program, different operations with no connection to an existing use that has a good neighbor agreement that is functioning. Number two, I do think there is a concentration issue. I'm not sure we have triggered it, but I'm not sure where that line is, but I thought the appellant who is not a lawyer and made clear to us that still made one of the more thoughtful arguments we have in one of these complex cases and I do think that's an issue and at some point there may be a

September 14, 2016

concentration issue. I'm not sure we have reached it here, but I think we are getting to the outer limits. And finally, what matters, a factor that I think is significant for my decision making is the fact that there are, there were significant changes in the design of the original proposal to the current proposal, and as the architect and the team walked us through that, I think they were substantial changes that actually in good faith attempted to bring back a more residential character to the development and I think that that and the other testimony weighs in favor of denying the appeal. Aye.

Hales: It's a close call. I think that people that invest in a residential neighborhood have a right to expect it to be one. The question here is significantly and the hearings officer found there is a difference but it's not significant given particularly the design improvements in the project that were made under pressure from the neighborhood. So I appreciate the fact that the applicant heard those concerns and attempted to respond to them. And then it looks to me like the livability issues will be addressed by the good neighbor agreement and the way this project is going to be operated. So I think on balance the hearings officer did up indeed get it right and I will support this decision. Aye. That's a tentative decision. Do we want to set a date for findings?

Moore-Love: That will be October 12th at 11:00 a.m. Time certain hales times

Hales: We will address them then. One minute break. And we will then take up the next item.

At 5:18 p.m. council recessed.

At 5:30 p.m. council reconvened

Hales: Let's take item 1033, please.

Item 1033.

Hales: Madam auditor?

Mary Hull Caballero, City Auditor: Good afternoon, I am city auditor Mary Hull Caballero. Constantine Severe and I are here with a proposal to amend 3.20 and 3.21. which govern the police accountability system. Mr. Severe is the director of independent police review in my office. Taken together the changes we are proposing improve the overall quality and integrity of the oversight system and make it more efficient and equitable. They move the city closer to its desired outcomes by realigning responsibilities within the entities that investigate police officer misconduct allegations, streamlining the existing process for able cases to move through it more efficiently and enabling community members who have filed complaints to appear before the police bureau's internal police board. They are also responsive to terms included in the city settlement agreement with the U.S. Department of Justice. In May 2015 director Severe and I attended a meeting, along with representatives of the police bureau, in which justice officials made clear that the city's attempts to comply with accountability provisions in the agreement had fallen short of their expectations. They wanted the city to reduce its dismissal rate by investigating more complaints. They preferred that investigators assigned to a case had the authority to provide an opinion on whether officers had violated police bureau policy. Both recommendations are included in these proposed changes. Other changes are related to how the citizen review committee is organized to meet its wide ranging responsibilities. 11 community volunteers serve, which is an advisory to my body to my office and to the city commissioner. City code expects much of them. They are required to conduct a minimum of four meetings per year, participate in various community meetings to hear concerns about police services, make policy recommendations to elected officials and city staff, advise on operations, hear appeals, raise awareness in the community about the oversight system and participate in workgroups to address short-term issues and needs. Committee members rightfully and repeatedly have expressed concerns about the workload placed on them. The committee's focus of late has been mostly consumed with hearing appeals of

September 14, 2016

community members who disagree with how their cases were decided in the police bureau. Time spent preparing for an appeal and the hearing leaves few options for the members to meet their other obligations. The city has also been unable to meet its obligation in the agreement to have appeals heard within 21 days. We are experiencing an increase in appeal requests and the current backlog extends to next June. To balance time demand on volunteers while increasing the frequency of hearings, this proposal authorizes cases to be heard by three-member panels instead of the full committee. Volunteers would be assigned to six or seven appeal dates a year, freeing up time for participation in workgroups and community outreach activities. The city is obligated to insure a sound accountability system that will hold up under review and should provide authentic input public matters of policy. The current practice of combining appeal hearings with other items on the monthly agenda ill-serves the obligations. In addition to scheduling appeal hearings separate from other committee business, we propose reserving public comment for general meetings when the full committee is present. This will ensure for appeals, the city can protect an officer's right to a fair and expedient process and keep the focus on the appellant's immediate concern. The point of the hearing is for committee members to assess whether an investigation was thorough and the findings were reasonable. The appeal becomes part of a record that may be reviewed during grievance or civil service proceedings. It is reasonable to expect that a police chief or an arbitrator would question how certain comments affected a appeal. Audience members are not allowed access to the contents of the case file, so it's not uncommon for comments to be off-topic or emotionally charged. This presents a challenge for keeping an order. It seems to leave audience members when issues they want to discuss appear to be unwelcome. This is not the appropriate venue to receive it. Public comment is best-suited for general meetings when all committee members are present where it can be welcomed. The full committee is better-positioned to take it in by workgroup or referral. From a management perspective, this addresses some challenges and creates others. It streamlines and strengthens police accountability and alleviates some of the workload and reduces the length of appeals, which benefits all participates and reserves time for the committee to focus on appellants concerns and matters of general public concern in another. It also helps us predict, plan for and control cost for security protection, which has increased in recent months. This shifts responsibilities and workload within the police bureau and my office, which has been adapting to rapid growth and change. It increases the number of night meetings staff much attend for. It shifts responsibilities and workload associated with their young children to their spouses. We will need to monitor these changes and make adjustments, as needed, once we have some experience. That said, these changes reflect what I believe is the best approach to achieve many positive results, given the constraints of time, resources and political will. I'm going to turn it over to the director Severe to walk you through the code provisions that we're proposing to amend.

Constantine Severe, Director, Independent Police Review: Good afternoon, council members. My name is Constantine Severe director of the independent police review. I'm going to walk you through the changes in chapter 3.21 and 3.20.140. A 50,000-foot view of why we're moving forward with these particular code changes now. Over the last year or so, ipr, other folks have met with community members who have discussed the needed changes internally, have had two public forums, one on august 1 and the other on august 23. And, in trying to summarize some of the statements that I've heard from community members and trying to incorporate that in the code changes, there are four or five different values that I heard that impacted me. The first is that community complaints are important and they are a direct feedback mechanism to getting accountability. As we all know, ipr has a relatively high dismissal rate. Part of the dismissal rate is based on the standard that

September 14, 2016

was set for ipr when city code was created in 2001. That was a code based on looking at misconducts. What we're trying to move our accountability system to is a true accountability system. That's going to be reflected in some of the stuff that I talk about a little bit later about having a two-tiered track for officer allegations and cases that are best-situated and more serious cases, like use of force, significant, inappropriate or abusive authority by officers needing full investigations. The other value is that the accountability system has to be fair and reflective of the values of the community and the crc members and the committee, itself, is a testament of our community's values and how proud we can be of how much the crc has provided the city. The members put in an enormous amount of time to prepare for each case. The case files have gotten bigger over the years. I've worked in the city eight years and there's a recent case where the crc members had to review several hundred pages of investigation, hours of video testimony before they could come in and spend four or five hours on one case. It's important that we cherish the crc and respect the work that they put in. The other part is that our accountability system must be able to withstand outside scrutiny. Whether that is the department of justice, whether that is an arbitrator when an officer is subject to discipline and it goes through the grievance process. There is a lot about Portland where we do things a little bit differently. Our oversight system is that, as well. There's a lot of experimentation. When you look at it nationally, it's a hybrid model. Includes auditing function and investigative and monitoring functions. So, in drafting the code changes and in working in the internal and mixed community and city workgroups, some of the things that were incorporated were some best-practices developed by the national association of civilian oversight of law enforcement and the international chiefs of police and looking at comparable agencies. There are several cities around our size that have oversight mechanisms. The city of Denver, the city of Austin. Cities have around 500,000 to 750,000 people. Seattle, as well. And taking a look at how they do it and see if there are approaches they have that we can incorporate in our city. So, how was this code changed developed? Some community feedback. Ipr should kind of articulate better what kind of cases it investigates. Feedback from the doj, the auditor mentioned some of it. All complaints investigated. Lower dismissal rate. The investigative agency, whether that is ipr or internal affairs, provide a recommended finding. The accountability focus group, which was a group composed of city staff and members of the community. There's a member from the citizen review committee, police review board and a member from the Albina minister alliance as we as a peer officer member. Some of the concepts that came up were providing a mechanism for quality of service of complaints, which we've called supervisory investigation and greater flexibility in the appeal review process. There are three different ideas that we discussed, the accountability group decided to forward those three as a package to council for its determination. One was having an administrative law judge hear appeals. That is something that the city of Denver does and it's very efficient. It is very quick. It is -- it is also something that is open to the public, in Denver. And based on Colorado law. Having the crc meeting panels. Three-person panels for them to hear an appeal and review that. And the final option was a consolidated review board, which has been subject to a lot of discussion in the last six to eight weeks. There were a lot of things that recommended the review board moving forward. It would combine, I believe, the best aspects of the police review board with what the crc board does. The biggest negative was the ability for members of the public to actually view what was going on, giving the requirements of Oregon public records law and the ability of members of the public to view disciplinary cases being adjudicated. So, further setback. So one of the things about our accountability system it is a work in progress. Over the last 15 years, there have been four significant code changes and that doesn't even include things that occurred in the 80s and 90s with

September 14, 2016

the creation of piac which was the predecessor agency of ipr that heard appeals of misconduct cases completed by internal affairs. 2001, ipr and crc were created. In 2010, there was a significant code change that created the police review board and allowed ipr to self-initiate investigations. Ipr's ability to go to the scene of an officer-involved shooting, in-custody death started with that particular legislation. It recommended that the police bureau had a guide. It gave ipr the ability to approve -- review and make a decision whether to approve all police bureau administrative investigations and findings. Following the 2010 code change, there was a stakeholder committee convened by council, which met for a few months and gave recommendations. There are still some items from the stakeholder committee that haven't been implemented. The next big change is the department of justice's settlement agreement with the department of justice, which was approved by council in 2012. Following that, there was another code change in 2013, which implemented several provisions that within the settlement agreement that involved the citizens review committee and the police review board. The crc was expanded to 11 members. Crc members became rotating members of the police review board in force cases. In 2014, the settlement agreement was finally signed off on by judge Simon and went into effect. The police bureau implementing a discipline guide and in 2015, there were additional code changes, which modified crc's case preview, process and procedures. What we're talking about is section 8, which is a relatively narrow part of the agreement. It covers the city and within the city is the police bureau, ipr and crc, as well as the prb. And one of the things that the settlement agreement talks about -- I think has kind of driven, whether your part of the department of justice or people within the city, is seek to have input mechanisms that existed prior to the agreement. The department of justice and city saw value on what existed prior to the existence of the settlement agreement. What we've done over the last five or so years since the department of justice has entered Portland is tried to build significant accountability mechanisms within our particular system. There are several provisions within section 8 that are important. But the three critical ones, at least for what we're doing tonight and going forward on these code changes are paragraph 121, which is that all administrative investigations have to be completed within 180 days and crc appeals should be completed within 21 days from receipt from notice that an appellant wants to file with ipr. The city must come together and develop an action plan where there are delays in -- in complying with the conditions of the agreement. And paragraph 128, ipr must be able to conduct meaningful investigations. So, that was something that the department of justice noted and the city, to its credit, has taken a number of steps to allow ipr to do a number of investigation. We've gone from having two and a half investigators in 2013, to having budgeted seven investigators. For the 2015-2016 budget year, we initiated 17 administrative investigates. The continuing theme that you'll hear from me is that it's a work in progress and we're making sure that community members and Portland police bureau officers feel confident there's a process that includes officers and bureau members that is fair and expeditious. So, some of the things that the code changes do not touch? There are several. And some of them are issues that community members have brought up for a number of years that are pretty significant. Particularly with ipr, one thing -- several things I hear often is there are several members who want ipr to investigate officer-involved shootings and in-custody deaths. That's not something we're allowed to do. Again, with the -- being able to compel officer testimony. If ipr wants to interview an officer, we have a liaison with internal affairs and internal affairs works very well with us and they are -- significant help and never impeded any of our investigations. Several community members feel that ipr should be able to directly compel an officer to testify. That would need to be bargained between the city and the ppa. Other issues by community members that we are not touching is the crc standard of review.

September 14, 2016

Crc's current standard of review is the reasonable person. Several folks have brought up that they would prefer that the crc has a preponderance of evidence, a fact finder. The crc, has envisioned in city code, works as an appeal body. Another issue that's involved with the standard of review is the city is obligated under the settlement agreement to reduce redundancies and any significant sources of delay. Given what they do, it's an advisory body on disciplinary-type cases, changing the standard current review to preponderance of evidence would create two fact-finding bodies within one investigation process. One of the attempts to try to deal with that, at least in our work in looking at our accountability system from when a community member files a complaint to an appeal was the consolidated model, which would have, again, like I said earlier, provide a lot of the strengthens from the prb and crc. Increasing the size of the citizen review committee. I've heard 15. I've heard some other numbers. From a logistic standpoint, we ran through our most recent recruitment in the last five years, it was the least amount of community members who went through the process, who volunteered to want to serve on the citizen's review committee. And so, being able to maintain a 15-member board, I would have significant doubts. I don't really have a real opinion about that, at least at this time. But that would be a significant logistics issue for the city moving forward if we increased the size. Removing the conference hearing, which is when the crc hears an appeal and votes to challenge a police bureau finding and the chief receives that challenge from the crc and the chief and the crc do not agree. There is a conference hearing that is held for the chief and the crc to be able to discuss their differences and see if there's a resolution. That is something that does add time to our system. Generally, at least 30 days. Taking that out would mean that those appeals, once they went from the crc, in the context of a challenge, they would go to council, where council would make the ultimate decision.

Fritz: Mr. Severe I appreciate you going through the anticipated concerns that people might bring up given the late hour I think it would be good to see what the public wants to say and then explain why you did or did not do what you did after that is the way to do that.

Severe: Indeed.

Severe: I've discussed the consolidated review board. Next slide, so, three 321.110, that is the intake section. The purpose of that particular portion of the revised code is to provide alternate means for community members to file complaints about possible officer misconduct and that the police bureau would provide complaint forms within police facilities, which happens now more or less. But I think codifying it and making sure it's actually implementing it, would improve the access the community has to city services. The investigative tracks, basically, in a nutshell, that would create a formal administration process and a supervisory investigation process. One of the tensions in crafting an accountability system, particularly in the context of Portland, on a per capita basis -- there are more complaints here than let's say in Newark or New York city per capita. A part of it is there's less hurdles for our people to file complaints. We take all complaints. That has been a value that we've tried to incorporate. So, we take all complaints and trying to make sure that we adequately address all the community member's issues has been a challenge over time. And having a supervisory investigation track, in particular, that would allow the supervisor to be able to directly contact the community member and the involved member and have a disposition attached, I believe, would allow us to address relatively minor concerns in a faster way than formal administrative investigations. It is similar to our current service improvement opportunity, which roughly takes 60 to 70 days, as opposed to a formal administrative investigation where those take 140 to 180 days. 321.110 would require better notification. So when there's a situation where there's a concern about officer behavior that may be subject to criminal or administrative investigation, that the ipr director would be notified. So, that would -- and that requirement would fall upon the

September 14, 2016

system chief of investigations, the standards division and the police commissioner's staff. The ability of ipr to request that the police bureau open deadly force investigations in cases where a bureau member used force, capable of causing death or serious injury. That ipr received from the bureau any force-related reports where it believes it was out of policy. There's a lot of really good interaction between ipr and the police bureau on these types of cases. But, in the interest of making sure that city is able to address possible misconduct by officers in the most timely manner, it's important that ipr receive notification in a -- as quick of a manner as possible. Recommended findings, this would be a change from the current process, where the officer's commander does recommended findings. It would be the investigative agency, whether that's internal affairs or ipr. We would be tasked with doing the recommended finding. In ipr, the person doing the findings would be one of the supervisors. At ipr, all supervisors are attorneys with either significant criminal law background or administrative law background and the investigative agency doing the recommended findings, that's something you see in a number of cities, Seattle, Albuquerque, Atlanta. There are other things that would need to happen to make this fully operational. The first part is having it changed in code. And 321, citizens review committee appeals would allow the crc to be able to meet in panels to hear appeals. Right now, the quorum for the crc to meet is five. The quorum would be reduced to three. And, public comment would be reserved for non-appeal crc meetings. 320.140, it would allow the complainant to be able to present, to be present and have a statement at board sessions, which does not occur now. And that is the end of my presentation.

Hales: Questions? Okay. Thank you, both, very much. Let's take testimony, please.

Moore-Love: 23 people signed up.

Hales: Good evening, welcome.

Dr T Allen Bethel: Good morning Dr T allen Bethel president of Albina minister alliance. Thank you for the opportunity to speak with you today and share some comments around the proposed changes for the crc and ipr process. As slated and asked to do by the -- who are we talking about? Doj, of all people.

Fritz: Would it be helpful if somebody else spoke while you find it?

Hales: Let mr. Handleman go ahead and we'll return to you.

Dan Handelman: I'm dan Handelman with Portland cop watch. The current proposal has too many flaws. We strenuously object to silence community input during hearings. The existing ordinance directs to hear any evidence offered, saying they must consider evidence only offered in investigation. The city attorney admitted that the police association has never filed a grievance based on the comments at a crc hearing. The community has the same case summary paperwork as the appellant and the officer. Does the city plan to prohibit those parties from speaking at the appeals too. The way the ordinance is written, crc would have to call a special meeting. Public comment helps crc own community context, policy, training and protocols. After it was pointed out, they were using an old directive, they changed the directive on a taser use. Silencing the community will lead to more disruptions. Breaking the 11-member panel into three-person panels will create problems. With the current committee of seven women and four men, they will be all female and white. Expand it to 15 members and tapping into the pool to round out seven-member panels. Specifically, with four crc members and three prb members with a quorum of five. If one of the three crc members becomes ill the appeal will have to be delayed leading to appeals taking much longer than the proposed 21 days. If crc sends a case back for more investigation the same three members will have to be available for the supplemental hearing or else others have to read the case file and listen to recordings from the first hearing. In the last two years crc has met 16 times to consider just 8 appeals because three cases were poorly investigated and two led to conference hearings. A

September 14, 2016

conference provision allows the chief to come back to crc if he or she disagrees with the findings.

Hales: I'm going to grant each of these panels a little additional time cause each of their organization put a lot of effort into this. So go ahead Dan.

Handelman: Thank you mayor Hales. The conference hearing cause more delays and it should be removed and disputed cases should go back to city council and we have other members of cop watchers to round out my testimony, but I just want to say this point that was mad about the police review board crc being duplicative in our records of the last 20 appeals heard since that code change was implemented we could only find two where the case was heard both at the police review board and the crc. So it's very rare that happens and you can take steps we can discuss later about how to make it so that a cases wouldn't end up going to both places.

Hales: Thank you very much. Dr. Bethel are you ready to proceed?

Bethel: About a ministerialized coalition for justice and police reform request, city council modify the proposed changes to the ipr, crc, and police review board, or delayed voting until amendments of the changes can be made. The settlement agreement with the department of justice speaks to the need of correct the team accountability system currently in place. Let's not rush, but seek to install a truly, more simpler accountability process. The Coalition has concerns about eliminating voice at citizen's review hear appeal hearings. We believe that flies in the face of community engagement and involvement. A goal we all working towards and for greater transparency in building trust and community engagement. The community voice should be welcomed and valued in the process. The coalition has concerns about three member panels with the crc. Even though the full crc is chose carefully to represent some of the diversity our city has to offer only using three of 11 members creates likelihood that's smaller panel will not offer that diversity inclusive of age, race, gender and experience. The amc is concerned that the proposal to change the oversight system is going forward while the board is in recess. The settlement agreement authorizes that board to seek ways to improve community input and weigh in on accountability matters. Coab was work on its own proposal when they were placed on hiatus. We request their input be reviewed and adopted in the, and their changes where applicable. The coalition has had a long history of offering input to city council on changes we want to see to the system. Including give ipr ability to compel officer testimony. These recommendations date back to our earliest incarnation after the death of Kendra James 2003 we offer similar recommendations as a member of the 2010 oversight stakeholder committee conveyed by the city. Our community demands issued after the death of Aaron Campbell in our proposals to approve the doj settlement agreement. This post Ferguson America, it would be a mistake to take steps backward allowing community to be a part of community oversight and reduce the diversity of the people examining alleged police misconduct. We hope you will modify or delay this proposal until it has been fully vetted and meets community expectation. Moving us closer to the goal of Justice, accountability, transparency and community engagement. Thank you very much.

Debbi Aiona: Thank you. Debbie Aiona representing league of women voters of Portland. Long standing interest inform police oversight system and we believe transparency and public participation are utmost importance. We are very concerned about both the process used to develop the current proposal and some of its provisions. We urge you to appoint a task force charged with taking a more thoughtful and inclusive look at the complaint process and crc's role in it council being presented with a proposal without the analysis needed to truly understand the many factors that contribute to lengthy appeals. Crc.'s right to request additional investigation and the time it takes to schedule a conference hearing

September 14, 2016

between the chief and crc to discuss disagreements over findings are just two examples of why the 21 daytime line is unrealistic. The league is troubled by the proposed elimination of public comment at appeal hearings. As regular crc meeting attendees, we have observed an advanced majority of cases public comment has been constructive and respectful. The city attorneys cited a fear that the involved officer might file a grievance if the public continues to comment. This has never happened in crc's 15-year history. 20 minutes of public comment does not contribute to delays. We see no reason to cut the community out of process. Darryl Turner recently stated that the union has no problem with public input as long as it is delivered respectfully. The community deserves thorough explanation of what is motivating the proposed changes and why they focus on excluding the public when public participation is not delaying the process. There are some positive features in the proposal such as reducing number of dismiss complaints, giving the agency conducting the complaint investigation the authority to draft 4 findings, and allowing the complainant to attend the police review board hearing. Task force could explore options for supporting the complainant in light of the potential intimidating nature of hearing room dominated by police pure officials. We urge you to step back and create a process where these issues can be thoughtfully discussed. I wondered since I think the number of people that have had to leave because it's kind of late, if you would consider continuing the hearing they would have a chance to testify.

Kimberly McCullough: Kimberly McCullough I'm the legislative director at aclu of Oregon. Although the proposed ordinance covers a number of things, we're just here to comment on two specific concerns that we have. The first you've already heard about, which is the proposing that public comment be taken out of case file reviews and appeal hearings. As we all know, the purpose of the crc is to build public trust. And to provide a window for the public to problem solve issues of police accountability. And very important aspect of that is by identification of policies that need to change. So that public comment opportunity at the time that specific issues are being discussed is a very good opportunity for that it helps that process. We think taking that away would really contravene that purpose. If the suggestion is that the public doesn't have enough information to comment, I'm not saying that's the case, if that's the suggestion, public should be given more information not taking away the opportunity to comment. If the concern is that people make irrelevant comments, same thing could be said for city council hearings. We all know that despite the fact that it may be inconvenient sometimes listen to irrelevant comments, it does play a very important role in our democracy. If the suggestion is that it may inappropriately influence crc member, they can be given proper instructions.

Novick: Ms. McCullough the difference is we're paid to listen to the comments.

McCullough: That may be true. That may be true. That doesn't mean that it's not an important public forum where the information needs to be heard. The second concern that we have about the reduction of the crc panels of three. Down aclu participated in 2010 of the oversight stakeholder committee. Which recommended changing the size from nine to 11 members. And that change was recommended to increase the diversity of the crc. We're concerned that reducing the three members would potentially damage the diversity of those individual panels. We are not opposed to the idea of panels but three member panels seem far too small. Thank you for your time.

Mark Kramer: I represent the national lawyers guild. We've been around the block on this issue. Personally, I've been part of the mayor Katz task force in 2000. And the 2010 police officer, police stakeholder committee. We do support the league's proposal for stakeholder group, where task force, to examine this issue more broadly. We are concerned about with the lack of transparency particularly the lack of informed input by coab into this proposal. This is a time of opportunity. We oppose the proposal in its

September 14, 2016

current form. In particular, we oppose the elimination of public comment of the crc meetings. We are frustrated by the failure of the proposal to incorporate what we have been asking for, for a number of years, both in front of mayor Katz in 2010. This should be part of the agenda of where we should go from here. Which is stakeholder process, the issue about the ipr having the power to compel independent officer independently. They don't have now. Definition of evidence use preponderance of the evidence or reasonable person's standard. The ability, this is very important for ipr to conduct review of deadly force, allegations independent investigations of deadly force and deaths in custody. This should be part of all complaints. Should be part of the process. We're concerned in we use this limited opportunity to pass this proposal, we will close meaningful reform. These things are not considered every month or every year. We're also concerned with the notice today of the collective bargaining agreement we heard this over and over again, 2000 and 2010, we can't do this because of the cba. We're urging you to approval install approval of cpa until issues can be resolved at length. Allowing ipr to do deaths in custody investigation incorporated. I have five pages in testimony that I ask you to review that in detail.

Hales: We'll make sure we've got that and distributed.

Shannon Cogan: Good evening all my name is Shannon Cogan I am here as a representative of sisters of the road. Sisters participated in the stakeholder work group of 2010, to identify recommendations for increasing police accountability and gaining community trust. We come here today to reiterate our previous demands to restore public faith and take the time do that. Sisters community is often harassed by the police for doing nothing more than existing as human beings in public spaces. Our community rational fear and distrust of the very agency tasked with maintaining human rights of all will not be lessened by removing public comment from disciplinary appeals or reduce the weight of citizen input or oversight process. Mission of the Portland police bureau includes promoting individual responsibility. Individual officers are not exempt from the need to take responsibility for their action. Public comment in meeting urges each officer to be accountable and held to outside scrutiny for there interactions with the community they exist to serve. Reducing transparency does not fall within the community's demand nor does it fall within the justice department's demand. Portland belongs to all of us and not just the businesses or police union. All of us live here and deserve the right to be able to walk down the street in our communities and not be afraid of law enforcement and we need to be assured when we have a concern, that concern will be addressed in a meaningful transparent way. That means that stakeholders who exist outside the relatively powerful structure of the police bureau are well represented in oversight meetings and smaller panels reduced the chance of that happening. Those most at risk need to have a strong presence when we are deciding to how to hold our police accountable. That is equity. Recommendations which have come out of stakeholder meetings are a step in the right direction. Quickening the long oversight process is a priority. Speeding up the process at the expense of community buy-in is not the goal of the oversight board either. Why take a step backwards now? The makeup of the oversight board should be weighted towards citizen involvement and disciplinary appeals need to be open for public comment. Slowing down the process in the short term would help us best achieve our longterm goals. Let's take the time now.

Hales: Thank you very much. Next.

Tj Browning: Hello again. Same discussion. Same topic. Four issues I need to talk about. Banning of public comments. I want you to recognize that there's no opposition. Not from the police union. And commission novick, not even from the crc members who are not paid to listen to it. They don't oppose public comment either. Minor complaints

September 14, 2016

going to supervisory, that is just really resonates with me as a disconnect from the bureau and the citizens they serve. If any of you watched a person, citizen, go through the process, file a complaint, and go to a hearing, because of this was the example used on the radio the other day, rude conduct, that might seem minor to the police bureau and I understand their perspective. But that's part of the disconnect with the citizens they serve. When the citizens want police force professional behavior, that flies in the face of the desires from both parties. I believe if you take it out of the hearing from the citizens, and the citizens recognize that their complaints are going to the police bureau and not to the citizen body, those complaints are going to diminish, not the action, the complaints. And that's going to hurt not just the citizen's but the police bureau. The reasonable person versus the preponderance of evidence lower the standard for police officer. The police officer coming in that hearing is no longer viewed as a professional. We're not asking is this something that a professional would do, the training and experience. We're saying, is this behavior any reasonable person would do? That's not the same thing. That's not fair to the police officer. Nor is it fair to the citizen lodging the complaint. But the worst part of that, and I'm speaking from personal experience here, when you are sitting on the crc and are you listening to the pain and concerns of citizens, and you cannot vote your conscience you can't even vote what you believe is the correct thing to do, because your hands are tied by the reasonable person standard, people resign. I would like to see in conclusion, expand to a 15-person panel and panels of five to have reasonable people hearing these complaints. I think you won't have crc volunteers to resign. Have them do something they believe in and ability do something they believe in and will serve our officers better. The Auditor and Constantine made a comment that this system must stand up to outside scrutiny. No, they are so wrong. This process must have the confidence of the public. Otherwise, it's not going to work. A big step backwards. Please, take your time. Stop this now. And please be mindful of the input we're giving.

Philip Chacka: Thank you very much. Welcome. Good evening. Philip chacka from Portland cop watch. Regarding fairness of the proposal o officers get representation from union rep or attorney for free. Complaints have no knowledgeable advocates available. Complainants have process advisors who cannot advocate. We do have a-we do appreciate that's complainants may now address the prb but they will be virtually alone in the room and mostly filled with police to explain how they think police officer mistreated them. The appeals process advisory can look at the entire case file, but they can't share the contents with the appellants. Volunteers or paid attorneys are not allowed to look at the case file. Another issue of eight times officers have appeared on the crc meetings. There was one time the committee proposed sustained finding. Arguably officer input may unduly sway crc. If all nondisciplinary complaints are routed to the precinct supervisors unless ipr has to sign off on the outcome, it will lead to less consistency in how complaints are resolved. Thank you.

Mr. W.G Barnett: I am Mr. Barnet. I live in northeast Portland. I'm with cop watch. The comments I make will many of them compare the others first proposal with the current one that was just being reviewed this evening. August 1 proposal would have allowed crc to recommend findings based on preponderance of evidence rather than deferential reasonable person standard. The current proposal keeps that old standard. August 1 proposal contemplated crc hearing appeals on deadly force cases also since removed. Other august 1 proposal indicated there would be a majority of civilians on the police review board. This proposal keeps 3 to 2 or 4 to 3 majority of police personnel depending on the type of case heard. Look at the 2010 oversight stakeholders report, there were 41 recommendations made. Only nine have been implemented. Seven others partially implemented and 25 not done at all. In 2000, 2010, the city convened public works out to

September 14, 2016

hash out details. This process flawed, in large part because no such dialogue has happened. Among other unresolved issues are giving ipr power to compel officer testimony and investigate w4's giving the auditor at ability to consult attorneys who are not also advising the Portland police. Given the crc power to compel officer testimony and letting council hear new evidence, there are other things and I hear the bell has whistled. One of the things that hasn't been sign is citizens review committee, they don't have access to independent lawyer, nor do they have staff. So we urge the council to delay the vote, we would be astonished if judge Simon or the doj did not find the city out of compliance because they're not having, because the crc is unable to meet unrealistic time line holding appeals. At the very least, increase the crc panels and reinstate public testimony and provide better support to the crc. Thank you very much. Next speakers.

Barbara Ross: I'm Barbara ross. From league of women voters. I want to emphasize support for couple of constructive suggestions that we think would improve the process. We fully support the idea of having a task force look at things more carefully. And to consider some of things that just haven't been resolved by this set of revisions. We like to see the membership the crc increase to 15 so that you could have five member panels so that if one member wasn't there, you could go ahead with the hearings and also, it would increase the possibility for diversity. If you just have three, then you can have two people with really similar points of view. They would overshadow and not really be a balanced approach to the problem. The other suggestion for speeding up the process would be eliminating the conference meeting with the chief if the crc disagrees with the bureau's findings. Bureau's conclusions. And I think that that's just an unnecessary step that is going to make it impossible to meet the 21-day. So in conclusion I appreciate all the work that's gone into it. There has been progress made. Good things in it. The reasonable person standard of review hasn't been resolved. I think there are still issues that need to be addressed, thoughtfully, before you take this action. I appreciate the hard work you put into it. Thank you very much.

Hales: Thank you.

Chris O'Connor: Thank you. Good evening. Chris O'Connor. Speaking as an individual. I'm an attorney working for the public defender's office, not representing any client or my law firm. Expressing my opposition to the removal of public comment of portion of key phase of the oversight process. I have to admit that I'm more cynical than some of the earlier articular commenters about the whole oversight process. To me, sort of arguing about the paint job on a car with no engine. You know, red or blue, but the thing doesn't run. Appointed to represent dozens of citizens all involving encounters with law enforcement in the process. I believe current oversight process is meaningless in majority of complainants. I can't speak for each defense bar, attorneys would never advise complaint, needing to use up the process. Complaint to be meaningless except for the abstract benefit of having your complaint heard in public. If there is going to be an inevitable outcome in favor of the officer that questioned or accused of misconduct, public input is in fact the only important part given the inevitable outcome in which the officer will be exonerated. Also concerned about the auditor's rush to efficiency to meet the doj time line. If you want efficiency, get to the end. Only take a couple of hours for them to say the officer is exonerated. Complaint has been satisfied. Letter telling him to knock it off has been done. So this whole process, I'm concerned is just a rush avoiding issue people have articulated, oversight and compelled testimony. And over sight on to larger issues of use of force and death in custodies.

Kiosha Ford (reading for Julie Ramos): Thank you. Good evening. Mayor, commissioners. Kiosha ford. I'm going to read the statements from other cr, fellow crc member and vice chair Julie Ramos. Councilmembers, please consider if this solution

September 14, 2016

really gets at the main issue. What is the main issue? And has there truly been an analysis of the problems in the system? Do really know what causes delays? Is this a stop gap measure that will be retrieved in another few months? If so, let's wait, slow down, and get all the players together and come up with a competent, thorough plan. This new proposal does not streamline the process at all. Nor reduce time. While I agree with the idea of panels, but three is too small a number. Either add in some prb community member or increase the size of the crc and have five member panels. I believe public comment is critical and necessary. Crc is a civilian body and part of our responsibility is to hear the public. This is nonnegotiable. One change from the original proposal that should be implemented is changing standards of review from reasonable decision to preponderance of the evidence. Lastly, this is a very complex issue. More time and broader group perspective would create a better, I'm sorry. A better amount of-better overall system change. Vice chair Julie Ramos.

Hales: Thank you very much.

Hales: Go ahead, please.

Kristin Malone: My name is Kristin Malone, I'm the current chair of crc. Earlier this evening, we had up to seven crc members here to express their comments. I have the written comments of couple more I hope I can a bit of extra time to add them to my testimony.

Hales: Or submit them too cause I think we'll be continuing this hearing.

Malone: There are two changes to the crc's process in the proposed changes presented you tonight. The first is changing crc's quorum of appeals from five to three. The goal of the change is to increase the number of appeals we can hear per month. To the extent that the crc's frequency is cause of the delay in the appeal process. You heard testimony to the effect that it might not actually be lynchpin here. I support the change. This could prevent up to 3, 3 person hearings per month. But to better insure that we have a quorum at those meetings, I would recommend increasing the crc size. Although three-member quorum would be helpful, I would hope still in thos meeting to get larger groups to increase diversity. Second proposed change is the one I implore council to reject. This change eliminating public comment from hearings where appeals are heard. We hear public comment twice, first before we vote and after the appeal has conclude and before everybody leaves. I believe both periods of comment are valuable, but on the public must be afforded some chance to be heard at these meetings. Example of valuable comments, we hear during the appeal, citizens identified the failure of participants on the crc to address relevant portion or issues and directives we review they respond to facts already discussed by meeting participants and they can provide input on non-substantive procedural questions we face. For example, we receive public comment when the bureau does not send members to appeal, as to whether we should proceed without them or wait and reschedule too another date. As for after the appeal concludes, it's important for the community and the crc to discuss substantive and procedural issues raised in the appeal. Failing to permit this will limit the amount of feedback the crc receives which is part of our mission. It will damage the relationship of trust between the crc and community and make crc meetings more unruly, not less. If the auditor is concerned about the time crc having to put in, two meetings to hear issues in one appeal is over burdensome. While there are many changes should be examined to improve our process. I hope and trust city will examine and pursue these. I urge the committee to reject the elimination of public comment.

Hales: And if you could submit those other items too, we'll make sure everybody gets to see them.

Jim Young: James young. I've been member of the crc or attending meetings for almost

September 14, 2016

six years. The chair, I do support the proposal only as initial interim step pending consideration of the issues that other speakers have raised in which I hope to have time to briefly address I will by written comment. Except for the elimination of public comment. I will be suggesting alternative that can help accomplish the goals proposed by the auditor as well as preserving meaningful public comment. Aside from hearing appeals faster, it appears that the other goal of the auditor can be reduced to saying they're seeking professional fair advice for both appellate and police officer free from political or public pressures so that decision is made solely in applying facts to applicable standard. I hope we talk about eventually changing that standard. One of the things not mentioned police officers involved ignore crc. During my almost six years of either being actually participating or observing as a citizen, I've seen a police officer present once. This is disrespectful they are public servants the city is there employer and the public. There has to be a process so that it is fair to everyone. At a meeting in city hall, few years ago with one of our work groups, Darryl Turner was present, he was specifically asked, why don't police officers attend his response? Verbal abuse or degrading comments made. Presence of officers I suggest are important number one, out of respect for the appellant in the entire process. They are public servants. Number 2, what they don't get to see is regardless of their intent on the street, how an appellate might perceive their actions from the appellant's background. Learning experience where everyone wins. Approach that I have is that public comment can be allowed by majority voting of the appellant panel after the appeals decision is made. This would allow assuming that the hearing is conducted in orderly manner, and that some hearings can last four or five hours. If it's 10:00 and people are tired, public comment not going to digested well anyway. It can be allowed immediately after the hearing while it's fresh in everyone's mind and not delayed another hearing or a special meeting of the crc. I'm happy to, I've even got some specific language, former city attorney, I'm happy to share with the city attorney staff, but please understand, this can only be interim first staff. Standard review is simply not functional. What I like to call jurisdiction of crc, officer involved shootings, in custody deaths, the very issues that are most important to the community, there no meaningful civilian police oversight. Look at this and the auditor suggestion. As an initial first of step. To look at the broader picture. Thank you.

Kiosha Ford: Good morning again Kiosha Ford CRC member. So contrary to my fellow members I am in opposition to number one the public comment aspect being removed in the proposal. It is very concerning that citizens review oversight body would reduce public comment or eliminate it. We are the public is who we are serving. We are serving a group of people that are saying they feel that they might be oppressed by police officers or they're having confrontation. This is their only opportunity to be heard. So to allow ia, to provide a detailed in depth investigation to even have a captain explain officer's rationale who is has not shown up him or herself to explain that rationale, but then to deny someone what is passionate about what is going on to not speak on something they might have personally observed or encountered is a disservice, not only to ourselves but to the city. And yes, we volunteer with that time and understanding that we are taking it very seriously. As a result of that seriousness, we would like to hear all sides. With regards to the three-member panel, as a member of the crc who believes in the importance of diversity and diverse ideas and different backgrounds, it would be very concerning to reduce 11-member body down to three-member panel. I do think that some members have more vocal opinions that are more direct and could influence someone else. There could be a 2 to 1 vote all the time. And that would be concerning. I might not be on that panel. Ms. Ramos might not be on the panel. Mr. Rivera might not be on the panel. I would be very concerned about the lack of diversity in that scenario. In addition to the concerns that the

September 14, 2016

auditor has addressed with time constraints and delays in missing the 21-day mark, we have to really evaluate exactly what are those constraints. I haven't heard enough discussion about it. So that raises concerns. In addition to being a member of the crc and discussing proposed changes, impacting, directly the crc without input from the crc, is an additional concern of mine. Because we are the ones doing the work. We are the ones volunteering the time. Mr. Young is the one who had water thrown on him. He did not retreat and stop attending meetings. He continued to come because he believes in the work we are doing. We are asking that you take the same seriousness that we take with our job and review the proposal with more input. And do not rush to a decision. Lastly, I do not want the crc to ever become a stamp of approval body. With are our current review, I believe that's the position we're in. I don't always follow exactly the current standard of review because sometimes it is very unreasonable, the actions of some of our members that are city servants serving the public. Some of those reasons, actions are quite unreasonable. I cannot with good conscience vote in favor of a captain's decision whether it's clear there has been inappropriate behavior. I feel we're always pushed against that envelope and rock between a hard place every time we have a hearing and reviewing the reasonable person's standard. I highly suggest you consider adding back to the proposal preponderance of the evidence. thank you.

Hales: Mr. Davis is here. Any of the others still here?

Kristin Malone: I have a statement from mr. Lunna

Hales: Sure. Come put that in the record. While mr. Davis is getting ready.

Malone (reading for Michael Lunna: Mr. Lunna, who is also a crc member wrote, one of our role as a crc member is to be a representative of the community. We are not allowed to hear public comment during our hearings I believe we would be failing in this role. Public attending hearing have an opportunity to hear information from the case and presently, they can comment or ask questions regarding this information presented. These comments could bring a factual and logical perspective and be valuable in the decision-making.

Hales: thank you. Mr. Davis, you're on.

David Davis: One thing I wanted to say, Steve novick over there is pointing out stuff about volunteer well the truth is volunteers usually work harder than people that are paid and overpaid like you. So you should respect volunteer work instead of trying to degrade it. This whole process of making these meetings secretive is totally criminal. You're trying to exclude the community. There's people getting beaten, mistreated, all kind of stuff on the streets all the time by police officers and just like these members of the crc said, they already have to dismiss cases where they would like to take them. And you know, secretive meetings is not the way to conduct business. This Ddiscipline system is already secretive and behind closed doors. This is just an attempt to push it further behind closed doors. The ipr is understaffed. They have limited power. Maybe you need to increase the staff. Maybe double it in size and increase their power. A recently published article in the Willamette week, reported that a former police officer Cody burns fatally shot Keaton Otis is now a prosecutor. Multnomah district stand by their hiring decision to hire a murderous cop who executed a mentally ill man via police firing squad. That just shows that the level of corruption in this county goes even further to the prosecutors and everything else. And this whole idea of police accountability is a joke anyway. And is nonexistent in this country and city. That's obviously proof right there. That you have the da officer, office, hiring a murderous cop who shot a mentally ill guy unarmed, shot him 11, fired 11 of the 32 shots. And James chassi was beaten to death approximately ten years ago by the Portland police. That's one of the reasons that a lot of these police reform things have taken part and the doj settlement, and there is going to be a night of rage outside of the justice center

September 14, 2016

8:00 p.m., September 17th, Saturday, and will be marching in the streets to do something about this.

Hales: Thank you very much.

Hales: Let's let next person speak.

Davis: Actually, you delayed my time for 2 hours. So I get to speak.

Hales: We have some other folks that would like to speak, Mr. Davis.

Davis: Sorry. What about my broken camera? Your little buddy smashed.

Hales: Thank you very much.

Hales: Let the next person speak. Mr. Davis, you're done.

Hales: You're done. It's late and we have people that want to speak.

Hales: Are we going to have to recess in order to let somebody else speak? Let's let somebody else speak.

Davis: That's your little power play.

Davis: You can allow me to speak and extra minute. You don't want to hear what I say because I speak the truth too much. And we're going to have to have a recess. You're such a petty little tyrant. I'll be at your house. I have your address. I will state that on the public record a bunch of times. Other citizens can go and voice their angry concerns outside your house.

Hales: Let's let this person speak. Go ahead, please.

Marilyn Drichas: Good evening. Name is Marilyn Drichas. I'm a private citizen. To my knowledge, the Portland police department has been under federal oversight reform some of its practices to better serve our community in a just manner, one engenders mutual respect and trust between the police and community. Independent citizen review committee is an integral part of this equation. Otherwise, law enforcement is policing itself. That is not an open democratic approach to serving a community. We need each other. It benefits both the police and community to work together in an open democratic manner of checks and balances. Expanded police review board operating behind closed doors and no independent citizen review committee with public hearing does not meet this criterion. And does not engender mutual trust So I ask you please to consider the comments that have been made here today in light of that.

Hales: Next speakers.

Mike blue Hair: Mike blue hair with film the police Portland. Public comment, free speech that's the hallmark of a free and open Society. You Can't have a free society without freedom of expression ok maybe people say things you don't like, but that's the point of the us constitution. The Oregon constitution has more broadly defined freedom of expression and protections for the individuals than the u.s. Constitution. So these are things you shouldn't be treading upon. Seriously, the point of the u.s. Constitution really is to protect unpopular offensive speech. One day, what the government might find offensive might be people trying to protect themselves, find their individual rights to express themselves against the government. That's point. I implore you to think about what hallmarks of a free and open society is. One of them public comment, discourse. The fact this was delayed so long and crc people didn't get a chance to speak is insult to them. They work really hard. I don't like where they're going. I believe city government, police union, Portland police bureau is pressuring them to feeling disheartened. We shouldn't do that. We should use unique process for police accounted ability. We need to cherish it and foster. Make their job easier by giving them more people. With.

Hales: Thank you very much. Others?

Moore-Love: Anybody sign up that hasn't yet been called?

Hales: Anyone else that didn't sign up? Come on up. Get the last word. At least for tonight.

September 14, 2016

Hales: Let this guy speak now, please. Come on, Mr. West.

Robert West: Robert west. Film the police, 911. And I came to speak about freedom of speech. Part of our government is people being able to speak and understand what the going on. And freedom of expression. Something that the city doesn't really appreciate or tolerate. But that's the way it is. What's bothered me is that you guys save this for so long and so late, that a lot of people had to leave. That just boggles my mind because you guys basically censored a whole bunch of people. Whole bunch of people discussing what's going on. I don't know if it's the bank accounts. I don't know if it's you know, corporate money going to you guys. Or what? But somehow, something got really messed up. Because you know, two hours, two-and-a-half hours, late, on agenda item, is ridiculous. It is thoughtless to the people. It is thoughtless to crc board. And should not be tolerated.

Hales: Thank you very much. Okay.

Davis: Time certain is supposed to mean time certain not two hours late.

Hales: Folks, I want to get the auditor to come back up and answer some questions. Mr. Davis, you're done. I want to let the auditor come back up.

Hales: You'll have to ask them. Could you all please let the auditor come back up, please?

Hales: Let the auditor come back up. Thank you. So we have had a hearing as people noted, got delayed quite a bit because a lot of things got put on the calendar today. One of the things we want to suggest is we continue this hearing. Number of reasons. I heard some things in the testimony I find very persuasive particularly crc members themselves saying that they believe we should maintain the opportunity for public comment. We've obviously heard a lot of agreement about that. I like the suggestion for some kind of a citizen task force perhaps including Portland cop watch, league of women voters, Albina ministerial alliance and others. So my reaction to what we heard so far is that you've got some good ideas in your proposal, but there's some pretty strong agreement in the community about ways to improve this. So my question is, do you feel that way, the other councilmembers feel that way, and what would you recommend is the next steps?

Hales: If I might speak before the auditor if you don't mind. Because I am reminded of 2010, when there was a very similar hearing to this. I remember it particularly because my father fell down the stairs and died and I was not able to go to the funeral because of the importance of this very issue. I was needed to be the third vote that we should accept the task force and look at all the things that we could do. And I note that you put enormous amounts of work into this, citizens review board folks have also. The difference with the focus groups that you you've had over the last several months was that they weren't open to the public to listen in on their discussion whereas the task force we had in 2010 was. And in that process, commissioner Leonard worked with auditor Lavon griffin valade to decide who should be on the stakeholder group. He and she both participated. And it didn't take all that long it Gave them I think it was league of women voters, it wasn't very long process because I think they met once a week for three weeks to come back with the proposal. And I'm wondering even if the proposal comes back as exactly what you have, maybe it won't. If you would be willing do that kind of a process of bringing stakeholders around the table and having meetings which people could observe but not comment on because of the work of the task force.

Caballero: These conversations have been going on for over a year. And I think that the proposals that I brought here today is addressing some very immediate needs. We had an executive work session. We discussed three options. You all suggested that we have the consolidated model, which we started to put together the piece of that. We had a meeting with the citizen via committee to explain that concept and how the piece would have come together. They could weigh in the ground level of that concept. And that decision was

September 14, 2016

dropped and so I have brought this as the substitute as one of the other ideas that was discussed at that session. If you would like to continue a broader conversation around these issues, I'm happy for you do that. You are the policymakers. If we're going to have broad changes to the system. It will come from you. It will not come from you. I do not set policy. I do not have a vote on council. So if you all would like to continue those conversations, which I understood that there is interest in continuing those conversations, that I think that those should go on, but I do think we have some immediate needs that we need address and that's what these changes today do that we brought today do. And so for example, the way that the cases would be handled, to move those through the system more quickly, we do need to have the authority do that for the, have the more serious case stay within internal affairs and independent police review and the less serious cases being handled at the supervisory level. That all has to be put into code. To have the appeals, frequency of the appeals heard, I mean, we could schedule 11 people to come three or four times in a month. I don't think that's going work. I think the three member panels addressed that immediate need to increase the frequency. We have a backlog today through June of next year. So taking time to do larger thing, probably would have to be done in parallel to the proposal that is in front of you today.

Fritz: I do appreciate that you went back and made some changes after the public forum that we had in north Portland. The problem is that we heard yet again from everybody that they don't support put forward policy choice. So I hear you, that we need to manage the system differently. I mean, they're very concerned about the three-member panel. Some people who thought that might be sufficient, but it was pointed out that with current members of the crc, that there wouldn't be, might be the possibility that there wouldn't be enough difference of opinion. I know here we are the three of us who staying here at 7:00 at night, we would have to, if we wanted to vote on this tonight, we would have to all three be unanimous. You can't, the court, you can't have two people making a decision that the whole body is supposed to make. So I think your suggestion is wise to continue the hearing. As to whether we continue it to have more comments on this proposal, or whether you would be willing to look at, a rapid process. These are all things that we've been discussing for a very long time. So that was why I was asking Mr. Severe to speed up your initial presentation because although there are definitely always new people coming in participating, lots of folks here who have been at this for a very long time.

Hales: I like your suggestions a lot commissioner. Again, I heard a lot of agreement here in the room. Not only that you made some progress in the proposal that you developed, but that there are two, relatively short list of other issues that need to be properly aired with stakeholders and perhaps changed. I'm not persuaded the three member panels were the right side. I've heard good suggestions here that increasing the size of the crc and having five member panels might be compromise that more people would be willing to accept. I don't know if that's getting it right or not. I think we're close. Given what we heard again from fairly diverse group of folks that were able to speak tonight. Not to mention it's ones that weren't here, but to have this much agreement between ama, cop watch league and women voters and crc themselves and folks that have paid a lot of attention to this. Respect people that have come here today. People like Tj browning talked to me about these issues for a long time. Opportunity for high level of agreement about reform and changes. So I'm optimistic that not simply thinking that task force could make something out of a mess.

Fritz: I would agree 3 or 4 issues of. I want to add to your list is the issue of looking at the whole time line. Finding out where the others are. My question is why does the chief need 2 weeks for his or her decision. That seems out of whack with the nine-member body having to come together to make that. So those are I think you encapsulated the things,

September 14, 2016

five or less, of things.

Hales: Those are all good issues. To address. Any comments or guidance?

Novick: My comment is I don't share with your optimism. I don't think there will be ever be a proposal on this issue that has consensus support. Too wide variety of issues and wide issue. Three judge panels is what the courts of appeals in the united states judicial system have, didn't strike me as inherently wrong. It sounded like seems to be much easier to get three people to meet periodically than to get 11 or even five. I was interested in the fact that the current crc members did not see a problem with having public comments at the appeals. And it's some point, like a refresher on why we thought, why the auditor thought it was important to delete that. I did have a question for the auditor and Constantine, how many time applied to be on the crc last time there were openings.

Severe: Around 18.

Novick: How many openings were there?

Severe: Three.

Hales: A couple. It is late. And both folks paid to be here and folks that came here would like some clarity about with where we go next. I would like to suggest we continue the hearing. The question is when can we continue it to that we won't run into the problem that we ran into today. That would certainly be outrageous. Is there a date coming up where we could put this back on the council calendar and in the meantime, perhaps look at the question of some type of task force? Less than 30 days?

Moore-Love: The next day we have all five commissioners in is September 29th. That would be 3:00 p.m.

Caballero: We're not here. We're attending a conference, national association.

Hales: You need to be here. So September 29th doesn't work. What about a week after that?

Moore-Love: Commission Saltzman and commission novick are gone.

Hales: What about the week of the tenth?

Moore-Love: I don't have any room on that next week.

Hales: We've got full council calendars both days?

Moore-Love: The 12th. And the 13th yes.

Hales: Okay.

Fritz: In the meantime, set up the stakeholder.

Hales: We might want to have a stakeholder group in the mean tile. We're not going to pick that date time. Continue this hearing indefinitely meantime. Going to appoint a stakeholder group. So bear with us. We'll give that plenty of time where people to know when this gets continued to. We won't try to figure that out right here this evening. Thank you all. We're going to conclude this hearing for now and adjourn.

At 7:02 p.m. council adjourned.