



## January 26, 2022 Council Agenda

5645

**Please note, City Hall is closed to the public due to the COVID-19 Pandemic.**

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, and the City has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the City's YouTube Channel, eGov PDX, [www.portlandoregon.gov/video](http://www.portlandoregon.gov/video) and Channel 30.

The public may provide written testimony to Council by emailing the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov).

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

Email the Council Clerk at [councilclerk@portlandoregon.gov](mailto:councilclerk@portlandoregon.gov) with any questions.

### Wednesday, January 26, 2022 9:30 am

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**Session Status:** Recessed

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Ken McGair, Senior Deputy City Attorney; Keelan McClymont, Council Clerk

Items 50 and 51 were pulled from the Consent Agenda and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

Council recessed at 11:00 a.m. and reconvened at at 11:11 a.m.

Council recessed at 12:14 p.m.

### **Communications**

43

[Request of Alex Cerussi to address Council regarding proposal to ban the sale of foie gras](#) (Communication)

**Document number:** 43-2022

**Disposition:** Placed on File

44

[Request of Sarah Butler to address Council regarding proposal to ban the sale of foie gras](#) (Communication)

**Document number:** 44-2022

**Disposition:** Placed on File

45

[Request of Dee White to address Council regarding Water Bureau's lead problem](#) (Communication)

**Document number:** 45-2022

**Disposition:** Placed on File

46

[Request of Portland Advocates for Leadfree Drinking Water to address Council regarding Water Bureau's lead problem](#) (Communication)

**Document number:** 46-2022

**Disposition:** Placed on File

## Time Certain

47

[Amend Title 33 Planning and Zoning and Title 32 Signs and Related Regulations to revise and update regulations for historic resources \(amend Code Titles 32 and 33\)](#) (Ordinance)

**Document number:** 190687

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Planning and Sustainability

**Time certain:** 9:45 am

**Time requested:** 20 minutes

Second reading agenda item 28.

Visit Historic Resources Code Project webpage for more information, <https://www.portland.gov/bps/hrcp>.

**Disposition:** Passed As Amended

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

## Consent Agenda

48

[\\*Authorize application to Department of Homeland Security Federal Emergency Management Agency Hazard Mitigation grant program not to exceed \\$150,000 to develop a citywide plan for the integration of an earthquake early warning system](#) (Emergency Ordinance)

**Document number:** 190685

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Emergency Management

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

49

[Adopt the Budget Calendar for FY 2022-23](#) (Resolution)

**Document number:** 37560

**Introduced by:** Mayor Ted Wheeler

**Bureau:** City Budget

**Disposition:** Adopted

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

50

[\\*Accept and appropriate a grant in the amount of \\$50,000 from State of Oregon Department of Land Conservation and Development to update the Economic Opportunities Analysis - Black, Indigenous and People of Color Outreach Project](#) (Emergency Ordinance)

**Document number:** 190691

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Planning and Sustainability

Item 50 was pulled from the Consent Agenda for discussion.

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

51

[\\*Accept ongoing disbursement of State of Oregon Statewide Transportation Improvement Funds for Portland Streetcar from TriMet and authorize a subrecipient agreement](#)

(Emergency Ordinance)

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

Item 51 was pulled from the Consent Agenda for discussion.

**Disposition:** Referred to Commissioner of Public Affairs

52

[Amend Billing Responsibility Code to modernize and be consistent with Portland Water Bureau practices \(amend Code Section 21.16.030\)](#) (Ordinance)

**Document number:** 190686

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Water

Second reading agenda item 38.

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

## Regular Agenda

53

[\\*Pay attorney's fees settlement from Merrick v. City of Portland litigation in the sum of \\$250,000 involving the Office of Management and Finance](#) (Emergency Ordinance)

**Document number:** 190688

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Management and Finance

**Time requested:** 10 minutes

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

54

[Accept the Portland Police Bureau's report to City Council on the 2022 Portland Joint Terrorism Task Force](#) (Report)

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Police

**Time requested:** 20 minutes

**Disposition:** Referred to Commissioner of Finance and Administration

55

[\\*Authorize competitive solicitation not to exceed \\$2,600,000 for a body-worn camera implementation for police officers](#) (Emergency Ordinance)

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Police

**Time requested:** 25 minutes

Additional information can be found here, [www.portland.gov/police/news/2022/1/21/police-body-worn-camera-request-proposals](http://www.portland.gov/police/news/2022/1/21/police-body-worn-camera-request-proposals)

**Disposition:** Continued As Amended

Motion to amend Directive A in the Ordinance to include Exhibit A, a draft Request for Proposal for body worn cameras: Moved by Wheeler and seconded by Hardesty. (Y-5)

Continued to February 9, 2022 at 9:30 a.m. The oral record is closed, the written record will remain open until February 9, 2022 at 9:30 a.m.

56

[Adopt Meter Rate Adjustment for the Northwest Parking Management District within the Restricted Event District](#) (Ordinance)

**Document number:** 190689

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

Second reading agenda item 40.

**Disposition:** Passed As Amended

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

57

[Amend Upper Northwest Parking Definitions Code to revise the definitions of long-term meter and short-term meter \(amend Code Section 16.35.110\)](#) (Ordinance)

**Document number:** 190690

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

Second reading agenda item 41.

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

## Wednesday, January 26, 2022 2:00 pm

**Session Status:** Adjourned

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Wendy Hain, Senior Deputy City Attorney; Keelan McClymont, Council Clerk

Council adjourned at 2:41 p.m.

## Time Certain

58

[Approve amendments to Settlement Agreement between the United States Department of Justice and the City of Portland \(continued from January 26, 2022\)](#) (Ordinance)

**Introduced by:** Mayor Ted Wheeler

**Bureau:** City Attorney

**Time certain:** 2:00 pm

**Time requested:** 2 hours

**Disposition:** Continued

Continued to February 9, 2022 at 9:30 a.m. The oral record is closed, the written record will remain open until February 9, 2022 at 9:30 a.m.

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**Thursday, January 27, 2022 2:00 pm**

**Session Status:** No meeting due to lack of agenda

## 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. The official vote counts for council action are provided in the official minutes.

Key: \*\*\*\*\* means unidentified speaker.

**January 26, 2022 9:30 am**

**Wheeler:** If anybody is on board for item 54, that is the acceptance of the Portland Police Bureau on the 2022 Joint taskforce report, if there's anybody waiting to hear that this morning, I just want you to be aware, we will not be hearing that when we get to that item. I will be pulling that back to my office for one week. So if you're standing by waiting with the hope of hearing that, it will not be heard today and I apologize for the inconvenience on that front the first item today is a pro gavel proclamation, -- I want to thank Commissioner Mapps and Commissioner Hardesty for bringing proclamation forward. Today, we're going to hear from a couple of members from the Tongan community, who live here in the Portland area. But before that, I'd like to pass it off to Commissioner Hardesty and then Commissioner Mapps to hear our guests. Good morning,

**Hardesty:** Good morning, Mayor, good morning, council, let me start by thanking Commissioner Mapps for actually leading the effort to bring this proclamation to the council. What a horrible experience that this volcanic eruption was. 95% of the population in fact, has been directly impacted by this tragedy and I happy that we here at the city council are taking the time to really acknowledge both the people, and the devastation that's taking place. We have a very large pacific islander population here in the Portland metro area, and I know that and I want them to know that my prayers are with them and their family members, as they struggle through this disaster and we will be there with them to help them, as they recover. Thank you so much, Commissioner Mapps, I will turn it over to you.

**Mapps:** Thank you, Commissioner Hardesty. Colleagues I am honored in joining proclaiming January 26, 2022 to be a Tongan day of remembrance here in Portland. With this

proclamation, we express our condolence and support for our Tongan friends neighbors, who have recently suffered a terrible tragedy. About two weeks ago, 40 miles north of the Tonga -- that erupted and triggered a tsunami, which went over Tonga, and since then, Tonga has been largely cut off from the world. Two weeks later, tang apps have no electricity, internet access or phone service. Because Tonga has gone silent, we are still learning about the extent of the damage and feeds in that island nation. But we do know this, the wounds left by-catastrophe run deep, and will take years to heal. This councils forward this proclamation as a way to express our condolences, deep concern, and unwavering support for our Tongan neighbors. For those unfamiliar with the kingdom of Tonga, Tonga is an idling nation in the south pacific, about 5,648 miles away from Portland. At the time of the accident fight that difference, Tonga is close tore Portland than you may realize. Tonga settled in Portland in substantial numbers in the 1970's. Today, about 1300 Portlanders have roots in Tonga, and today, they are one of the fastest growing groups mere in the metro area. They are not only an important part of Portland's past, Tonga will be an important part of Portland's future. Pour portfolio land and the Tongan community, have a shared history and those shared experiences are among the reasons why a natural disaster in Tonga resonates so deeply here in Portland today, I'm thinking about one thing in particular, which Portlanders, and the people of Tonga share in common we both live in the shadows of volcanoes. Portlanders of a certain age remember mount St. Helens erupting in 1980. Tonga's current situation is similar. Imagine mount saint Helens erupting but then there's a tsunami 49 feet high but instead of living Portland, you live on a tiny, island in the middle of the pacific, during a pandemic the hearts of our Tongan neighbors are broken. I sue that pain with my own eye this is past Saturday when, Commissioner Ryan and i, upon and the police bureau, attended a community event, organize Biden ergo. Which brought stories of loss, fear, pain and resilience. At that event, one Tongan Portlander told us about talking to her mom on the phone, as the volcano erupted. Her mom said "it's raining rocks and ash is falling right now." but by far, the more common, and more frankly terrifying experience is this. At least a dozen people with roots in tang a shared stories about trying to call, text or message a mom, dad, sister, brother son or daughter in the aftermath of a volcanic eruption, followed by a tsunami and there are not able to get through for days on end. That is the life our Tongan friends and

neighbors are living right now. That is a unique and cruel form of torture and that is why this council wants the Tongan community know that Portland shares your pain and has your back. Here to tell us more about the current continues, both in Tonga and here in Portland's Tongan community, we have Lutay Richards, a full-blooded Tongan, born and raised in American Samoa. He served as the task island community liaison with the division midway alliance. Now, Lutay serves as a youth and family advocate for the immigrant and refugee community organization and we are joined by Kolini Isituha. Serving on the city of Portland's policy commission, the Oregon pacific islander coalition and metro's park and nature equity advisory committee. Lutay, Kulini. Balu Liahah. Welcome and tell us more about how things are going back at your homeland.

**Kolini Isituha:** Yeah, good morning, everybody I want to first give a thank you to the Mayor and the city council for giving us an opportunity for members from the Tongan community to share what has been going on the last couple of weeks and also on and give an acknowledgment. And thank you, Commissioner Mapps, and Commissioner Hardesty for championing this event here today. I also want to give out a thank you to Commissioner Ryan for showing up and being in the circle of the community hearing, as mentioned by Commissioner Mapps. Just want to give you guys an update what's going on in Tonga. The effect is still going on. There's support coming in from outside of the upon country, mainly New Zealand and Australia. They are shipping in supplies. Water is being contaminated. They are shipping a lot of water and a lot of food from there. Locally, fortunately, we had a community healing last week: It was very much needed for us to heal and for us to share our pain among ourselves and also for outside of our communities that wanted to support us to be there to show us their love and support. So it was a need for and I consider what happened as Commissioner Mapps shared how emotional it was want but you're noting to get the full effect if you miss being there, being present, and feeling that emotion. And the tears that there's one of the testimony mentioned, you know, we appreciate you being here. In you have no resource, if you have no funding to give us after today, we are thankful that you are here to here our pain. That is gift already. So to show appreciation for community local leaders, you know, that is huge for us what else is going on, we have created a quarantine. We have the city council joining us, policy commission, city of before ton and the other

organizations as part of this quarantine, and brain storming and serving information what resources are available, supplies to send back home and what funding to be supported to our local community and also back home as mentioned with Commissioner Mapps, a lot of our homes of course destroyed. Remember, we are from a third world country. Our homes are not insured. There are very few homes that are ensure insured so if a tsunami comes and wipes out your entire home. You have nothing there. A slab of concrete is not even there.

Absolutely, they have nothing. You have to have rebuild from scratch. And that's the reality. People lost everything. Not only that, they have to relocate to a nearby island. This is a natural disaster. This is a climate refugee. You know, status. This is huge. So I just want to give a thank you again to the pair, and the city council giving us an opportunity for our city here to hear and know that the Tongan community has been here since it is 70's, and we haven't had great relationships with the city, not because we didn't want to. We just didn't know how to be engaged and the city did not know where to find us, but fortunately, within the last say, seven years, we started to build a relationship with the parks, the police, with the city council and you know, we're working on that relationship to continue and one of the bridges, you know, if you generate enough, to show solidarity with our community to be lit up with the Tongan flying color. With that, just want to give it back to the Commissioners and say thank you. If you have any questions, feel free. Thank you.

**Lutay Richards:** Mayor Wheeler, and esteemed city Commissioners, thank you for allowing me to speak. My name is Lutay Richards and I'm honored to be here: We thank the almighty god for the leaders of our city and state and our be loved country of America but by you recognizing our Tongan culture and heritage to be known and studied within our neighboring communities, we take pride and celebrate it to the fullest always proclaimed it, back in august of 2019. Mr. Mayor, city Commissioners, a recent massive volcanic eruption caused us to be here again, but you and I together, as community members here in Portland, Oregon, we come together since the event of last of community healing event of last is the. Talk among ourselves to see where we can start within ourselves first donating whatever necessary items that are essential to collect and, you know put them in huge containers, and ship them. But then when all that's done, the communities are, when we can't manage to have a means to purchase containers or the means to ship them out to, oma. But all of that,

we still have hope and that's where we would like to see if we can ask for resources to lead us into those, so that we community members can really help our people back in Tonga. Volcanic ash is affecting air and water and quality on the island. Medicine and medical supplies is what has been talked among the community here and I was told by my cousin's family. She's a second cousin. Her family that lives on one of those islands, the people of Tonga ended up having to swim back in the water to collect the clothes, the little bit of clothes that are floating around the water because everything is just gone. But whatever clothes they could find to bring them back to the shore and just dry them up. The community here, the Tonga community here in Portland are starting to see humanitarian aid, efforts, within our own capacity but with the personal appearance of Commissioner Ryan and Commissioner Mapps to our last week's events, really brought hopes to the community. Once again, I say city Commissioners, is that they will you know, there's more resources where we could reach. I would like to say, this volcanic eruption will greatly effect the global climate. While I don't have much time to dive deep into this topic. But I want to say, the there's been widespread damage to coral reefs, eroded coast lines and disrupting fisheries and all of these are just the only natural source of living and vital to the people of tong a. I was told this by my auntie about this and so lastly, I want to say the king of Tonga expressed his thanks and appreciation to all the help and the aids and the support from overseas to bring to the kingdom of Tonga. Mayor, I want to close my sincere thanks to city of Portland for the Portland city council, for Tonga proclamation, we so honored and like very humbled. This is like Christmas to us all over again to the Tongan community from our city leaders, for the heart felt support for this proclamation. Commissioner Ryan and Mapps, we thank you for your support. Commissioner Hardesty and to the rest of you city council. This brings good hope to our Tongan community, as we tanned together, to help, not just the island of Tonga, but our city here and its richly diverse communities. Please let us know what the Tongan community can do to help our city and state here. We stay and stand ready but overall, thank you. Thank you so much for listening.

**Wheeler:** Thank you so much. Commissioner Hardesty.

**Hardesty:** Thank you, Mayor, thank you both for being here today and sharing with us, your experience. My question is, is there a trusted local organization that if community members

wanted to send money on help, I'm always concerned when the red cross has appeared as the only organization. I know they are only there for a couple of weeks and they continue to take all the money. Is there a local organization, a website we can send money to and encourage them to donate directly to the Tongan community?

**Isituha:** As of yesterday we have confirmed within the partners meeting, with the, the partner meeting we agreed to have agreed for the Portland Foundation be the fiscal agent. And will be taking on the fiscal agent role.

**Hardesty:** Maybe if you can give it to the court clerk so we can make it part of the record m I'm unfamiliar with the foundation, but I think we want to encourage people to give to a trusted organization, to get the money on the ground, as needed, as compared to some of the international relief organizations.

**Isituha:** Yes, and I'll believe the main contact for, you know, for all correspondence related to the Tonga crisis, and I will forward information to yourself. Thank you.

**Hardesty:** Thank you.

**Wheeler:** Commissioner Rubio then Commissioner Ryan.

**Rubio:** Thank you, Mayor, and thank you, Mayor Wheeler, Commissioner Mapps and Commissioner Hardesty for creating space, to express our deep support for the Tongan community. And the residents and the community and Oregon, you're all in our hearts right now, and I really want to acknowledge the community leaders, Lutay, and Kolimi, and all others here today, despite it being a very painful time. Thank you for your compassion and all the work you're doing to bring healing to the community. These disasters have not only devastated the kingdom of Tonga, but also, it creates a lot of concern for family members, fellow country people and also loved ones around the world and our heartaches for this and also, in the midst of this time, we're also seeing the beauty of community coming together and love and support and that is very well-represented by you today. These things, along with your leadership in the community, has shown us in this time, it's a test amount to the love, to the resiliency, to the strength that's very clearly rooted in your culture and your tradition and in your families. And that's very apparent. And so today, we honor all these lives and sending energy and prayers, and aww honor love that binds this community because we're all in this

together and we're here for you. So again, I just want to thank you for taking the time to be here for us today and for this proclamation.

**Ryan:** Thank you. I had the pleasure of serving the city, and when you're in that role, you can invite to a lot of activities and there are certain moments I'll never forget and one will truly be this past Saturday. Commissioner Mapps and I experienced healing. The songs, I still have some of the songs in my head. I have no idea what the words were, but it didn't matter. It was the melody that made me feel like I was swaying with the trees and the wind and the breezes and the prayers it was gripping. So thank you for that experience, for opening up the room for more people to come in to be a part of the healing. You know, I've been trying to track this from the national, from the media, from the feeds, since it happened. It was tough and so it was easy to understand item this was so important and why you didn't have touch and why the mainstream media has been out of touch by tracking this very gripping story. So I'm so grateful at Commissioner Mapps' leadership was aligned to bring this, along Commissioner Hardesty see -- brought together. This is the beginning-journey, with this specific situation but it's a very long term relationship. Your community is such a vibrant part of portfolio. I must confess, I'm a big sports fan. I hope this doesn't feel like it's going away from the topic, but I've always been aware of the Tongan community because let's just say any football team locally that's done well, has Tongan players on their line. If they have that, they move the ball. I've been noticing that for years. It was so great to be there, and also, thank you for that wonderful lunch. I brought home and I made my spouse very happy, even though I was gone for longer than I thought, I brought home some delicious food from the Tongan community. So really, this is just my way of saying I'm a better person because I was able to spend a few hour with all of you, a couple of hours with all of you and thank you and we will follow through.

**Wheeler:** Thank you, Commissioner Ryan and if nobody else has any remarks at this point, before I read the proclamation, I just want to share my thanks, might have gratitude to the Tongan community here in Portland. I always enjoy participating in the Tongan day of celebration. I know covid's made that a little problematic of late, but it's an important occasion, not only for the Tongan community, with you for the community at large to really celebrate and appreciate the mighty contributions of Tongans to the city of Portland. We're

grateful to be here today and we're grateful to have the opportunity to share this important proclamation and to share this moment together. Before I read the proclamation, I also want to acknowledge the great work of Michelle Rodriguez, and the office drafting proclamation, with Tongan community members in Portland, and with that, I have the honor of reading this proclamation where's the Tongan Americans are Americans who can trace their ancestry to the oceanic country to the kingdom of tong a there are approximately 7,200 Tongans and Tongan Americans living in the united states as of 2019. And whereas Tongans are considered to be pacific islanders in the united states census and are the fourth largest pacific islander American group in terms of population after native Hawaiians, Samoan Americans, there were 1300 people of Tongan heritage and decent livings, celebrating and working right here in Portland, Oregon and whereas the Tongan community cherishes a multi-generational family structure and holds a tradition of care for their elderly at home, which reinforces the passing of cultural preservation to their American-born children and whereas the hongā Tonga hongā volcano in the kingdom of Tonga erupted on January 15, 2022 and whereas the volcanic eruption launched material as high as 40-kilometers. That's over 25 miles in altitude, blanketing nearby islands with ash, and triggering destructive tsunami waves across the Pacific Ocean and whereas the explosion caused destruction and devastation for the kingdom of Tonga, and the Tongan community, scattered all across the globe. And whereas the Tongan community in Portland is still unable to contact and act for awful their loved ones, and where's the city of Portland recognizes the people of Tonga and their descendants in portfolio and calls on all Portlanders to act and support their Tongan neighbors. Now therefore, I ted Wheeler, Mayor of the city of Portland, Oregon, do hereby proclaim Wednesday, January 26, 2022, to be Tongan day of remembrance in Portland and encourage all community members to honor this day. Thank you all very much. Thank you for share being your heart felt stories on this important occasion. Thank you.

**Isituha:** Thank you, Mayor, thank you, Malo.

**Wheeler:** Thank you. All right. With that, this is the Wednesday January 26, 2022 morning session of the Portland city council, please call the roll.

**Clerk:** Good morning, Mayor, good morning, Commissioners.

**Rubio:** Here.

**Ryan:** Here.

**Hardesty:** Here.

**Mapps:** Here.

**Wheeler:** Here. Under Portland city code, the city council is holding meeting electronically. All members of the council are remote by video and teleconference and the city has made several made available to the listen. The meeting is available on the city's YouTube channel, x, [www.PortlandOregon.gov/channel 30](http://www.PortlandOregon.gov/channel30). The public may provide written testimony by e-mailing the council clerk at [Cctestimony@PortlandOregon.gov](mailto:Cctestimony@PortlandOregon.gov). Only counsel is taking these steps as a result of the ongoing covid-19 pandemic and promote physical distancing. Pandemic was a threat to the health and safety and welfare, which requires us to meet remotely by electronic communications. Thank you all for your patience, your flexibility and knowing as we manage through this difficult situation to conduct the city's business. And with that, we will hear from legal counsel on the rules of order and decorum. Good morning.

**Isituha:** Good morning. Mayor, good morning, Commissioners. You may sign up had advance with the council clerk's office with communications to briefly speak about any subject. You may also sign up for public testimony on resolutions, reports or the first readings of ordinances, the published agenda council, contains information about how and when you may sign up for testimony while the city council is holding electronic meets. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record, your address is not necessary. Please disclose if you are a lobbyist, if you are representing an organization, please identify it. The presiding colors the lent of testimony. Individuals generally have three minutes to testify unless otherwise stated. When your time is up, the presiding officer will ask you to conclude. Disruptive conduct, such as shouting, refusing to conclude your testimony when the time is up or interrupting others' testimony or council deliberations, will not be allowed. If there are disruptions, a warning will be given that further disruption may result in person being place bod hold or rejected from the remainder of the electronic meeting. All council meetings are recorded.

**Wheeler:** All right. Thank you. And just a reminder for those who may be tuning in, hoping to hear item 54, this is the report on the joint taskforce. We will not be hearing that report this morning. When we get to that item, I will be pulling it back to my office want so if you're

waiting for that item, just want to give you the heads up, we're not going to be hearing it today. And I apologize for the inconvenience. First up is communications. Keelan. From request of Alex Cerussi to address council regarding proposal to ban the sale of foie gras.

**Wheeler:** Good morning.

**Alex Cerussi:** Good morning, and first, if it's all right, I'd like to just thank the Tongan community for what they shared this morning and wish them a heartfelt remembrance day. Good morning Mayor and councilmembers. My name is Alex Cerussi. I am the state policy manager for Mercy for Animals. Mercy for Animals is a nonprofit organization, dedicated to creating a more just and sustainable food system for all. On behalf of our one thousand Portland based members, volunteers and staff, I'm here to ask for your support for a proposed ordinance to ban the sale of force-fed foie gras in the city of Portland. Foie gras produced by force feeding birds to create abnormally enlarged livers and it's one of the most traumatic forms of animal cruelty. Mercy for Animals has documented the violence against birds in factory farms. Considering the fact that all animals are considered to feel pain and fear, under Oregon law, the humane treatment of animals is of particular importance. Not only is the producing foie gras inherently cruel, it poses health risks. Ducks and geese have weakened immune systems, making them susceptible to avian and influenza infections, given the current climate the city should be doing everything it can to actively combat the proliferation of another disease. Significant opposition to the production and sale of foie gras has led to similar enactment in New York City and California. 3 dozen nonprofit organizations and 50 Portland-based restaurants support this effort to ban the sale of foie gras. Portland has always been a leader in animal welfare and we are asking that the city council take action to stand against this inherently cruel practice. I recognize that the council has been asked to introduce a proposed ordinance to ban the sale of foie gras. Everyone who has spoken out, has spoken in support. I sincerely urge you to and I thank you very much for your time.

**Wheeler:** Thank you. Appreciate it. Next individual, please. Item 4.

**Clerk:** Request of Sarah Butler to address council regarding proposal to ban the sale of foie gras.

**Wheeler:** Good morning.

**Sarah Butler:** Good morning, councilmembers. Thank you for allowing me the opportunity to speak this morning. My name is Sarah Butler and I have lived in Portland for the last 9 years. I am here to support the proposed ban of foie gras and force-fed birds. The cruel and unnecessary practices were described, I will mention that the handful of establishment fist Portland, that stubbornly continue to sell foie gras are the reason we need this ban. Other jurisdictions have instituted such bans including new York and California. We hope to see Portland add to that list. I chose to move to Portland because of the animal welfare movement here. The practice of foie gras is severely inhumane and damaging, in terms of water pollution and disease and out breaks. Within the factory farming industry, it has the greatest risk of zoo nottic disease and out breaks because of the constant abuse of force feeding birds, weakens their immune system, which leads to infections which can spread to humans, and no one wants another pandemic. Therefore, foie gras sales ban, would benefit the animals, the environment and human health, without affecting Portland's economy. In conclusion, I hope you will soon and pass an ordinance, banning the sale of force-fed foie gras in Portland, which would be an important stand against this inhumane practice. Thank you. 92 thank you. Appreciate it. Next individual, please. Item 45.

**Clerk:** Request of dee white to address council regard water bureau's lead problem.

**Wheeler:** Good morning, dee.

**Dee White:** Hello, my name is Dee White, and I am here, on behalf of advocates for lead-free drinking water. Today, I will be reading a communication I delivered to this body on June 13, 2018. The facts and circumstances remain the same today. I am sorry and sad to report that Portland water bureau continues to be the number one large water system by population served, who is responsible for exposing tense of thousand was of us to high led in our drinking water. It is well-documented how the effects of lead poisoning on babies in utero and in young children, even at low level exposure, are pro found and irreversible. There is no safe level of led. While flint, Michigan suffered a led exposure four years ago, Portlanders have endured chronic levels of led for over 25 years. The American academy of pediatrics has called for no more than one part per billion in drinking water. The fda requires bottled water to be below five parts per billion. In contrast, Portland lead tests last year, showed the highest level detected was 59 partings per billion. The year before that, it was 648 parts per billion. In the

past 18 months, Portland has exceeded the epa's, 16 parts per billion limit, twice the water Commissioner's opinion is that its frontier owners' responsibility to replace the plumbing and fixtures in our homes and schools. He is wrong. Bull run's pure water is naturally corrosive, which means it corrodes, pipes and fixtures. Federal law requires the treatment of corrosive water, so lead is minimized inside our homes, offices and schools. The wall is about correcting treatment effectiveness and not about faulting customer plumbing. This is your legal responsibility, not ours. The Oregon health authority has been letting you guys off the hook for over 20 years. Why is this? What kind of hold do you guys have over the regulators? We have a silent public health crisis going on here this is a failure of leadership and gross negligence at many levels but you all are the once who are responsible, yet you continue to be they our trust by ignoring and down playing this very real and dangerous public health threat. And I'd like to point out the bar chart on your screen. It's a 2021 apples and apples comparison to lead and drinking water in cities in the northwest. Portland is the tall one in the middle. That's it.

**Wheeler:** Thank you. Next individual, please, item number 46.

**Clerk:** Request of Portland advocates lead-free drinking water, to address council regarding water bureau's lead problem.

**Wheeler:** Good morning.

**Portland Advocates for Leadfree Drinking Water:** Good morning. Keelan, do you have the other graphs that you can display?

**Clerk:** Yes. We'll bring it up.

**Portland Advocates for Leadfree Drinking Water:** I'll go ahead and begin. I'm here on behalf of advocates for lead-free drinking water. A top national engineer told pwb that Portland is worse than fingerprint. It's inexcusable that the lead levels have gone on for so long. The Portland water director has overseen three level exceedances [sic] in five years, seemingly ignoring matter. We have come here for the past four years to share pwb's alarming data, and the science of lead in drinking water. Weaver concerned that the bureau's deceptive marketing is keeping the public in the dark, even after flint. 10 months ago, we met with water Commissioner Mapps. To inform him about the 30 year, corrosion approach, that's endangered public health. We shared with him the 3-prong solution that cities used, after

similar crisis, with filters as the first of fault response to protect customers. We again, came to you, council, in the summer. Timely, we submitted testimony, urging the city provide water filters during the fall budget adjustment period. But what happened next, made us fall out of our chairs. Pwb municipal lead had doubled to 21 parts per billion during their October sampling period, far exceeding the maximum limit for drinking water. Since 2018, we have urged city provided filters to protect customers until Portland water bureau looks like Seattle. You can see there on the right and all its other neighbors. Today, we are policed to announce, epa heard our second call for filters, even applauding our advocacy, on behalf of safe drinking water for all. They reached out to oha, who reached out to the water bureau for a plan. However we need action. We need it now, as it's nearly three months since Portland water bureau detected excessive lead. Now, I'd like to read an excerpt from public comment that we gave three years ago: After finding high levels of lead at schools in 2016, improperly treated water was corroding pipes, solders and fixtures, which elevated lead and drinking water. Filters were handed out, and replacement of service lines: And that was at low cost or no cost to customers. Portland herds could protect customers with filters, instead, they down played the two temporary and ignored the one permanent fix. Mayor, other cities told the press conference after shining alarming levels, versus statements prepared by a communications team. Why are city engineers barred from us and reporters alike? The bureau has declined to answer two of the most important questions: Why have drinking water lead levels doubled and can you tell us how soon a new city filter program will be up and running? Thank you.

**Wheeler:** Thank you. Could I ask one question, because there is a point of confusion and I'd like to clarify it. When you say "lead in the drinking water," are you talking about the water that the city provides prior to it arriving at a household? Or are you talking about lead in the water once it enters the household and comes into with the household plumbing?

**Portland Advocates for Leadfree Drinking Water:** Well, as Dee White said in her testimony, lead is rarely found in source water.

**Wheeler:** So is that a fancy way of saying it's not in the city's drinking water?

**Portland Advocates for Leadfree Drinking Water:** It is in the city's drinking water. It absolutely is.

**Wheeler:** It's in the water supply that goes to the house. I want to make sure I understand this point of fact.

**Portland Advocates for Leadfree Drinking Water:** Of course. This is how the bureau has confused us for so many years. They often conflate sourced water, with the finished, treated drinking water. In it case, it's improperly treated.

**Wheeler:** But by the time it gets to my house. I'm trying to figure this out. Simple terms. When it gets to my house, is it your contention that as it shows up to my house, it already has led in it?

**Portland Advocates for Leadfree Drinking Water:** It absolutely can have lead in it because as you heard in 2017 --

**Wheeler:** I know it can want my question is, does it. Based on what you're providing.

**Portland Advocates for Leadfree Drinking Water:** Absolutely. There is lead in the drinking water that Portland delivers to households. Lead is -- this is a very unusual contaminant. I believe it's the only, but it's at least one of the only contaminated, regulated at customer taps. That means, it's the bureau's responsibility to deliver noncorrosive water to the taps so that the least amount of led is leached out of anywhere and led is present in the distribution system. Is that a little bit more clear?

**Wheeler:** Leached out of what? Yeah, a little bit.

**Portland Advocates for Leadfree Drinking Water:** Look at Seattle. Seattle on the right. There is no difference. They have the same kind of corrosive source water. They have the same fluming we do. Galvanized, lead solder. With you they treat the water properly, so that it is delivered. You heard about acetic water, in 2017. They treat that acetic water so that it's not corrosive. It's as least corrosive to the infrastructure fluming as possible, and that is per the federal regulation. That is the foundation of the lead and copper rule, and the intent of that regulation is to deliver noncorrosive water, and if Portland has not been doing that by design.

**Wheeler:** Okay. Thank you. That's interesting information. Commissioner Mapps.

**Mapps:** Mr. Mayor, I wanted to share with you and Portlanders, if you're concerned about how much or if list in fact lead in your water, you can go to [leadline.org](http://leadline.org) and the water bureau will suspected you a free led testing kit. All have you do is take a little sample of your water and send it into the bureau and then we will test it for you and get information back. And should

you find that you have excessively high levels of lead in your water, Guantanamo Bay will also send you a free filter. Thank you very much, and I'd like to thank --

**Portland Advocates for Leadfree Drinking Water:** Could I just say one more thing about the test?

**Wheeler:** Sure.

**Portland Advocates for Leadfree Drinking Water:** The test kits are a one-time snapshot of lead. Lead can randomly release. There's lead particulate that the bureau of engineers that tell you about. It did randomly release and so one day's low lead test can show high lead the mixture day. So the test kits four to six weeks, possibly eight weeks. It is a long time to not be protecting customers. That's all I needed to say about those kits.

**Wheeler:** Thank you, appreciate it, Commissioner Mapps for the information on where people can get a free lead testing kit. We'll move to the consent agenda. If any items of course pulled off of the consent agenda.

**Clerk:** Yes, we have had a request for two items. 50 and 51.

**Wheeler:** 50 and 51 got it. Could we please call the roll on the remainder of the consent agenda.

**Rubio:** Aye.

**Ryan:** Aye.

**Hardesty:** Aye.

**Mapps:** Aye.

**Wheeler:** Aye. The consent agenda is adopted and we'll move to the first time certain item, please, item number 47.

**Clerk:** Amend title 33 planning and zoning, and title 32 signs and related regulations to revise and update regulations for historic resources.

**Wheeler:** Colleagues, we have finally reached this important milestone on the historic resources code project. Sometimes known as hrcp, just because we love acronyms at the city of Portland, this is the final vote, calling to any further comments before I call for the role? Seeing none, Keelan, please call the roll for historic code resources project.

**Rubio:** I want to thank the members of the planning and sustainability commission and the history of course landmarks commission for all their thoroughness and commitment to this

project. I also, I know a great deal of work will be accomplished through future collaboration on our volunteer commissions and I also want to give a very if appreciation to Brandon Spencer the city planner who lead this project through two-plus years and many, many council sessions. Thank you, so much, Brandon, for all your hard work and for working to make an inclusive process work I appreciate the public in participating in each stage of this problems, from all the testimonies to numerous e-mails and confirmations that, helped to shape this policy. With these code changes, we can continue the work of improving our existing design regulations to enable more housing to be built and these code changes will also open the door for city investments to identify, honor and protect sites of Portland's lgbtq communities and black, [indiscernible] dig and other people of color as well in this city. So I'm proud of all this work together in the packet and eager to move us into a new era that include inclusivity in fort land. Aye.

**Ryan:** Thank you, Commissioner Rubio and staff and the incredible team lead by Brandon and the historic landmarks commission. There was a lot of collaboration, and Mayor, I laughed when you said "we're finally here." it's house how these things work. Anyway, I really appreciate the commitment to advance this much needed regulatory changes and the commitments to the city's historic resources code. I'm particularly pleased that this code package provides greater clarity and alignment between the city of Portland and the new administrative rules enforced by the state want I'm confident these changes will help ease the use of code within the bureau of development services for both reviewer and the permit applicant. These code changes also provide necessary protection that is focus on culturally specific historic resources as Commissioner Rubio mentioned, connected to. Finally, I'm pleased to see, similar flexibility and options for affordable housing developments, that are also in alignment with the option and it is championed last year in the design overlay. That code package, it's nice to see the dots connect. With all of that, I enthusiastically vote aye.

**Hardesty:** I also want to start by thanking the community member, who showed up, who provided a written testimony. I think it's absolutely critical always to create an open space. And I also want to say, conversations about whose history is to be preserved and how historic designations are implement are absolutely critical to including a welcoming, inclusive diversity, that actually values all of our lived experiences. I also want to give a big thank you to

bps, Commissioner Rubio and her expertise and Brandon is just a phenomenal individual. I laughed when I first heard that he was the department for historic preservation and what an incredible job he does. This process is necessary, and it will continue to evolve, as we move forward, but I think we have been clear that the status quo around historic preservation cannot continue without an acknowledgment of all the people left out. All the cultural institutions and neighborhoods who just aren't reflected again. Balanced resources and building a better, inclusive future for all Portlanders, and I know this is a difficult task. But I believe the package we're voting on today, moves us in that direction. I will be keeping my eye on how these code changes play out, and I'm very happy to have conversation but the sale need for further changes in the future for now, it is with joy that I vote aye.

**Mapps:** I want to thank Commissioner Rubio for bringing this important item forward and like my colleagues, I want to acknowledge amazing work condition by Brandon. For these reasons, I vote aye.

**Wheeler:** First, I want to thank the planning and sustainability and historic landmarks commission for recommending the well vetted, and I think, very upon intentional packet of code amendments. I especially want to thank all of the many testifiers who provided this body with over six hours of I thought, very nuanced, very smart and very passionate comments. We're seeing clearly, that preserving historic places is important. They ground us socially, culturally and architecturally. Historic resources also provide, as we heard from many, fertile ground for continued learning, and adjusting past harms. But historic preservation, cannot be a proxy for exclusion and cannot keep our city from overcoming the challenges of racial inequities, as well as climate change. The historic resources code project balances preservation and change, providing the opportunity for adapted reuse, throughout the city and ensuring that under represented stories are prioritized for future protection. I'm excited to see tenants, building owners and professionals get creative with the flexibility provided by this new code. So that historic places can continue to upon inform us of the past and better serve the needs of future Portlanders. I'm very happy to vote aye, and the ordinance is adopted. Time to go to the regular agenda. Item number 53.

**Clerk:** Pay attorney fees settlement from Merrick V. City of Portland litigation in the sum of \$250,000 involving the office of management and finance.

**Wheeler:** Colleagues, this morning, we are considering a proposed settlement in a public record case involving the right to recover attorney fees. The trial court had ruled that the plaintiff was not entitled to the award of attorney's fees in this case, but the court of appeals reverse that ruling. This proposed settlement would resolve all of the outstanding attorney fees issues, both at trial, as well as on appeal. It would also result any and all other outstanding legal issues, and formally end the litigation. Before turning over to our presenters, I'd like to note that the office of management and finance and the city attorney's office, are in conversations with my office to reassess and restructure our public records response. They'll be bringing a proposal to the full city council, that allows us to better deliver this service to the public. With that, I will hand this off to our presenters, senior deputy city attorney Denis Vannier and deputy chief administrative officer, Carmen Merlo. Welcome. I'm sorry, it's deny. I apologize. I know who you are. Welcome, Denis and Carmen.

**Denis Vannier:** That's quite all right, Mayor.

**Wheeler:** I'm sorry, Denis. Obviously, you know, the coffee machine is not working. It's clearly impacting my performance so I apologize.

**Vannier:** Not at all. Thank you very much and good morning, Mayor and Commissioners. I'm a senior deputy city attorney and the city's council in this case. I will address the proposed litigation and settlement in this earth, and deputy cheap merlot will address the broader impacts in this cases. The proposed settlement before you today, stems from an appeal, involving the right to recover attorney fees in the public record lawsuit and the basic background is the following. In 2017, plaintiffs submit aid public record request of the city, asking for the names, the contact inferring and the substance of reports from members of the public who reported to the one point of contact system for members of the public to report issues about camp sites. The city initially denied that request, citing the personal privacy and the e-mail address exemptions of the Oregon public records law. Eventually, plaintiff filed a lawsuit against the city. The lawsuit in this case, seeking an order, compelling the production of those records. The trial court entered an order that actually deferred ruling on the merits of the case, pending a remand process to the district attorney. The district attorney eventually ruled against the tea and ordered the disclosure of the requested records and the city did so. Following the release of the records, a plaintiff then asked the trial court to enter a judge in

his favor and award him approximately \$50,000 in attorney's fees, as having prevailed in the case. But the trial court ruled that by releasing the records to the plaintiff after the cigs of the district attorney, the case had actually become moot and the court entered a general judgment, dismissing the lawsuit with project and without an award of fees or costs plaintiff appealed that judgment to the court of appeals and as council knows, the court of appeals refers to judgment, the trial court. Specific after the accident of the court held that the city's release of the records, following the district attorney's ruling did not render the lawsuit moot, but the plaintiff had effectively prevailed if the lawsuit, for the purpose of recovering attorney fees under the applicable statute. At that point, having prevailed on appeal, plaintiff filed a petition, seeking 375,000 authorize in attorney fees, as a prevailing party, on appeal. At that points the party's agreed to support the matter to remediation to, try to resolve all the outstanding issues, and the proposed settlement before you today, came out of that mediation. As you can see, it would settle all attorney fees and costs, any remaining issues in the case, both at trial and appeal, for \$250,000, which is substantially less, than the combined fee. I should note the settlement would end the litigation in the case, whereas otherwise further attorney fees would continue to accrue. So for those reasons, the city attorney's office recommends the settlement and I'm happy to answer any questions now, or to turn it over.

**Carmen Merlo:** Good morning, I'm Carmen Merlo, the deputy chief administrative officer. I think it's safe to say, we have certainly learned some lessons as a result-case, and have already put in place, several recommendations and intending to improve the city's performance, in response to public records request, particularly on large and complicated requests. Some of these process improvements demonstrate that the city absolutely takes seriously, its responsibility to provide access to public records. So the first thing we have done is implement a mandatory training for all employees, designated as their bureau's public records responder. We have also adopt aid policy that bureaus need to involve the city attorney's office on all fee estimates over a certain dollar threshold and we're now requiring approval at the bureau head level, if an exemption to withhold records. I'd like to acknowledge that the city attorney's office, who has been convening monthly meetings with the bureau's designees, for several years, have also used these occasions to more thoroughly share best practices and debrief any particular thornier challenging requests. We are working

with the city attorney's office now, to put together a proposal that the bring forth some additional proposed changes in how we structure our public records process and make process improvements. So with that, deny and I are happy to answer any questions.

**Hardesty:** I just want to say, thank you, Denis, for spending too much time fortunate work at your workday yesterday, really helping me understand the uniqueness of this settlement agreement. I tile wanted to take a moment because some of my colleagues weren't here, and I really want to make sure that people understand, just how scary this was. This was at the beginning of covid when those of us who were privileged, were required to be stay at home. We were privileged enough to have internet access so that we can get our food or cleaning supplies, and in an effort to create? Basic dignity for folks who are living on our street, we started expanding restroom opportunities for our folks who were living on the street. There were community members who thought that was the most inappropriate thing for us to do, and all that was going to do is encourage more houselessness employers were attacked, they were threatened, they were followed home. And so there's a disconnect between the city's desire to be intentional about public records request, with the fault being to provide the information. We have white supremacist, walking our streets, and we have city employees, being attacked for doing the job that they do. So I am appreciative. We spent a lot of time last even, really talking about, what can we as a council do, and I'm grateful the Mayor is now starting a -- I mean, working on a process to actually put some real intentionality behind it. But I understand, we can pass an ordinance. Just as a city, we default to public disclosure with some exemptions, and I think we're going to have to work with the legislature to really change public records law, so that we address the political reality that is we're operating in. We are not the same people we were when public records law was written. And we are not having the same lived experiences as public serve servants. I've been harassed, so much to get into today. The more diverse our leadership gets, the more diverse our staff gets, the more languages spoken as part our day-to-day work. With this political environment, if we're not making sure that somebody doesn't lose their life because they want to be a public servant and we're protecting our public servants that are doing great work every single day, we're going to be in a world of hurt. And so you know, this is very for me because I know what it's like when we were in chambers and having white supremists, follow you around in

downtown Portland. So many of my new colleagues can very themselves and appreciate the fact, you cannot live through that, but some of us did, and some of us continue to live through that. So a long way to say, I appreciate the city attorney's steadfast commitment in not releasing information that would have put public servants in harm's way. I am appalled that we're going to have to pay \$250,000 to settle it, but I will. And I will because we did the right thing. This was a values stand, and I applaud the work of the city attorney's office want my office is overwhelmed with requests every single day, so we must find a better way to both protect public service and to release appropriate information much more efficiently and faster. I'll tell you, for 29 years, I couldn't get information from the city of Portland as a community activist so I understand both sides and I've been on both sides. With you the political environment we're operating in, is radically different than I ever imagine I'd be operating in.

**Mapps:** I want to thank you for that background. It is very help. I am still learning it and trying to understand it. I believe I have questions for legal counsel. To help me understand the current legal environments that we operate in. There are a lot of cases here business but based on what the courts have said when we have to release information and when we don't have to release information, do I understand it that like, if a Portlander reaches out to the city to ask for help to address a homeless issue or a livability issue, we now have to turn over their contact information if someone files a public records request.

**Vannier:** As a general matter, the answer is yes. You know, in this case, the district attorney specifically concluded that several provisions of the public records law, several exemptions did not shield this type of information here. So again, the request was for names, contact information and that substantive reports of individual who is had report to the city's contact purpose and what the district attorney ruled in this case is the exemptions of the public records law for confidential submissions cannot apply. The exemption for information of a personal nature didn't apply; that the exemption for public body and possession of information submitted in confidence, that exemption did not play. The only exemption that was upheld in this case is a specific exemption for e-mail addresses. But that was it. So as a general matter, the answer is yes. The Oregon public records law, favors disclosure.

**Wheeler:** Okay. I see Robert raised his hand down.

**Robert Taylor:** Thank you, Commissioner, thank you, Danis, for that answer, and just to connect Commissioner Hardesty's comment to mom map's question. That is the contention and difficulties with the public records law. It can require disclosure of personal contact information for members of the public. It can require personal contact information for city employees' members of the public are reaching out for help. City employees are trying to help and doing difficult work and urge the public records law, their contact information can have to go out and in the current environment and everything we are dealing with, that does raise some concerns and that's one of the reasons why I think we're trying, we feel like we have that information and trust. We're trying to be protective of it. But the law requires is closure and that's the environment we're operating in right now.

**Mapps:** By contact information you mean things like my name and address?

**Taylor:** Correct.

**Mapps:** Well, Robert, I feel like I'm in this a dilemma here. I understand the need for transparency and I value that. But at the same time, I also feel like this rule that the courts have imposed on us is a violation of the public trust or at least sort of the unwritten contract I have with the people of Portland. I think when they reach out to Portland to ask for help with a livability issue or a public safety issue, I'm sure the vast majority of Portlanders expect to have some measure of privacy here. Can you help me out to understand how to navigate this difficult space?

**Taylor:** Yeah, and you're right, it is a difficult space and I think this case also helps demonstrated in the sense that the time court ruled one way in the city's favor and then the court of appeals reversed it and any time you see that dynamic between the trial court and the appellant court, that shows you it's a tough, legal issue because smart judges are disagreeing on it and then, you know, I i have a lot of faith in the legal significance and in our judges, both at the trial level and at the appellant level and I think they are doing the best job they can to interpret the public records law, as it is written and as it's on the books by the legislature. So when the appellant court comes down and says, this is our read being of how the law works and if members of the public or the city council aren't, you know, comfortable with how the law works, our redress is really to go to the legislature and ask them for help because they ultimately write the public records law, and if they don't like what the court of

appeals rules, the lecture can change that and that's really the remedy and where the focus needs to be.

**Mapps:** Thanks, Robert. I'll just address my colleagues on council here. I sure hope that we can come to a consensus that we add this issue to our legislative jean. This feels not right to me. I feel like the courts have done at least two wrongs here. On the one hand, they are compelling us to violate the public's privacy and then asking us to pick up a quarter million dollars from lawyers' fees, also does not pass the niv test or I suspect would not pass the sniff test of the people we represent. On the other hand, I'm not quite sure what we can do here, other than the legislative things, and I'll lower my hand because I Commissioner Hardesty has her hand up.

**Hardesty:** We have a short legislative session, so changing public records law is impossible in a short legislative session but I do plan to present it to our legislative colleagues at our legislative breakfast tomorrow morning because you know, we want them to give it their best thinking as well and remember, our legislative body is more diverse than it's ever been in the history of Oregon and they are all having the same kind of issues impacting them, especially when there are organized efforts to discredit them and public records request is being used as a fishing expedition for people who are trying to paint people, especially in women of color that is egregious. And there is a request for people who gave us their private information in an attempt to get grant funding. We have made flow decisions on grant funding but the media has actually made a request which means, it will be in the paper, people's information they gave to us in confidence. So we actually have to figure out what is appropriate public disclosure and make that as easy and free as possible and then leave to make sure what is actually not in the public's interest for us to be released and would have detrimental impact to either individuals or communities. So I think they are separate issues, but they are combined in public records law.

**Wheeler:** Do we have one public testimony on this item.

**Clerk:** We have one person signed up.

**Wheeler:** Three minutes name for the record, please.

**Clerk:** Jann Carson.

**Wheeler:** Good morning, Jan. Jan, are you still muted?

**Jann Carson:** Thank you, Mr. Mayor want my colleague, Mariana Garcia Medina is actually on to offer the testimony. I was trying to stay with us in the background. Could the host, please bring her on?

**Clerk:** Jan, it looks like there is someone else logged into your name and let me ask them to unmute to see if that's Mariana.

**Mariana Garcia Medina:** Hi. I'm here. I'm here to testify on item 55.

**Clerk:** We're not there yet.

**Wheeler:** So that individual is item 55. Is there anybody who's currently listening who is signed up to testify on this particular item.

**Clerk:** Jan, I see you're unmuted. So is there someone who wanted to testify for 53? Jan, you're unmuted. Did you want to say suggest something?

**Carson:** I'm sorry for the confusion. I was signed up for the jttf report but my understanding is that has been removed and for next week's.

**Wheeler:** Yeah. If you could do me a favor, hang tight for about five minutes. I'm being to make an announcement on that as well. We won't be here today, but I do have some information on that. We'll get to it in a minute.

**Carson:** Thank you.

**Wheeler:** Thank you. Colleagues, any further questions on this item, item 53, seeing none, please call the roll.

**Rubio:** I want to thank deny and carmen and the staff at the office of management and finance, the city attorney's office for working to settle this other than. This case certainly represents attention between transparency and the privacy of community members, who -- transparency, and the privacy of community members when, play not want their contact information shown for particular reasons, and as my colleagues noted today in the highly charged issues of today, I'm glad there are process improvements, regarding public records for the future and also, that we're not finished on working, at working on this issue at a state level perhaps as well. I'm also hoping, sincerely, this doesn't deter public engagement, and that Portlanders can continue to come to us, and with us, along with our concerns, ideas, and feedback on all city issues. So I have heart burp about this, but I also recognized the need for this settlement so I vote aye.

**Ryan:** Yes, thank you Deni. And carmen, for framing this so eloquently, actually. I've learned a lot, both from a legal perspective and carmen, I really appreciate what you had to say about what better practices can see employ, as we keep adjusting in today's political environment and to avoid such lawsuits. So I know that's challenging and it takes a lot of work, and I just appreciate that we have a system in place they heard about this morning. I really do appreciate that. I vote aye.

**Hardesty:** This isn't the first time they found themselves in between a rock and a hard place. I also want to thank carmen merlot for the office of management and finance and I think we will be collaborating around our legislative agenda and how we can make sure that we are in fact, putting best practices in place. This is a very, very complicated issue and I appreciate our attorneys going to the bat, to protect public servants when, clearly were under attack at the time this public records request was put in. Those attacks have not stopped. In fact, they have become more vicious and if we want people to want to work as public servants, we have an obligation to make sure that their job does not put their life at risk. I vote aye.

**Mapps:** I'll be transparent here, I'm deeply disappointed in the court's ruling. I believe that the decisions which have been handed down, violate the right to privacy of Portlanders. I find that to be profoundly unacceptable and to charge the city a quarter million authorize in lawyers' fees, even after we turned over the records was downright abusive. Denis, Ms. Merlo, I don't blame any of this on you, I know you did your due diligence here. We went to the courts and we lost. I think we lost on some democratic principles, too. I support my colleague's call for finding a legislative fix to this and certainly, will partner with you, to talk to our members of the state legislature about why fixing this injustice is deeply important. At the same time, I do not see a viable option for doing something else today, other than to reluctantly vote aye.

**Wheeler:** Aye. The ordinance is adopted, thank you, everybody. Next item is item number 54.

**Clerk:** Accept Portland's police bureau's report to city council, on the 2022 Portland joint terrorism taskforce.

**Wheeler:** Colleagues, a few minutes before council this morning, I heard that there was an interest in include something information in the jttf report, which was not include or should

have been included and rather than try and do this on the fly, I thought it would be more helpful to all of us if we could have an opportunity for the chief of police to meet with each of the Commissioners, make sure that if there's additional information or data to be gathered, that information does get included in the full report. For that reason, I'm withdrawing this to my office. We are anticipating that we'll have a special counsel session on Tuesday at 9: 30 and while bikini speaking, somebody's been talking to each of your chiefs of staff to confirm that you would be able to attend that. Either way, the actual time and date will be noted on the council agenda that will be publicly released on Friday. But for the time being, assume it will be next Tuesday morning, 9: 30 a.m. Thank you and for those of you who are interested in are hearing that report today, thank you and I apologize for the inconvenience. Next item, please, item 55.

**Clerk:** Authorize competitive solicitation negotiations to exceed \$2,600,000 for body-worn camera implementation for police officers.

**Wheeler:** Colleagues, before we continue with this item, I'd like to make a formal motion to amend section a in the ordinance, to include exhibit of a, which is a draft of the body-worn cameras rfp and which was included in the Tuesday memo. The amendment reads. "the chief procurement officers authorize to facilitate the use of the competitive solicitation process in accordance with Portland city code 5.33, to obtain the most responsible and responsive offers, providing contracts for the purchase of a body-worn camera system in a form similar to the proposal documents included as exhibit-a." this item begins the procurement process for body-worn cameras for the police bureau. I'm being told that before I move on. I should ask for a second and get a vote on that. Commissioner Hardesty.

**Hardesty:** Second.

**Wheeler:** Please call the roll and the amendment.

**Rubio:** Aye.

**Ryan:** Aye.

**Hardesty:** Aye. For the purpose of discussion.

**Mapps:** Aye, for the purpose of discussion.

**Wheeler:** Aye. The amendment is on the table. So colleagues, before we jump into this, I want to be very clear. This item grips the procurement process for body-worn cameras for the

police bureau I want to be equally clear, this item is not about body-worn camera policies. Today's meeting is about procurement only. Public procurement can take a significant amount of time, which is why we proposed to begin the process now the body -worn camera project will include opportunities for public input in the body torn camera policy, as it's been developed and as it's being refined. This ordinance also authorizes a pilot program so the bureau can test different types of technologies. Before any final contract is issue for body worn cameras, the project will come back to the full city council for full consideration and approval in a procurement report. The council's action on the procurement ordinance is just the first step. It's not the last step. Today, we will take public testimony on the procurement ordinance. We won't vote on it today, however. After public testimony, we will carry this item over until February 9 for further consideration. We will accept written comments from the public, all the way up until February 9. This afternoon, we'll also be hearing an item relate to the doj settlement agreement and proposed remedies as a result in mediation with the doj and other parties. One of the remedies suggested by the doj and under consideration by the council is body-worn cameras. Like we're doing for procurement ordinance we'll also take testimony on the doj item later today, but we will also carry it over for further consideration on February 9. [please stand by] [council is on break] [in recess] ¶[music]¶¶

**Wheeler:** Back in session. And tammy, you are up. Thank you.

**Tammy Mayer:** Thank you, Mayor Wheeler and Commissioners. My name is tammy Mayor, and work for the Portland police bureau. I am the program manager for the up and coming body-worn camera project. There are slides. Megan, do you have those? There we go. Next slide, please. Okay, so the background on this program, p.p.b. Has been interested a body worn program since 2013. I became involved in 2017 and took over kind of researching and looking at different options. And we've started and stopped this process a few times, most recently in 2020, right before the covid lock down. In the last November of 2021, the doj stated in a letter to the city, the use of a properly implemented body-worn camera program, it currently site in the settlement agreement. Following that the city council approved a one-time funds not to exceed 2.6 million in the fall back of last year. Next slide, please. So the rfp itself, I want to stress it does not determine the policy we will follow with the cameras itself. It is basically open letter to the vendors what options are available and kind of giving

some specifics about what the city is looking for and then those vendors respond. Once we post it for the vendors' comments it will be out there for six weeks for them to answer the document. And then we'll have three separate scoring phase. The first is a written response that the vendors will provide back to the scoring team. And we'll score those and figure out which vendors have the higher probability of meeting the city's needs. We'll narrow down to two or three vendors and ask them to come and provide demonstrations, bring the equipment, show the software on the back end for redaction and storage and stuff. Following that, we'll pick the top vendor that we think is most likely to succeed. And we'll ask to pilot that vendor for approximately two months. I currently have that planned for august and September if we can stay on the timeline. We'll pilot those cameras with 173 officers. All the patrol overs at central precinct as well as new focused intervention team. During that pilot test, we will validate the policy and once again, the policy will be written prior to us. We have to have a policy in effect before we get to this piece. And they will validate that policy and see how it works for the city. And then we'll also test the camera functions, the availability, ease of use of both the camera and the software. The redaction piece, which is a pretty big lift and the infrastructure that it will take to score all these videos and transmit the data back and forth via either wi-fi or hard wire connection. Implementation is 636 cameras that we expect to sign out to our officers on the street, that includes all the patrol officers, some of the specialty teams and then we'll keep a bank of extra cameras in the office for when other specialty teams that don't typically go out to the street but if they need to they can grab a camera and have them onto record as protocols. Next slide, please. So for the requirements, we asked I think 124 specific requirements in this rfp. Some of the bigger ones I listed. Up store, store, retrieve, redact and disseminate, audio visual and stillages, have a robust end user for administration of the system, a granular level administrative security with trails on every action so we can see who is doing what in the system. Configurable retention and curb systems based on defined rules. Data conversion into industry standard formats in case we have to pull the data out of the system and transfer it to other places. Fully integrated redaction tools to automatically detect and render faces in identifiable as per the Oregon state law. Next slide, please. The ability to search and sort files to make it a little easier to find certain things. Up load multiple devices simultaneously. Multiple mounting options either on

the helmet, the shoulder lapel or chest. Capture images to the natural human vision. Minimal record time and battery life based on our patrol shifts. Minimum 302nd buffering when activated and deactivated. This is one of the requirements in the doj letter. Indicate lights to show when it's on, when it's recording and when the power, the battery is depleted and needs to be replaced. Various charges options, whether in the car or in a dock and lock type of situation, when you are off shift you put it on the dock and it simultaneously charges and uploads at the same time. Triggers for activation when you draw your firearm or ecw from the holster, it automatically turns the camera on if you have not done it already, same with local pursuit when you turn on the lights and sirens. That is a doj requirement in the letter.

**Wheeler:** Tammy, before you move on? Commissioner Hardesty has a question. Can you tell us what an ecw is please?

**Mayer:** Electronic controlled weapon, basically the tasers.

**Hardesty:** Thank you, tammy. I appreciate you because I know how hard you work on these issues. This page is actually where my biggest concerns are. We get what we ask for. And so my first question is, how have you worked with the technology oversight committee to develop this rfp?

**Mayer:** I have submitted the draft rfp to the members of the members of the technology oversight committee and have not received feedback from them on changes to it. Rfp. I am meeting with them; I submitted all the paperwork to formally introduce this project into their intake and I am on the February list to be in their February meeting for us to talk about it.

**Hardesty:** Thank you. And based on this slide that you are showing us now, I have real concerns with this rfp. Because one of the main objectives the doj has is that the data are not owned by Portland police bureau. A third party vendor would actually own the data and be the repository for the meetings that would entail. Right away, I am concerned that we're asking for the wrong thing. And so, because if -- because this rfp is going to give us what we ask for and we're not asking for third-party vendors, to explain to us how they are able to get information to the appropriate places they need it. I know to know how this data gets to the -- I want how it gets to the training division, I want how it gets to management so that a corrective behavior can take place. What you are asking for in your requirements I'm not consistent with the needs we have for the body cam program.

**Mayer\*:** Yes, ma'am. Actually, on the next slide, it talks about data ownership. But most of those questions will be answered specifically in the policy. [multiple speakers]

**Hardesty:** Tammy, I disagree. But the rfp doesn't start off with a third party vendor, then we're failing ourselves. Because we're going to ends up powdering something we don't want and implement it because we bought 600 some cameras. This rfp is critical it goes out right and asking for the right information. And this means we forgotten everything we did before and what we said we wanted but setting it up so it is an accountability system. And I don't see that reflected in this rfp. And I'm concerned that the technology oversight committee because we know there are challenges when the police go out and try to buy technology and they need to lead this effort. They need to be able to get give the city council confidence that we're buying the right thing and asking the right questions and get the right data system once we get it in place.

**Wheeler:** Could I suggest maybe a happy medium here? I actually, Commissioner Hardesty, I hear what you are saying and you have passionately advocated for a third party vendor to control the data. But I would argue that tammy is correct. That that is in fact a policy decision the council will ultimately have to decide. Maybe the happy medium here, tammy, is to ask for the capability to do both, either or or both. What are we are doing is specking the products out there? Is there a way to potentially respect both of those as options for us going forward once we have had the deliberation around policy?

**Mayer:** Yes, sir, we can look at it. From my understanding, the way the cameras work, the data is controlled because it's in a vendor's system, like in the cloud. And then the policy at the local agency determines who can see the data. If officers can review it prior or after doing the reports, if the training division can use it for training classes, if supervisors have a requirement to randomly view videos to make sure policies are complied with, that is determined within the policy. There is no body-worn camera program out there where the vendor controls and decides. It is up to the police department or police bureau to make those policy decisions ask the data is stored either on premise, as pts or the cloud and that's how the vendor captures the data. One of the bts requirements is the vendor cannot do anything without the data without being digitally exported by the city. That is the city's not the vendor. They control the system.

**Wheeler:** That's helpful context. Maybe what we can do since we're obviously not voting on this, we have got a couple of weeks of breathing room, maybe there is an opportunity for us, the reason this is coming up is the DOJ had indicated in a document that there are potential new third-party vendors who can help with the data management piece. I don't want to put words in the Commissioner's mouth but I think she's suggesting we don't want to foreclose those opportunities if it turns out one of those options is more cost effective or from a technology perspective, just a better option for us. So I just, I want to make sure that what I'm hearing here doesn't foreclose the opportunity. And ultimately it is a policy decision the council will have to make. But I don't see anything here yet that suggests to me that that is a foreclosed opportunity.

**Hardesty:** Mayor, I'm concerned that we have not brought the technology oversight committee in from the very beginning. Because we know that when we do big technology purchases without the assistance of experts, we do not do a good job of it. And so -- and we have a commitment that that was supposed to happen as per budget note in our last budget, that the technology committee must be the ones telling us that we're buying the right thing or asking for the right thing. Because, you know, we have a history of not buying what it is we really want and ending up being stuck with things that actually make our job harder.

**Wheeler:** Commissioner Rubio.

**Hardesty:** Are we going to be able to get a report from the technology oversight committee before our vote on this?

**Mayer:** The meeting with the technology oversight committee is currently scheduled for the 28th of February.

**Wheeler:** Commissioner Rubio.

**Rubio:** So Mayor and colleagues, I just wanted to offer too that our office is really interested in looking at this, I know we've been talking with some of your offices about making clear these distinctions before it comes back to council. I want to put it on the record all our offices are talking about clarifying the policy from this. So we'll be working closely together with the bureau and with Mayor Wheeler and council staff to do that.

**Wheeler:** Yeah, thank you, Commissioner Rubio. I absolutely accept that. And I think it's also possible we could ask the technology oversight committee to meet earlier just on the subject

of body-worn cameras. I want to make it clear though that end of the day the advice of the technology oversight committee is critically important but they cannot direct policy either. Ultimately it's up to us. I realize there is a lot of maturations. We took three hours of testimony on Sunday, there will be other public opportunities. We have the doj being very explicit about what their expectations are. And of course, we have an obligation to bargain in good faith with collective bargaining units, including the p.p.a. And they will have a say on this as well. So I assure you that there is nothing that will happen quickly with regard to policy and all of it has to come back to city council before we settle on any policy related to body-worn cameras. That is my commitment to all of you. But I do encourage us to move forward on this rfp as expeditiously as possible.

**Hardesty:** I do too but if we limit what we ask for, we'll limit the information we get back.

**Wheeler:** Point well taken.

**Hardesty:** Anything we can possibly imagine we want and see what we get back.

**Wheeler:** Point very well taken. Tammy, we have sort of disrupted your flow. But you are used to all of us and you are doing a great job. We'll let you go ahead and continue.

**Mayer:** Yes, sir. Ma'am, if I may, I can work with your office, maybe add an extra requirement into the 144 to with the wording that you are thinking about to ask that question of the vendors as well. I think that's a pretty easy addition to the rfp.

**Hardesty:** Thank you. I'm good. Keep going, tammy.

**Mayer:** Okay. I'll call you or your people out there to work on that.

**Hardesty:** Thank you.

**Mayer:** We've talked about triggers for activation. The next the ability to review and tag in the field so you can add case numbers and basically critical like cad kind of information into the system so it's easier to find those videos. Next slide, please. Index multiple cameras to a single net. If you have multiple officers at an event, you can index them all. Interfacing to third party systems, gov qa for release and possibly the rms so you can link a camera to the report so when you go for that information it has that all tide together. The federal and Oregon cgi standards, criminal justice information standards which are fairly strict. Data ownership, and I will talk with your staff on how to do possibly that requirement. Compatible with city systems and software, the city systems and software, Microsoft, those kind of things and make sure it's

all compatible. It must meet minimum encryption standards for the city. It must be a role based security level so people are set at certain roles and cannot access things they do not fit those roles for. Must have training and documentation to go with the cameras and any upgrades to the system so we can maintain currency. Maintain support obviously and implementation plan basically asking the vendors how they would implement for the size of our agency and how we're set up in our system. Next slide, please. So here's my timeline. This is -- two year project as I see it. There are a lot of breaks in between. A lot of that has to do with policy catch up and coming back do city council and giving that score times for the vendors to do certain things and stuff like that. So right now we're working on the policy with the p.p.a.. And that piece is going on separately from the actual rfp. I expect to release this, well, depending on when I get permission from council, it will be out there for six weeks. I had envisioned the first of February through mid-March we posted for the vendors to read all the requirements, ask us questions and then provide a response to us around that mid-March date. Once procurement looks at it and gives it back to us, sometime after that, we do the scoring. And I have two weeks walk out for the scoring on the vendor responses, some can be lengthy, depending on how many we get back. Mid-April, we'll ask the top two or three vendors that meet the requirements we're looking for to provide demonstrations. I expect that to take about a week. Then we score that and we narrow it down and look at who we want to -- possibly think of moving forward it. At that time, we have a little break because we have contract negotiations for a pilot, we need to do training on the equipment and prepare the facilities central to make sure that the electrical and the i.t. Structure are ready for this heavy intake of video. I expected the pilot to run two months between august and September. And then after that, we'll do some policy adjustment based on what came out of that pilot and if we missed anything or wanting to adjust anything. Between October and February, we'll do adjustment and contract negotiations if that's the vendor we select and want to move forward with. More facility preps for the other facilities, east and north that will be having the videos uploaded at their location as well. And then my anticipation is to start the implementation around march of next year and it will go through hopefully not this summer, hopefully we can get it done sooner. But I allowed nine months for implementation

because it is a lot of cameras and there is a lot of training and stuff to do for that. Next slide.  
What are your questions?

**Wheeler:** Tammy, that was hopeful that we get all the way through the presentation without questions. Colleagues, any further questions at this point or we can open it up to public testimony. Why don't we go ahead and do that. Keelan, how many people do we have signed up for open testimony?

**Clerk:** We have five people on the call.

**Wheeler:** Three minutes each. Name for the record. We're not in the policy phase of this. And there will be ample opportunity for policy discussions. Go ahead, I'll go ahead and turn it over to you, Keelan.

**Clerk:** First up, Dan Handelman.

**Wheeler:** Good morning. Dan.

**Dan Handelman:** Hello, Mayor Wheeler, can you hear me?

**Wheeler:** Yes, loud, and clear.

**Handelman:** My name is Dan Handelman with Portland cop watch, of official stance is neutral because many community allies think police should have them. On rare occasions they may be used for misconduct. The ordinance has many flaws, most significant is it presumes the Portland police should be the agency charged with storing monitoring and retrieving video. This is stated in the financial impact statement. This particular problem leaves an agency that has revealed in the past few months to have members who released false information about a council, asked community members not to vote it for them or the district attorney and violent and prejudice slides in charge of data. The city is proposing to jump into a \$2.6 million pilot project before the parameters of the program have been defined. Until there is a comprehensive policy, the program should be put on hold again. The city is framing this as a means for turn to compliance to the u.s. Doj agreement. That comes later today. Then those amendments must be approved by judge Simon after he hears testimony if they are fair, adequate and reasonable. There are others that could have been put in place, to hire someone to review this. Instead of accelerating that process and getting a report out immediately upon the doj request in 2021, the city is coming up on the two-year anniversary, the meaning to do a comprehensive review is compromised. Based on the kind

of technology being requested, include whether or not officers have the ability to turn the cameras on and off and review footage after force before writing reports or being interviewed. Until those are resolved, council should not move forward with this pilot program. We'll repeat this afternoon, if officers can review before writing a report, the city should not get the cameras. As a final thought for doubts or not to consider the real purpose, a body camera points outward and records what community members are doing. Cop watchers and the civilians to get a few view of what is going on. We have yet to see a study to see if they end of incarcerating an increased number of community members and most of those are people of color. This addresses the main function it to hold officers accountable. The real use will be to spy on, criminalize and over police community members. Start your pilot program. We could have more input into the policies if the police association, negotiations were public. And I'm also really disturbed by the ability to review the footage in the field is one of the items that was just presented to you. I'm hoping you will put it on hold until the policy is in place. I know it's not a policy discussion today, Mr. Mayor, but you need the policies before you buy the technology. Thank you.

**Clerk:** Next.

**Wheeler:** If I could respond to dan because he's very thoughtful. I want to be clear, the timeline, the pilot will not be in the field until after the policies have been dominated -- adopted, just to be clear.

**Handelman:** You are asking for the vendors to present you with possible technology when you don't know the technology you need yet. You need to do the policy first.

**Wheeler:** There may be additional features or different ideas that they bring forth as well. I don't think we're trying to limit ourselves here. I do appreciate your testimony.

**Clerk:** Next up, we have Mariana Garcia Medina.

**Mariana Garcia Medina:** Good morning, Mayor Wheeler and Commissioners, thank you for the opportunity to provide testimony on behalf of the [indiscernible] of Oregon. I'm [background noise] Oregon. Hello?

**Wheeler:** Yeah, we hear you loud and clear.

**Garcia Medina:** Sorry, my computer monitor turned off so I wasn't sure. Today we are oppose this body-worn cameras without a fully developed policy in place. The city and police

bureau need a relationship of trust and collaboration with the computer. The city has created spaces to engage communities' members and stakeholders in matters involving public safety and the Portland police bureau, including the implementation of body-worn camera policy. However the bureau's recent emergency request for the city council to approve an rfp solicitation process for a body-worn camera system undermines the city's commitment to the community and policy making process. Technology features and vendor contract can drive the city's body-worn camera policy. For example, as Commissioner Hardesty mentioned, the [indiscernible] video footage vendor. The selected technology will not meet the city policy that requires video footage to detect the privacy. If the city proceeds with an rfp process and purchases the camera, it will be a significant expenditure for the city that does not include public safety or pose accountability and -- [indiscernible] privacy of community members. Significant powers by the city, including the ability to enter homes, suspects, and victims and stressful or upsetting situations. It is cruel a policy is in place to assure privacy and accountability. These cameras are not a desirable tool. It is the vision and policies that guide the use that make all the difference. That is why today we are urging the city of Portland and councilmembers to hold off on the purchase of body-worn cameras until there is a policy that has been developed by the city council with input from the community. Thank you.

**Clerk:** Next up we have Jake Dockter.

**Jake Dockter:** Thank you so much. And I want to echo the two previous people, Dan and Mariana, thank you for your testimony. The city is moving forward on body-worn cameras but I'm saddened by the lack of listening from maybe of our council. As Mayor Wheeler called out, we're also not talking about policy, but procurement. But I ask how can we spend money before we know on what or for what purpose? I heard Commissioner Hardesty say many, many times that budgets are moral documents and policy should come first, used to guide decisions before thinking is a shoot first ask questions later reaction. Perhaps this is consistent with p.p.b. Values as we have seen. Why does the rfp proposal includes items for the p.p.b. To review and tag in the field when the community demanded that not occur? For the procurement we need to ensure the conflicts of interest, p.p.b. Or p.p.a. Stock options making sure we're not benefiting the police over the benefit to the community. I want to thank Commissioner Hardesty, who regularly shown up on the issue for years and continued to over

the past weeks in December, the mental health alliance hosted a forum on cameras to hear our communities questions. Peace up as Mayor Wheeler commented hosted a session. And Commissioner Hardesty attended and an active participant as usual. I didn't notice the other councilmembers attending the meeting. As a white sis ally gender to our community, you don't need to hear my voice. I want to take the time to share those events. Disability rights Oregon provided amazing feedback and gave voice to the community often overlooked by the city. The people of Portland are making an enormous investment, they shared a plan that called for salient points. We need a a clear policy to prevent harm, clear access criteria and prohibit officers from reviewing prior to writing their report. However, that's been included in today's rfp. The urban league's Jennifer Paris Taylor called for us to envision values and what we would like to invest resources in. That's central to the discussion. We want to make sure a city more just and livable where families cannot only survive but thrive. The urban league of Portland was initially a proponent but due to finding no evidence, it reduces use of force, we caution against this. It is not the best use of the limited resources. The aclu Kelly Simon said the research shown body-worn cameras do not prevent police misconduct. We want justice, is it capturing the death on camera or is justice that they would be at today's city council meeting or providing testimony? Those are the things that we need to be questions and we need to be thinking about our rfps, they fund community or police further issuing accountable. As we know 82% of Portland police officers do not live in Portland. Money should be spent for community thriving, not police to cover their butts.

**Clerk:** Next up, we have Marc Poris.

**Marc Poris:** For the record, mark porous, he him pronouns. I am a dirty hippie who lives in northeast Portland. Mayor Wheeler, thank you for are minding us it's about policy. Asking you to vote no on the \$2.61 million-time purchase of 173 body-worn cameras and related services for the pilot program. This issue is not an emergency. And as the Mayor noted, we don't have policy in place governing the use of body cameras. The doj is not going anywhere anytime soon. And the body-worn cameras are not the last on the checklist. This is an issue folks think we can throw money at to make the doj to go away. The real problem is the deep dysfunction and supremacy and lack of accountable in there police bureau. We do not trust the police and our numbers are rising. You go toward gaining community trust by firing cops like 'Brian Hunt

Singer. He said this about the former p.p.a. President. It would be my preference to terminate the individual because they do not have the character required to be a police officer. You get dangerous and unethical cops off the force. As the Commissioner presents at Sunday's community forum on body-worn cameras, I believe Commissioner Hardesty has the best perspective on what the community is asking for. This is about procurement. Since some of you missed the forum, one stand out issue was the overwhelming community support for ensuring officers write their initial incident reports before reviewing any body camera. [audio cutting in and out] Rubio's officer sent representatives to the forum. I haven't heard from Commissioner Ryan's office to know whether or not he had a representative. But I had an exchange with Katie Meyer from Commissioner Mapps to say they weren't in attendance. Vote no at the least, Commissioners Ryan and Mapps, vote with Commissioner Hardesty seeing how she was the only Commissioner present at Sunday's community forum. Thanks for your time.

**Clerk:** Next up we have Reverend Dr. Mark Knutson. Looks like --

**Hardesty:** He's gone.

**Clerk:** Looks like he dropped off. So that completes testimony for this item.

**Wheeler:** Very good. Colleagues, any further questions at this point? Commissioner Hardesty.

**Hardesty:** Mayor, I'm curious as to why we choose an rfp route rather than a letter of inquiry route where we could ask the series of questions to vendors and have them ask -- answer them. Because again, as we've heard from the testimony, the impact statement actually does not reflect the reason why we are researching body cams. And so I just feel like we don't actually have to do an rfp, we could do a letter of inquiry to get senders to tell us what they have, how we can utilize it in the ways we want and we would get to choose. I don't understand why at this time to actually add six staff or Portland police bureau and a whole lot of internal stuff without actually knowing what we could possibly buy. And then after we know what we can buy, then we can figure out how much staff we will need. I see Dr. Reverend Knutson is back. Maybe I should hold my question. Mayor, and invited --

**Wheeler:** Why don't we have tammy answer the question and then we'll get to Dr. Knutson.

**Hardesty:** Why not a letter of inquiry? Why the whole rfp process if had.

**Mayer:** The letter of inquiry I've never heard of, I think you are referring to an rfi?

**Hardesty:** A letter of interest. You send to the same vendors you would send rfp to and you give them a series of questions to answer. If this is something the council decides yes we'll buy body cams, what we need to be able to do is compare apples to apples and that will give us a much cleaner response. I am concerned about all the things we're asking them to do that there is no policy that says we want them to do. What we're going to get back is a cost of a lot of things we haven't asked for yet because we have no policy around.

**Mayer:** Understood. I've only going to -- an rfi. We thought about rfp to layout the city's expectations, even if we ask for something and they can do it, it doesn't mean the policy is going to let us. So they can tell us how they can do it and it can be turned on and off. And then, on rfp doesn't tie us to moving forward. We can take that information and if we decide at that point that these aren't going to meet our needs, we can stop the solicitation at that point. But rfi is not something I actually considered.

**Hardesty:** I urge you to consider that. An rfp is an awful lot of work. As somebody who was, who ran my own business, that's a lot of work that you expect a vendor to do. Especially when we're asking them about so much stuff that we don't know if it will be an ultimate policy. I would actually want people to tell us how they are unique and how they are able to meet the needs of Portlanders. We're doing a cookie-cutter approach. And it's not going to give the outcomes we want. I highly encourage you to look into another alternative method that doesn't require vendors to give us their selling packet they give to the other cities but actually think about how Portland want to implement these cameras. Thank you. I'll stop there. I know Reverend Dr. Knutson is back. I'll be back.

**Clerk:** Next up, we have Reverend Dr. Mark Knutson. Reverend, you are muted.

**Rev. Dr. Mark Knutson:** After 2 years I'd get to the unmute faster. greetings Mayor and members of council. We appreciate your work always, your dedication, especially in times such as these. I'm a pastor of a church in Portland, as well as one of the founding members of the coalition forum and a member of the steering committee along with our chair and colleague Dr. Laroy Hanes and others. The amac had status in the federal court with the city of Portland and department of justice, the Portland police association and health alliance. We've been in mediation sessions and court sessions. A lot of times we're put into this. We've submit

today the court and department of just our recommendations to adopt the body cams for the sake of police accountability. That being the reason we were to do that, make this expenditure. Very importantly, it's been said policy proceeds acquisition. We can't underscore that. We've submitted recommendations if that were to be done. Most importantly is strong community input. I was glad to hear about that the other day taking place. Willing to work for that input as we have in the past. It has to be at the heart of the communities that have been adversely affected by policing. Communities of color in particular and persons of various sexual orientations. The second very, very important piece is officers not be able to view footage before the reports are fully completed. That must be in be any policy. The third is a third-party implementation and management. I heard that several times. We have others. Blessings in your important work. I can't underscore the need enough for policy. Thank you.

**Wheeler:** Thank you, sir. All right, colleagues any further questions on this item?

Commissioner Rubio.

**Rubio:** It's more of a comment. I just want to thank the folks that have testified today. And also acknowledge the councilmembers and staff or Commissioner Hardesty and council staff, and bureau staff and community members that attended the public forum. Over a hundred members gave critical input on how to best show up as a city in the program. We're one of the last cities to hold these conversations on body-worn cameras. But I'm glad we're having them in consultation with the community. I know that several of my colleagues that I personally talk to take seriously the policy implications that need to be considered with internal and external partners. Many of us engage in this way. For this reason, I want to reiterate our office will work closely with our councilmembers and also to make sure we have the right language that takes these requirements into account to get the desired outcomes we want. And so this ordinance will be in alignment with those conversations, I want to reassure community around that. We're committed to that. I'm confident we'll get there and I look forward to seeing the conversations and next steps.

**Wheeler:** Thank you, Commissioner. Commissioner Hardesty.

**Hardesty:** Thank you, Mayor and Commissioner Rubio. We're going to get this right. And I think it's important that we get it right from the beginning. And I wanted to say, I remember in -- seems like forever, in 2019 when I showed up on the city council, the policy that was

being deliberated was a policy negotiated behind closed doors in a previous contract with then Mayor Charlie Hayes. And the parameters made the police own the data, they would have controlled who had access to the data. And I was committed to never implementing a body cam policy that did not provide for police accountability. And so I worked with council colleagues to kill what was then a potential pilot program. And what I see in the rfp is the same kind of thinking that went into the policy that former Mayor Charlie Hayes actually worked with the place union and the previous contract. We're not in the place we were when Charlie Hayes did that. We're in a very different place. And we have specific needs around our body camera policy. And what we want it to do. In my mind, the only reason to invest millions of dollars in a body cam program is to ensure that we have an accountable police force. And that is what the doj is requested we do. Which means that the policy should follow the reason why we are doing what it is we're doing. As the Mayor said and as Commissioner Rubio said, we're not close to actually finalizing this yet. I'm looking forward to working with tammy and my council colleagues so that we get this right. And I will say, as a community member who is been working on this kind of issue for over 30 years, when the statement talks about building trust, you don't spend millions of dollars to build trust. And you can't build it with a tool. You build it because you have people who actually respect and serve everybody equally. The body cam is not going to rebuild trust. What is going to rebuild trust is having a police force that does not use excessive force against community members. That's going to rebuild community trust. And we have to do this right because if we don't, we'll be stuck with it forever. And we have too many policies in place that we're stuck with forever because we didn't do it right the first time. Thank you.

**Wheeler:** Thank you, Commissioner Hardesty. I'll put my 2 cents in here again, I appreciate the different perspectives on this. It's an important issue. I agree, Commissioner Hardesty, we absolutely want to get it right. I believe the process laid out by tammy is thoughtful, I think it's in the right consequence. I'm clear on the point there are many public discussions yet to be had around policy. There is still many processes that need to be completed, including our collective bargaining, continued conversations with the United States department of justice as well as others in the community. We'll continue to honor those commitments. I want to be very transparent so everybody knows where I stand, I absolutely support having body-worn

cameras on Portland police bureau officers. I think it's critical a important not only for accountability but also community trust. But agree we need to do it right and continue down the thoughtful timeline that tammy laid out for all of us to get it done right. Here at the beginning I also understand that people would like a little more time to digest this issue so we will not be hearing this item, we'll not by taking a vote on this today even though it's slated as an emergency item. What I propose is we continue this item to February 9th for our regular morning session. We could at that time take amendments or choose to delay it again. But it would my hope and expectation we get all of our questions answered and we're prepared to be able to take the vote on February 9th. The written record will remain open. If there is people in the public who are listening to this on one of our various channels and you are inspired to chime in, please feel free to do so until February 9th. Just to make sure I get this right, legal counsel, until what time? Until the beginning of meeting session at 9: 30 or when should we leave the record open until?

**McGair:** I believe the notice you provided already on the agenda says until 9:30.

**Wheeler:** Okay. I want to be clear the agenda I'm looking at says February 2nd. I want to make sure it's February 9th for the record.

**McGair:** That's correct. February 9th.

**Wheeler:** Very good. I'm working off an old document. No surprise. Thank you, everybody who testified. Thank you, tammy for an outstanding presentation. Thank you, colleagues for thoughtful comment said.

**Hardesty:** Mayor, if I may before Tammy. I want to appreciate Tammy. We've had the pleasure to work together for a lot of years. And it was funny, we had a conversation on Sunday night about the technology oversight committee and tammy didn't know they were all volunteers that were donating their time. And I wanted to make sure that people didn't leave that meeting thinking tammy was misrepresenting the technology oversight committee. Because she's the most honest person I've met, almost in my entire life. And I just wanted to put that on the public record. Tammy works hard. And tammy knows when I ask questions, and she's good at briefing council I will say more than some folks, and but when tammy briefs, she answers all the questions, never any hesitation. Tammy, I want you to know how much I appreciate working with you over the last three years and how much I admire you. Because

you answer the questions and wherever they lay they lay. Thank you so much for your service to the city of Portland.

**Wheeler:** Commissioner Hardesty, thank you for acknowledging the great work that our employees do. And you frequently do that. I think that's awesome. Since you are setting that standard, I'll add one more talking point to the tammy appreciation day. Tammy, back in 2020, I suspended the body-worn camera program. And I want to be clear why. I supported the program prior to that. I supported funding in my prior budgets to make sure that we started the process of securing body-worn cameras for police officers but I did suspend the program 2020, along with every other nation program we had in the city of Portland as a result of \$100 million budget short fall. We put it on ice along with every other pilot program currently under consideration. You took it with grace, you put your blood, sweat and tears and never once complained to me or a member of my staff. That shows what kind of a public servant you are it speaks to your integrity and the thoroughness of your presentation is one more example of the amazing people who work for the city of Portland. Like Commissioner Hardesty said, it's an honor to serve with you. Thank you for your presentation today. This item is continued then until February 9th during our morning session. The record remains written record remains open until 9: 30 a.m. On February 9th. Thank you, everybody. We'll move to item 56 on the regular agenda. This is a second reading.

**Clerk:** Adopt meter rate adjustment for the northwest parking management district within the restricted event district.

**Wheeler:** Colleagues, this is a second reading of a nonemergency ordinance. We've already heard a presentation. We've taken public testimony on this item. Is there any additional information for the record? Seeing none, Keelan please call the role.

**Clerk:** Rubio.

**Rubio:** I want to thank Commissioner Hardesty and p.b.o.t. For bringing this forward I'm glad to hear this proposal has the support of the neighborhood and takes into account our polls. I vote aye.

**Ryan:** Aye.

**Hardesty:** Aye.

**Clerk:** Mapps.

**Mapps:** Aye.

**Wheeler:** Aye. The ordinance is adopted. 57. Also a second reading.

**Clerk:** Amend upper northwest parking definitions code to revise the definitions of long-term meter and short-term meter.

**Wheeler:** Also a second reading. Any further discussion on this item? Seeing none, please call the roll.

**Clerk:** Rubio.

**Rubio:** Aye.

**Clerk:** Ryan.

**Ryan:** Aye.

**Clerk:** Hardesty.

**Hardesty:** I want to take a moment to really appreciate p.b.o.t. Staff. Anytime you can raise parking meter rates and have not person come to council to testify in opposition, you've done your work well. I applaud the team that made this happen. I vote aye.

**Clerk:** Mapps.

**Mapps:** Aye.

**Wheeler:** Aye. Adopted. 50 please, Keelan.

**Clerk:** Appropriate a grant in the amount of \$50000 from state of Oregon to update the economic opportunities analysis black indigenous and people of color outreach project.

**Wheeler:** Commissioner Rubio.

**Rubio:** Thank you, Mayor. This ordinance accepts an Oregon department of land conservation development grant for black indigenous outreach as a part of b ps economic opportunity analysis or eoa for short. They will use the \$50000 grant to for engagement with the black indigenous and people of color communities on issues related to the update of the eoa. Tom Armstrong, the project manager for bps to provide more details on the grant and project.

**Tom Armstrong:** Good afternoon. I think Commissioner Hardesty was about to say something. I'll let her go first.

**Rubio:** My apologies, Commissioner.

**Hardesty:** I was going to explain why I asked you to pull it off the consent agenda. I thought this is such a critical issue that I thought it was important that we have a public conversation about it. So you know, I'm onboard but I want to know, okay, we got \$50000, which is, you know, not nothing. But how is it going to have an impact on the communities it's supposed to serve?

**Armstrong:** Great. Thank you. Very good question. And that sort of the intent behind it is what drove us to seek this grant from the state. So the eoa is a state-mandated analysis that's part of the comprehensive plan. And the city needs to show or demonstrate that we have the zoning or development capacity to meet expected economic and employment growth. And with a new forecast out of metro, our current eoa was adopted in 2018 as part of the 2035 comprehensive plan. And now we will extend that out to 2045. And the reason that we're doing this now is in 2018 that eoa showed that the industrial land supply was tight. Since then, all of the growth that we have seen in warehouses in our industrial areas, it's getting tighter. And so, as part of this eoa update, over the next 12 to 18 months, we're really looking to focus on some key issues. Again, employment growth, especially in the industrial areas, where our capacity is the tightest. And at the same time, we have a lot of other demands on the land in that area, especially in terms of environmental and watershed health. We'll be looking at the e zones along the Columbia slough, the new fema floodplain along the risk and how we take the need to provide those protections into account with our industrial land capacity. And eventually, where that gets us is if that land capacity is tight, how do we create a long-term vision for shared economic prosperity, especially for people without college degrees, which is where sort of the industrial jobs really provide those middle wage quality jobs for people without four-year degrees. We have a constrained supply in the industrial area, how are we, what are the other opportunities? What are the programs do we need to support those opportunities? And then finally, specific to this grant, you know, when we did this work as part of the comprehensive plan update, it was, you know, pretty wonky, inside policy discussion between the industrial businesses and the business districts, the working waterfront coalition and the environmental groups. And that tug of war that's gone on with the north reach for many years. This time around, we're trying to expand that discussion. And you know, we're looking to engage labor groups into that discussion, not just hear from the

businesses but more from the workers. Because there is so much focus on middle-wage jobs, shared economic prosperity, reducing the racial economic disparities, we wanted a specific outreach to the b.i.p.o.c. Community about where they are working, what kind of opportunities do they want in the future and how we can support them going forward. And that's what this grant is designed to supplement our staff the project and have a real focused effort with that outreach.

**Wheeler:** Thank you, tom. Commissioner Hardesty has a question.

**Hardesty:** Thank you very much, tom. That is really helpful. I'm curious if you have a Trimet at the table? I hear from industrial business owners all the time that the challenge of getting workers to those industrial sites at different times of the day and night knowing that those are good living wage, family wage employment opportunities that people can't get to because we know low-income people don't have access to the kind of transportation that will get them to those great jobs. I hope -- so are you talking to folks that actually have that kind of infrastructure opportunity as well?

**Armstrong:** You know, I think yes we will engage Trimet as part of this. And I think that's the cross over between sort of the economic vision policy and then how that plays out in not only the zoning plan but with p.b.o.t. And getting sort of transit access and how employees are getting there. We've done a lot of look, especially east Portlanders and where they work in the Columbia corridor to river gate and the north/south transit conditions and the p.b.o.t. Trimet discussions about new and enhanced lines on 122nd avenue and 162nd I believe. The north south connections to access the jobs like you are saying.

**Hardesty:** Thank you. I'm glad we're having the conversation. I think it's important that we don't leave out the fact there are barriers to people getting to jobs that don't require high tech skills but provide for a family wage opportunity. Limiting a city with a 97000 plus medium income is frightening for folks working two, three, \$15 an hour jobs. We have to make sure people get access to the good family wage jobs. Thank you. Good work. Glad you are doing it.

**Wheeler:** Keelan, do we have any public testimony on this item?

**Clerk:** No one signed up.

**Wheeler:** Colleagues, this is an emergency ordinance. Any further discussion? Please call the role.

**Clerk:** Rubio.

**Rubio:** Thanks again to pbs staff and especially Tom Armstrong for your hard work on this project. I vote aye.

**Clerk:** Ryan.

**Ryan:** Thank you, tom, for being here. Helpful to listen to your report. Vote aye.

**Clerk:** Hardesty.

**Hardesty:** So sorry you had to wait so long but I'm grateful we had the conversation. And thank you, Commissioner Rubio for your leadership and commitment to climate mitigation and minimum-wage jobs. I vote aye.

**Clerk:** Mapps.

**Mapps:** I would like to thank you Mr. Mayor and -- Commissioner Rubio and tom. I vote aye.

**Clerk:** Wheeler.

**Wheeler:** Aye. The ordinance is adopted. Last item for today is item number 51 also pulled off the consent agenda.

**Clerk:** Accept ongoing disperse respects of stay of Oregon statewide transportation improvement funds for Portland streetcar from Trimet and authorize an agreement.

**Hardesty:** Thank you, Mayor. I'm taking this back to my office. I thought it had been pulled.

**Wheeler:** This is pulled by Commissioner Hardesty's office without objection. That finishes the agenda, correct?

**Clerk:** It does, Mayor.

**Wheeler:** All right. We're adjourned to 2: 00 p.m. Thank you, everybody.

**At 12:14 a.m., Council recessed.**

## 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. The official vote counts for council action are provided in the official minutes.

Key: \*\*\*\*\* means unidentified speaker.

January 26, 2022      2:00 p.m.

**Wheeler:** Are you our clerk this afternoon?

**Clerk:** It is me mayor.

**Wheeler:** It is you Keelan. Good afternoon. This is the afternoon session of Portland city council on Wednesday, January 26. Please call the roll. [roll called]

**Wheeler:** All members of the council are attending remotely and the city has made several avenues available to the public to listen to the audio broadcast of this meeting. This is available to the public on the city's YouTube channel, e gov, pdx. Council does taking these steps as a result of the covid-19 pandemic and to promote physical distance. This threatens the public safety and health and welfare. Thank you for your continued patience, your flexibility and understanding as we manage through these challenging circumstances to conduct the city's business. With that, we will hear from legal counsel on the rules of order and decorum.

**Wendy Hain:** You could sign up for public testimony on resolutions reports or the first readings of ordinances. The published agenda at [www.Portland.gov](http://www.Portland.gov) contains information on how to sign up for testimony while the city council is holding meetings. Your testimony it should address the matter being considered at the time. When testifying state your name for the record. Your address is not necessary. Disclose if you're a lobbyist. If -- individuals generally have three minutes to testify. Disruptive conduct, shouting, refusing to conclude your testimony when time is up or interrupting other's testimony and council deliberations won't be allowed. If there are disruptions a warning will be given and may result in being ejected from the meeting. All council meetings are recorded. Thank you.

**Wheeler:** Thank you. First item and only item for this afternoon, Keelan, item 58, please.

**Clerk:** Approve amendments to Settlement Agreement between the US Department of Justice and the City of Portland.

**Wheeler:** Doj sent us a notice based on the demonstrations in 2020 as well as other issues. The city has been in mediation with the department of justice and the Portland police administration and the Alberta ministerial alliance and mental health alliance regarding remedies based on that notice. The council must consider this. The doj proposed nine remedies. The proposed remedies are an important step in response to the demonstrations in 2020. The council will take it public testimony on the proposed remedies today. However, the council will not vote on the remedies today. After public testimony we will carry this item over until February 9th for further consideration. We will continue to accept written comments until February 9th. This will allow council and the public to consider the findings of the oir groups resistance to change within the Portland police bureau. I expect the group's report to be released by the end of this month. I would also at this time like to invite the u.s. Department of justice to review the oir group report and provide any recommendations based on that report. We will make sure they get it as quickly as I get it. Remedies under discussion today are focused on the doj's concerns arising out of 2020. The doj reserves its ability to seek additional remedies in the future. This is their right and we acknowledge it. The remedies are important first step addressing concerns arising out of 2020. It is my understanding that the department of justice would like the council to proceed with its considerations of these proposed remedies. I'll turn it over to the city attorney's office to walk us through the proposed remedies. Good afternoon.

**Robert Taylor:** My name is Robert Taylor. I'm the city attorney. I want to thank those that were part of the process. Council, mayor, council staff, auditor and her staff as well as the ppa and mental health alliance and Alberta ministerial alliance and thank Heidi Brown during this process. I want to recognize judge Beckerman for her work as mediator. It is outstanding in this process. Before I walk us through the remedies I want to address some recent issues that the department of justice sent us a letter on the 18th expressing their concern about our chief presentation. I provided a written response to them yesterday in advance of the pcep meeting and in advance of this council hearing. In response to the doj we provided the

records they asked for. We also provided an explanation for how the information was provided to them and the timing around that. I take responsibility for balancing the competencies I had in my mind at the time. If I had to do that over again I would do it differently. I take responsibility for that and apologize for that. We asked if the DOJ would be available to talk to council today also. I understand from them that there's federal lobbying rules that prevent them from speaking in this forum in front of elected officials but they can present at the other community forums. They have tone that in those places. As the mayor mentioned, I do understand from them and we had several conversations in the last week and I asked them if they wanted us to proceed with considering these remedies or if we should delay it. It was their belief that we should continue with these remedies that were focused on remedying the issues that we saw in 2020. So with that, if there's any questions I'm happy to answer them now or I can proceed with the discussion of the remedies.

**Wheeler:** Only one thing. Thank you for your apology. I cannot let you stand there alone and take the blame or the criticism for this. I was not raised that way. You gave me your best legal advice and Heidi, you did too. I think your legal advice has historically been outstanding and I appreciate it. It is just that, it is advice. I accepted that advice. I'm as much involved in that decision as you. So while I appreciate you taking one for the team, I can't let you take it alone. I stand right with you. It could have been handled better. I think we all learned something from this. This is why I appreciate you, outside from being an outstanding attorney, you're a decent person. Frankly at the end of the day that is what counts more. I'm in complicit in this as anybody. I learned from the experience, heard from my colleagues and others and I stand right there with you. So thank you for that. This has always been a team effort. This is a group effort. I appreciate the way you handled this. Thank you. Commissioner Hardesty.

**Hardesty:** I wanted to say the same thing. Robert inherited like you did and many council colleagues. It is not broken yet to say somehow our attorneys failed us. I'm the person on council who has been involved in the US Department of Justice settlement agreement the longest as part of the group that helped bring them to the city of Portland. So I can tell you that we have had excellent partnerships with community and the city of Portland and the attorney's office and where there's agreement we worked well together and where there's been disagreement there's been respectful disagreement. This is easy to fix a long time ago. I

stand with you mayor Wheeler. I've been here for 14 years with this agreement. Many of you are new kids on the block. It is difficult from day one and continue to do so. I love the fact that we have a dedicated team in our city attorney's office that are committed to making sure that Portlanders have trust and faith in the system. I agree with the mayor, Robert you're fabulous. You have a fabulous team. We were lucky to get them. Enough of the love fest but I know who you are, Robert, as a person. That's not appropriate for you to take that on your shoulders.

**Taylor:** I really appreciate that mayor and commissioner Hardesty, I really do. It is important for me to take responsibility and apologize I really appreciate the support through this. What I would like to do is go through the remedies and refer to them by the paragraph number, that's how they're listed. So folks are following along, that's what I'm referring to. The first is in paragraph 188. That's a requirement that the bureau revise their fdcr and after action reports and the name of the officer filling out the report and the tate submitted and capture that seam type of information in any edits done later in any other level of review. The long-term solution and an interim resolution. We have funded that implementation. So that's under way. Paragraph 189, this is the requirement that outside entity be hired to do a critical assessment and need assessment based on the experience in 2020 responding to demonstrations. Council budgeted 300,000 dollars no that previously and we have committed to the department of justice that if additional resources are ness we who find that. It is likely it might cost more than 300,000 dollars but we're very close to finalizing our choice of who we're going to go with as far as who the outside consultant is. I got a meeting scheduled tomorrow with the department of justice to talk to them on that specific issue. Next paragraph 190. This is a requirement that the bureau this year and in future years separately budget overtime for training purposes. That's intended to avoid the problem where there's a lot of overtime and there's not enough left in the budget to cover expenses related to training. That's something the bureau has done and will to in the future starting with the current budget. In paragraph 191, this is the requirement that the city hire a qualified civilian professional to lead all aspects of the training division.

**Wheeler:** Robert. I want to make sure, you're not supposed to be walking us through a powerpoint or something, correct? You're just reading this, correct?

**Taylor:** I'm just -- I'm just reading it.

**Wheeler:** Just want to make sure.

**Taylor:** And the full document, if folks at home or elsewhere want to follow along, it is exhibit a to the ordinance. The purpose is to provide professional adult learning expertise when developing the training division curriculum. That's something other cities do. It is a very -- it is it -- other cities found that useful in the DOJ also believes it would be helpful. Paragraph 192 is the accountability division and it requires IPR investigations into higher level people who did training related to crowd control. Also incident commanders and directions they gave and their reporting requirements and review requirements afterward. Then also commanders and above for -- for not properly clarifying any misunderstandings or misapplication of the PPE directives. I want to call out there was a provision that was added to that after a subsequent mediation between the DOJ and the mental health alliance and Alberta ministerial alliance. That last sentence confirmed everybody's commitment to also perform investigations of anybody at any level in the bureau if that was discovered as part of any of the investigating that were ongoing. Paragraph 193, that's a relatively simple. We'll have precinct meetings by December 20th. 194 deals with the body worn cameras issue. I know council also heard an ordinance this morning on procurement of those. The council is carrying that item over to February 9th and also this ordinance over here, February 9th. The way paragraph 194 is structured is an attempt to satisfy the DOJ's competing demands and ability to collectively bargain with the union. We will fulfill our obligations and there's a process for public input on body worn cameras. The court can ask for status updates on the bargaining and the department of justice reserves its rights to -- to review anticipate policy and proceed to immediate enforcement if they felt that the ultimate body worn camera policy doesn't satisfy its compliance concerns. Paragraph 195 deals with the transition from IPR to the new civilian publicize oversight board. It has two provisions, the first is the plan for transition of IPR employees so that we can be assured that they're retained to do the work necessary under the settlement agreement. The council will submit a map to the DOJ. The auditor will submit a plan to the DOJ on how to handle that transition. If the DOJ approves both of those plans then it would be up to council as the ultimate policy body in the city to make the decision which one to pursue. The last provision outlines the process for the transition to

the new oversight board. It would provide, the commission has been appointed. They had 19 months to develop code changes for council. Then there's a process for council to review those along with the DOJ and council ultimately vote on the code changes and from there council would have -- or the city would have 12 months to fully implement those changes that come out of the commission's work. With that provision and with the body worn camera provision and other provisions in the settlement addendum what we have agreed to with the DOJ is some deadlines that are aggressive, but I think it is good to have those red lines so it gives us something to shoot for. As long as we're making substantial progress toward those deadlines DOJ will give us grace on those deadlines so we can achieve our mutual goal of implementing these remedies. That's -- that's the summary of this. I'm happy to answer any questions.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you mayor, thank you Robert. I want this question answered on the public record. As you know the commission has had their second meeting and will be having a third meeting soon. When we appointed that commission, we told them they had 18 months to conclude their work. Based on us being found out of compliance and based on the new DOJ requirements when does the clock start for the commission in order to meet that 18 month timeline?

**Taylor:** The 18 month clock starts when the court enters this as a remedy. The clock has not started yet. I'm glad the commission is meeting and doing their work.

**Hardesty:** Me too. I only wanted that on the public record because there's members that are concerned that the date is going to be different and their work developed the recommendations that the council will adopt and not worry about the clock but know that 18 months is the time they've been given since they were appointed. I wanted that to be on the public record because I had conversation with some members that are confused by that.

Thank you.

**Taylor:** Thank you.

**Wheeler:** I think that is it for now. Robert does that complete your presentation?

**Taylor:** Yes.

**Wheeler:** How many people to we have signed up for public testimony. Three minutes each.  
Name for the record.

**Clerk:** Dan Handelman.

**Dan Handelman:** Good afternoon.

**Wheeler:** Dan, we can't hear you.

**Handelman:** My phone was muted. Good afternoon, mayor, members of council, saw you again this morning. I'm Dan Handelman, I'm representing cop watch and a member of the ministerial alliance for police reform and the police accountability commission. Our group cop watch does not have major concerns about most issues of concern to you. However, as noted in body worn cameras, we feel strongly that the cameras must be decided upon before the city implements the plan. I heard Hardesty ask to change the rfp to request for information and there was no discussion on that. I hope that will be a solution to not spend money on equipment that doesn't meet the need of the public. We share concerns that if officers get to review footage before testifying or writing reports the city should not get the cameras at all. It has to be reasonable based on what the officer knows at the time. Reviewing the video allows the officers to change their story. Officers that engaged in improper conduct. This is also up to a year after the oversight board. Why they have serious laws, they want to keep the staff active and leaves only police investigating police misconduct. The city has had civilian oversight. There's no reason to step backward. We urge the council once the members are adopted and visited by the judge, set a structure beginning on July 18th, 2021 when you vote on the resolution. That would give us a year from today for the plan. While the city offers an opinion, it would be better to amend that. The citizen review committee should look like the oversight. Remove the impediments on the crc which requires them to refer to decisions if a reasonable a person could come to the same conclusion. The new board and according to the charter the discipline for the officers. Crc would let them make decisions based on the document. The last two items are not what you need to do now. We urge council to take action right away. Thank you for your time.

**Wheeler:** Thank you.

**Clerk:** Debbie Aiona.

**Wheeler:** Hi, Debbie.

**Debbie Aiona:** I'm Debbie Aiona. I represent the league of women voters of Portland. These are related to police accountability for 40 years and the city tracks with the department of justice. We encourage council to sign off on the nine remedies in the agreement and appreciate the extra effort taken by the parties to engage in additional mediation. Clearly the time was well spent. We have several specific comments to share. It is essential that the body worn camera policy includes provisions that prohibit violations of ORS 181A that protects first amendment rights. Further, thorough process should be done before committing to order cameras. They should provide the direction necessary for the city to acquire suitable equipment. The league agrees with authorizing this conduct, investigations of police personnel with rankings below lieutenant who were involved in crowd control events. The city to develop a plan for smooth transition between IPR and the oversight board. The addendum includes a January 21, 2022 deadline for submitting plans. We wonder when they will be made available to the public. It is critical that the city have a functioning oversight system at all times during the transition. Finally the importance of leadership and over educational aspects became more evident upon the recent release of the RRP presentation slide. We encourage you to give the new civilian head the authority to put an end to the use of training materials with objectionable content. Thank you for considering our comments.

**Wheeler:** Thank you.

**Clerk:** Next up we have Edith Gillis.

**Wheeler:** Good afternoon.

**Edith Gillis:** Good afternoon. Since cops can control their cameras, the views, the data, its use or loss, money wasted on body worn cameras is more defunding of what we really need which is preventing, investigating, and solving crimes and caring for crime victims. If you're going to be doing this, I want to make sure that we use body worn cameras to protect the public, our human and civil rights and really hold police accountable. Honestly and thoroughly. So far the police work across agencies. Especially if you have agencies coming in and sharing the guilt in protests. Most judges are pro police. Police body worn cameras can be turned off and not properly charged and damaged and lost, and they could have the lens compromised. Stand in front of a car door so it blocks the camera view. It is easy for the cameras to prevent showing what it wants. We see police turning their backs to the criminal

police committing assault and battery. If they had cameras, it would not show the crimes committed by the police. What they're doing is they're filming, if they had cameras, and some have their open little cell phones that are used illegally to film the protesters to intimidate them. Others block the view of journalist and bystanders. Other cops use their cars to prevent the cameras from being able to process or film things. Police have prevented folks from coming around and have arrested them for not vacating an area before the police can make their preplanned crimes. Cops don't obey the rules and the law. They don't follow the training. If they have good training they abuse it. We've seen this in Minneapolis. All of this was done with those that had equity training and body worn cameras and they had all of this oversight and none of the so called reforms changed anything. They could have investigations internally, change the evidence, they could use stingers and the radios to prevent uploading or to damage it. Any kind of digital stuff can be hacked. It could be destroyed. The cameras and the storage, there is so many ways to create a false narrative and support each other in that. You could talk to the against attorneys that have not been able to access body worn camera footage to show it is not the in service of the public.

**Wheeler:** You're over your time. Thank you. Commissioner Hardesty I think has a question for you.

**Hardesty:** Thank you. I want to say welcome back Edith Gillis. It is great to hear you sound so strong and you're regaining your voice and your voice has been missed at city council. Just wanted to acknowledge and welcome you back.

**Gillis:** Thank you, don't get a traumatic brain injury.

**Hardesty:** I'm happy that you're on the road to recovery and you stronger and more like yourself. Just want you to know how happy I was to see you pop up today. I also mayor, wanted to take a moment to really appreciate dan and Debbie who are part of our rethink commission. We have put an enormous amount of work on community members of people that are open-minded and will engage all communities in helping us develop what would be our oversight committee. I know both Debbie and Dan, between them, have over 60-some years of working on these issues. I want to publicly say thank you for investing more of your time into helping us build the oversight system that the community and the police will trust. So thank you very much.

**Wheeler:** I think we have one or two more people.

**Clerk:** One more, next up is Rev. Dr. Mark Knutson.

**Rev. Dr. Mark Knutson:** Thank you. Thank you for your dedicated work. It is not easy to be a public servant these days. We keep you in our prayers. As part of the albino ministerial alliance that was formed almost 20 years. We've been in federal court as a friend of the court, the police bureau at the point of justice and the mental health alliance. We support these. We had concerns, especially with the balance around the 2020 protests and getting to the bottom of that. We want to make sure we underscore the qualified civilian dean and that will be important for community input. I see Hardesty shaking her head. Of course the implementation of the immunity oversight board will be very important. Going back to the body cams, if those are to be implemented again. Input. You keep that strong. Communities are adversely effected. It is important so officers cannot review footage as I said this morning before they file their reports. Let me say this. I don't know how many mayors we've been within 20 years and how many police chiefs and council people in this process. I want to speak clearly the two groups in the last ten years was Michael Simon that have been very consistent in the same people coming in and again and again in the department of justice. There's been changes in other places in leadership. It is important that we keep judge Simon as our lead on this. He's going to be there, either way. I want to say too, ads you all know, this is just some remedies. We've been talking about this, we respect their opinions, it is a mosaic. We have to envision what immunity based peacekeeping is. What does that look like. We'll look at the picture of you and any part of the mosaic with the settlement agreement. That's not the end all. As I saw 82 of the police live outside the city. The diversity that makes up and we need peacekeepers and community based too and people that can help change the culture, not only here but in the nation. I appreciate the work. Keep the faith and keep on going.

**Wheeler:** Thank you. Appreciate it. All right. Colleagues any further discussion or questions at this point again? We're not going to vote today. We're going to continue this conversation for a bit but before we to that any comments or questions? Commissioner Hardesty.

**Hardesty:** Real quick, I thought we were at the end of testimony, I wanted to add Dr. Rev. Knutson to the list of folks that been working on these issues for 30-plus years here in the city. That's all. Thank you.

**Wheeler:** Thank you. I did have a question of legal counsel. I know that we're going to continue this item until February 9th. It is my understanding it is going to be a time certain. Maybe Keelan, this is directed to you. Do we have a time certain for this?

**Clerk:** We do have a 1005 available.

**Wheeler:** And this is on February 9th. So colleagues we're continuing this item until February 9th, time certain 10: 05. We will keep the written record open until the beginning of that session that starts at 9: 30 a.m. So people are inspired to comment or have additional thoughts, we would welcome those additional thoughts in writing via e-mail. Any further?

**Hardesty:** I'm curious if we will have the information from the community engaged policing committee on the -- on -- of the testimony that they collected around body cams before the vote?

**Wheeler:** I do not have that information at this particular time again if we get to February 9th and the council feels they do not have adequate information to be able to make a decision at that time, we could take it up at that time.

**Hardesty:** Thank you.

**Wheeler:** In other words, nothing is in stone. Great. Thank you all. Keelan, that completes our business.

**Clerk:** Yes.

**Wheeler:** Thank you, everybody. We're adjourned.

**At 2: 41 p.m., Council adjourned.**