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# 191189

Emergency Ordinance

## \*Authorize an alternative selection process for the Compliance Officer and Community Liaison contract to comply with the City of Portland and Department of Justice Settlement Agreement

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. In July 2015, the United States District Court for the District of Oregon entered the Order Entering Settlement Agreement between the City and the U.S. Department of Justice (DOJ) in the matter of The United States of America v. The City of Portland, Case No. 12-cv-02265-SI ("Agreement").
2. Through this Agreement, the City is responsible for hiring a Compliance Officer and Community Liaison (COCL) with expertise in police practices, community engagement, and crisis intervention methods, to perform duties identified in the Agreement.
3. The COCL is responsible for collecting, reviewing and reporting on data related to the Portland Police Bureau's (PPB) interactions with persons experiencing a mental health crisis, use of force, PPB supervision and management of use of force, accountability processes, and training.
4. The COCL independently examines and synthesizes the data for the purposes of reporting to the City Council, the United States Department of Justice and the public on the City's compliance with the Agreement.
5. The Agreement requires that the City publicly identify three potential candidates to serve as COCL and take public comments for 30 days, following which the City Council shall make the selection.
6. Ordinance No. 186170, unanimously passed by the Council in 2013, committed the City to providing early and ongoing opportunity for the

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#)

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Monday - Friday, 8:00am - 7:00pm

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

March 1, 2023

Albina Ministerial Alliance Coalition for Justice and Police Reform and other community stakeholder groups to participate in the process for selecting candidates for the COCL. More recently, the Mental Health Alliance was added as an amicus to the court, and will also have opportunity to participate in the selection process.

7. In accordance with the Agreement, under Ordinance No. 186966, the City Council authorized a contract with Rosenbaum & Watson, LLP, as independent Compliance Officer Community Liaison (COCL). Contract No. 30004378.
8. Since January 15, 2020, Rosenbaum & Associates, LLP, including Dr. Dennis Rosenbaum and other key personnel on the COCL team, has performed such services under Contract No. 30007128. The contract has been amended four times: 1) to extend the term to March 31, 2021 and amend the not-to-exceed amount to \$499,526.55; 2) to extend the term to June 30, 2022 and amend the not-to-exceed amount to \$1,016,412.04; 3) to identify three additional key personnel on the COCL team and to move the contract management function to the City Attorney's Office; and 4) to extend the term through June 30, 2023, increase compensation, revise the Statement of Work to be more specific, identify additional key personnel and provide for further one-year extensions.
9. Exhibit C to Contract No. 30007128 is a Statement of Work incorporating the COCL duties required by the Agreement. Attachment A.
10. Dr. Rosenbaum has notified the City that he intends to retire on June 30, 2023, although he has expressed his willingness to work through August 31, 2023, to ease the transition to the next consultant who will provide these services.
11. The City is currently in mediation with the DOJ on the question of whether an independent monitor might perform assessment and monitoring duties required by the Agreement, including those now performed by the COCL. Should the Agreement be amended to transition from the COCL model to an independent monitor, the City would terminate the services of the COCL. Participation in this COCL procurement process will not preclude any party from later being a candidate for independent monitor.
12. The City remains under the terms of the Settlement Agreement and must continue to contract for services with the COCL. Because of the specifics laid out in the Agreement, a Request for Proposals process is not the appropriate avenue for selection of the COCL. An alternative selection process is suitable in this instance and a waiver of the solicitation requirements of City Code 5.68 is appropriate.

13. Awarding the contract for COCL services as a Contract-Specific Special Procurement is unlikely to encourage favoritism in the award of public contracts or to substantially diminish competition for public contracts, and substantially promotes the public interest in a manner that could not otherwise practicably be realized by complying with the solicitation requirements under Portland City Code 5.68.

NOW, THEREFORE, the Council directs:

- A. The solicitation requirements of City Code 5.68 are waived, and the Chief Procurement Officer (CPO) is authorized to use a Contract-Specific Special Procurement such as a Request for Resumes for determination of the Compliance Officer and Community Liaison contract.
- B. The CPO shall report to City Council summarizing the results of the solicitation and the public comments received on the finalists ("Report"), and identifying the candidate deemed most qualified and appropriate to the City's requirements.
- C. Upon Council acceptance of the CPO's Report, Procurement Services is authorized to negotiate and execute a contract with the candidate, provided the contract has been approved as to form by the City Attorney's Office.

Section 2. The Council declares that an emergency exists because a delay would create substantial risk that the City would be deemed out of compliance with the Settlement Agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 [Attachment A](#) 168.81 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
March 1, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

Under the City's Settlement Agreement with the U.S. Department of Justice ("Agreement"), the City must retain the services of a Compliance Officer Community Liaison ("COCL"). Dr. Dennis Rosenbaum, who has led the COCL team since 2015, is retiring this summer and the current COCL agreement, Contract No. 30007128, will terminate. Under the proposed ordinance, the City Council will hire a replacement COCL team, following an alternative selection process that conforms to Agreement requirements. The process will engage key stakeholder groups involved in the Agreement, and will include a 30-day public comment period. The Chief Procurement Officer will report on the results of the solicitation and will identify the candidate deemed most qualified and appropriate to the City's requirements. If the City Council votes to accept the Report, City Procurement Services will negotiate and execute the contract.

### Financial and Budgetary Impacts

The current contract compensates the COCL for \$440,000 in services annually, plus reimbursable travel and other expenses. Projected costs for FY2023-24 will be one factor in evaluating candidates for the COCL contract.

### Community Impacts and Community Involvement

Selection of the COCL requires a community engagement process, and the Albina Ministerial Alliance Coalition for Justice and Police Reform, the Mental Health Alliance, the Portland Committee on Community-Engaged Policing and other community members will be invited to participate. The COCL's scope of work involves reports to the community about the City's progress in implementing the Settlement and policing reforms related to use of force, particularly with respect to individuals in mental health crisis.

### 100% Renewable Goal

Not applicable.

### Budget Office Financial Impact Analysis

The Attorney's Office Anticipates that expenses for a new Compliance Officer and Community Liaison (COCL) contract will be substantially similar to the current COCL costs which are budgeted with ongoing resources in the Special Appropriations budget. The current contract expires June 30, 2023 and compensates the COCL for \$440,000 in services annually, plus reimbursable travel and other expenses.

## Agenda Items

### 173 Consent Agenda in [March 1, 2023 Council Agenda](#)

Passed

Item 173 was pulled from the Consent Agenda for discussion.

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Absent

Mayor Ted Wheeler Yea