



CITY OF

PORTLAND, OREGON

DEPARTMENT OF PUBLIC UTILITIES

Bob Koch, Commissioner
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Portland, Oregon 97204
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Thank you for your recent letter regarding the city's personnel ordinance.

In November of 1986 the citizens of the city of Portland voted to transfer personnel administration duties from the Civil Service Board to the Personnel Bureau. The recent personnel ordinance is a result of this citizen mandate.

The communication to request an additional public hearing on the personnel ordinance was received and heard before the council. I requested that the personnel ordinance be referred to Commissioner Blumenauer's office, the originator, and that additional testimony be heard. Commissioner Bogle and I voted in favor of such a hearing and referring the ordinance back to Commissioner Blumenauer.

City officials benefit from individual citizens who take the time to share their concerns with us. I want you to know that I consider all opinions shared with my office.

Any further questions you might have regarding the personnel ordinance may be directed to Commissioner Blumenauer's office or to John Woods, Director of Personnel.

Sincerely,

Bob Koch, Commissioner
of Public Utilities

BK/wh

solely according to fitness, which shall be ascertained by open competitive examination, and merit and fidelity in service, as provided for in this chapter. The provisions of this chapter shall apply to the incumbents of all offices, places and employments in the public service of the City except the following: **The classified service consists of all positions in city service except the following:** all officers chosen by popular election or by appointment by the Council, the members of all boards and commissions, **any officer who reports directly to one or more members of the Council or the City Auditor**, the deputies and law clerks of the City Attorney, the City Engineer, the Superintendent and Chief Engineer of the Bureau of Water Works, the Secretary of the Civil Service Board and of the Auditor, the Chief Deputy City Auditor, the secretary and administrative staff of each Council member, and the Chief of Police. The Mayor shall appoint a Chief of Police, who shall have had ten (10) years of active police service. The Chief of Police shall be subject to removal by the Mayor. **However, no person holding a civil service classified position on December 31, 1986 shall, by virtue of this Act, be exempt from the classified civil service while holding the position.**

**Charter Amendments
Referred by the City Council
To the Voters of the
City of Portland, Oregon
to be Voted Upon at the
Municipal Non-Partisan
General Election**

TUESDAY, NOVEMBER 4, 1986



Compiled and Issued by

Jewel Lansing

Auditor of the City of Portland

Ballot Measure 52

REVISING THE CLASSIFIED CIVIL SERVICE BY EXEMPTING CERTAIN ADDITIONAL PERSONS

QUESTION: Shall the Charter be amended to exempt certain additional persons from the classified civil service? YES
 NO

Purpose and Explanation of Charter Amendment

Adds to list of persons exempt from classified civil service all officers reporting directly to one or more members of Council or City Auditor, and law clerks of City Attorney. Amendment applies to such officers and law clerks appointed after December 31, 1986. Exempt persons are not subject to civil service requirements for selection and removal of employees. They are appointed by and serve at pleasure of appointing authority.

Charter Amendment Referred to the Voters by the City Council RESOLUTION NO. 34158 ADOPTED AUGUST 20, 1986

BE IT RESOLVED by the Council of the City of Portland, Oregon,
that an Act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by amending Section 4-101 to exempt all Bureau Directors and law clerks of the City Attorney from the classified civil service.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

Section 4-101 of said charter hereby is amended to read as follows:

Section 1. Section 4-101. Scope of the Merit System. *[All appointments to and promotions in the subordinate administrative service of the City shall be made*

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

Section 4-124. Disregard of Political Services and Contributions. No person in the service of the City is for that reason under any obligation to contribute to any political Fund or to render any political service, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No person in the service of the City shall discharge or promote or degrade, or in any manner change the official rank or compensation of any other person in said service, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in said service shall use his or her official authority or influence to coerce the political action of any person or body, or to affect or to interfere with any nomination, appointment or election to public office. [Ch. 1903, sec. 325; rev. 1914, sec. 119; 1928 pub., sec. 119; 1942 recod., sec. 4-124.]

Section 4-125. Violations of Civil Service Provisions a Misdemeanor. Whoever makes appointment to office in the public service of the City or selects a person for employment therein contrary to the provisions of this Article or of any regulation duly established under the authority thereof, or willfully refuses or neglects otherwise to comply therewith, or conform to the provisions of this Article, or violates any of such provisions, shall be guilty of a misdemeanor. [Ch. 1903, sec. 326; rev. 1914, sec. 120; 1928 pub., sec. 120; 1942 recod., sec. 4-125.]

Section 4-126. Penalties and Jurisdiction of Circuit Court. Misdemeanors under the provisions of this Article shall be punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not longer than one (1) year, or by both such fine and imprisonment. The circuit court of the State of Oregon shall have jurisdiction of offenses defined in this Article. [Ch. 1903, sec. 327; am. May 3, 1913, part of sec. 106; 1914 rev. sec. 121; 1928 pub., sec. 121; 1942 recod. sec. 4-126.]

Section 4-129. Limit of Laid Off and Indefinite Sick Leave Lists. When any person's name shall have been on the laid off list or indefinite sick leave list for a continuous period of more than five (5) years, such name shall be removed from the list and have no further right of appointment except through a new eligible list; but the provisions of this Section shall not apply to civil service employees who shall have gained a promotional position as provided in this Chapter and then by reduction of forces or otherwise than by demotion been restored to their former positions. [New sec. May 17, 1946; am. Nov. 2, 1982.]

Section 4-123. Recommendations of Applicants. No recommendation in favor of any person who shall apply for office or place, or for examination or registration under the provisions of this Article or the regulations established under the authority thereof, except as to residence and as to character, and in the case of former employees as to abilities, when said recommendation as to character and abilities is specifically required by said regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under this Article, or under the regulations established under the authority thereof. No recommendation under the authority of this Article shall relate to the religious or political opinions or affiliations of any person whomsoever. [Ch. 1903, sec. 324; rev. 1914, sec. 118; 1928 pub., sec. 118; 1942 recod., sec. 4-123.]

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**CHARTER AMENDMENTS REFERRED BY THE CITY COUNCIL
TO THE VOTERS OF THE CITY OF PORTLAND, OREGON**

Two Charter amendments have been referred by the City Council to the voters of the City of Portland, Oregon, to be voted upon at the General Election on Tuesday, November 4, 1986. Both amendments revise current Charter provisions regarding the Civil Service system.

Ballot Measure **51**

REVISING THE CLASSIFIED CIVIL SERVICE SYSTEM

QUESTION: Shall Civil Service System be revised to transfer personnel administration duties from the Civil Service Board to the Personnel Bureau? YES NO

Purpose and Explanation of Charter Amendment

Reassigns daily personnel administration from Civil Service Board to Personnel Bureau. Board continues to review employee discipline and dismissals and other appeals. Personnel Bureau supervises job classification and reclassification procedure, recruitment and testing of job candidates. Expands number of candidates eligible for vacancy from three to five. Facilitates hiring of physically or mentally handicapped, unskilled and semiskilled workers. Permits Personnel Bureau to develop apprenticeship and training programs. Revisions become effective July 1, 1987.

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

Charter Amendment Referred to the Voters by the City Council
RESOLUTION NO. 34157 ADOPTED AUGUST 20, 1986

BE IT RESOLVED by the Council of the City of Portland, Oregon, that an Act entitled:

AN ACT

An Act to amend an Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, by repealing Sections 4-102 through 4-129 and enacting new provisions in lieu thereof.

BE IT ENACTED BY THE PEOPLE OF THE
CITY OF PORTLAND, OREGON

Section 1. Sections 4-102 through 4-129 of the Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all Acts or parts of Acts in conflict therewith," approved by the Governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time hereby are repealed and new provisions enacted in lieu thereof to read as follows:

CHAPTER 4
CIVIL SERVICE

ARTICLE I. PRINCIPLES AND ADMINISTRATION

Section 4-102. **Policy and Purpose.** It is the purpose of this Chapter to establish for the City a system of personnel administration which:

- (1) Provides all citizens with a fair and equal opportunity for public service;
- (2) Establishes conditions of service which will attract and retain officers and employees of good character, technical knowledge, skill and ability;
- (3) Improves the efficiency and economy of the agencies of City service by the improvement of methods of personnel administration.

Section 4-103. **Definitions.** As used in this Chapter, unless the context clearly requires otherwise:

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City, is hereby authorized to prohibit the entry of any person into the same for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscription, or contribution, and no person shall enter or remain in any said office, building, or room, or send or direct any letter or other writing thereto, for the purpose of giving notice of, demanding or collecting, nor shall any person therein give notice of demand, collect or receive any such assessment, subscription or contribution; and no person shall prepare or make out, or take part in the preparing or making out of any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the public service of the City, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment by any person in said public service.

Any person who shall be guilty of violating any provision of this Section shall be deemed guilty of a misdemeanor. [Ch. 1903, sec. 322; rev. 1914, sec. 116; 1928 pub., sec. 116; 1942 recod., sec. 4-121.]

Section 4-122. Bribery of Public Officers or Employees. Whoever, being a public officer, or being in nomination for, or while seeking a nomination or appointment for, any public office, shall use, or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person to secure any office or appointment in the public service, or any nomination, confirmation, or promotion, or increase of salary on consideration that the vote, political influence, or action of the last-named person, or any other, shall be given or used in behalf of any candidate, officer, or political party or association, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery or an attempt at bribery; and whoever, being a public officer or employee, or having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer or employee, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the political vote or action of any citizen, or the removal, discharge, or promotion of any public officer or public employee, or upon any corrupt consideration, shall also be guilty of bribery, or an attempt of bribery; and every person found guilty of such bribery, or an attempt to commit the same, as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than fifty dollars (\$50) or more than one thousand dollars (\$1,000), or to be imprisoned not less than ten (10) days or more than two (2) years, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer such officer shall, in addition to any other punishment imposed, be deprived of office and be ineligible to any public office or employment for ten (10) years thereafter. The phrase "public officer" shall be held to include all public officials within this City, whether paid directly or indirectly from the public treasury of the State or of the United States, or from that of any civil division thereof, including counties, cities, and towns; and whether by fees or otherwise; and the phrase "public employees" shall be held to include every person not being an officer who is paid from any said treasury. [Ch. 1903, sec. 323; rev. 1914, sec. 117; 1928 pub., sec. 117; 1942 recod., sec. 4-122.]

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be paid into the City treasury. [Ch. 1903, sec. 319; rev. 1914, sec. 113; 1928 pub., sec. 113; 1942 recod., sec. 4-118; am. May 20, 1986.]

Section 4-119. Investigations. The said Commissioners may make investigations concerning the facts in respect to the execution of the provisions of this Article, and of the regulations established under its authority. In the course of any investigation made by the Board under the provisions of this Article each Commissioner and the Secretary shall have the power to administer oaths. Said Board shall have the power, for the purpose of this Article, to examine into books and records, compel the production of books, papers, records or documents, subpoena witnesses, and compel their attendance and examination, as though such subpoena had issued from a court of record of this State; and all officers and employees of the City shall afford the said Board all reasonable facilities in conducting any investigations authorized by this Article, and give inspection to said Board of all books, papers and documents belonging or in anywise appertaining to any offices or departments of the City; and, also, shall produce said books and papers, and shall attend and testify when required to do so by said Commissioners without receiving any extra or special compensation therefor. Willful false swearing in such investigations and examinations shall be perjury and punishable as such. [Ch. 1903, sec. 320; rev. 1914, sec. 114; 1928 pub., sec. 114; 1942 recod., sec. 4-119.]

Section 4-120. Misdemeanors of Commissioners, Examiners and Others. Any Commissioner, examiner, or any other person who shall willfully, individually or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right to examination or registration according to the regulations prescribed pursuant to the provisions of this Chapter, or who shall willfully and falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified according to any regulation prescribed pursuant to the provisions of this Chapter, or aid in so doing or shall willfully make any false representations concerning the same, or concerning the persons examined, registered or certified, or who shall willfully obtain or furnish to any person any test questions, answers or secret information for the purpose either of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination, registration or application, or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor or [Ch. 1903, sec. 321; rev. 1914, sec. 115; 1928 pub., sec. 115; 1942 recod., sec. 4-120; am. Nov. 2, 1982.]

Section 4-121. Prohibition of Political Assessments. No person in the national public service or the public service of the State or any civil division thereof, including counties, cities, and towns, shall directly or indirectly use his or her authority or official influence to compel or induce any person in the public service of the City to pay or to promise to pay any political assessment, subscription, or contribution. Every person who may have charge or control in any building, office, or room, occupied for any purpose of said public service of the

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(1) "Appointing Authority" means the Commissioner-in-Charge of a Bureau and the City Auditor.

(2) "Class" or "classification" means a group of positions in the City classified service sufficiently alike in duties, authority, and responsibility that the same qualification may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group.

(3) "Board" means the Civil Service Board.

(4) "Department" means the Bureau of Personnel Services.

(5) "Director" means the Director of the Bureau of Personnel Services.

(6) "Permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this chapter after completing the probationary period which applies.

Section 4-104. Civil Service Board. The Civil Service Board shall consist of three (3) Commissioners. Within thirty (30) days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three (3) persons, known to the Mayor to be devoted to the principles of civil service reform, one of whom shall serve for two (2) years, one for four (4) years and one for six (6) years; and between the first and tenth days of July in 1905 and each second year thereafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six (6) years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five (5) days thereafter, transmit to the Council a written report thereof and of the Mayor's reason therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless that person is a resident of the City.

Section 4-105. Offices and Equipment of the Civil Service Board. The Council shall furnish the Board with suitable offices, books and stationery, and through the Department, provide administrative support and clerical assistance reasonably necessary for the Board to perform its duties under this Chapter.

Section 4-106. Duties of the Board. The duties of the Board shall be:

(1) Review any classification action taken by the Director affecting an employee in the classified service, where the employee alleges such action to be without a rational basis or contrary to law or rule or taken for political reason. The Board shall set aside such action if it finds these

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allegations to be correct and remand the decision back to the Personnel Director for further review.

(2) Review the suspension, demotion or discharge of permanent employees in the classified service, where the employee alleges the discipline was for a political or religious reason, or was not in good faith, for the purpose of improving the public service. If the Board finds these allegations to be correct, the Board may order the employee's reinstatement upon such terms or conditions as may be imposed by the Board.

(3) Review appeals by candidates for appointment or promotion to positions in the classified service, where the applicant for appointment or employee/candidate for promotion alleges that the Director failed to follow rules promulgated by the Director under this Chapter for selecting candidates for appointment or promotion to classified positions. If the Board finds the allegation to be correct, the Board shall order such action as it deems necessary to fulfill the purposes and principles of this Chapter.

ARTICLE II. CATEGORIES OF SERVICE

Section 4-107. Classification, Minimum Qualifications for Each Class.

(1) The Department, under the supervision of the Director, shall adopt a classification plan which shall group all positions in the classified service in classifications based on their duties, authority and responsibilities; and which shall set forth for each classification a class title, a statement of the minimum qualifications, duties and authority and responsibility thereof.

(2) In adopting a classification system, the Department shall consult with the Appointing Authorities, bureau directors, managers and employees involved. In determining the appropriate class for a position, the focus of the Department shall be limited to the duties and responsibilities assigned to the position, the knowledge and skills needed to perform the duties and the relationship of the position to other classes in the classification plan. The Director shall avoid the proliferation of "single person classifications."

(3) The Director shall conduct a periodic review of the classification plan to ensure that all positions are allocated appropriately to classifications within the plan. The classification plan and amendments thereto shall be subject to the approval by the Council.

Section 4-108. Reclassifications. A reclassification is the reallocation of a position from one classification to another classification caused by

Section 4-116. Reports to Council. The Board shall report to members of the Council all personnel actions taken or ratified at its regular and special meetings. The Mayor may require a report from the Board at any reasonable time. [Cb. 1903, part of sec. 317; am. June 7, 1909, part of sec. 317; am. May 3, 1913, part of sec. 317; rev. 1914, sec. 111; 1928 pub., sec. 111; 1942 recod., sec. 4-116; am. Nov. 2, 1982.]

Section 4-117. Offices and Equipment. The Council shall furnish the Board with suitable offices, office furniture, books, stationery, blanks, heat and light and shall provide for the payment of such other expenses as may necessarily be incurred in carrying out the provisions of this Article. [Cb. 1903, sec. 318; rev. 1914, sec. 112; 1928 pub., sec. 112; 1942 recod., sec. 4-117.]

Section 4-118. Roster and Payroll. It shall be the duty of said Civil Service Board to prepare, continue, and keep in their office a complete roster of all persons in the Classified Civil Service of the City. This roster shall be open for inspection at all reasonable hours. It shall show in reference to each of said persons the name, the date of appointment to or employment in such service, the compensation, the title of the place or office held, the nature of the duties thereof and the date of any termination of such service. It shall be the duty of all officers and employees of the City to give the Board all the information which may be reasonably requested, or which the regulations established by the Board may require, in aid of the preparation or continuance of said roster, and, so far as practicable, it shall indicate whether any and what persons are holding any and what offices or places aforesaid in violation of this Article or of any regulations made thereunder. Said Civil Service Board shall have access to all public records and papers, the examination of which will aid in the discharge of their duties in connection with said roster. It shall be the duty of said Board to certify to the City officer responsible for accounting the name of each person appointed or employed in the Classified Civil Service stating in each case the title or character of the office or employment, the date of the commencement of service by virtue thereof, and the salary or other compensation paid, and, also, as far as practicable, the name of each person employed in violation of this act or of the regulations established thereunder, and to certify to the City officer responsible for accounting in like manner every change occurring in any office or employment of the Classified Civil Service forthwith on the occurrence of the change. No officer or employee of the City shall draw, sign, countersign, or issue any warrant or order for the payment of, or pay any salary or compensation to any person in the Classified Civil Service who is not certified by the Board to the City officer responsible for accounting as having been appointed or employed in pursuance of this Article and of the regulations in force thereunder. Any person entitled to be certified as aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this Section may be recovered in an action in the name of the City from any officer or employee of the City paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the drawing, signing, countersigning or issuing of any warrant or order for the payment thereof, and from the sureties on such officer's official bond. All money recovered in any such action must, when collected, after paying all the expenses of such action,

provided for applicants for original appointments. [Ch. 1903, sec. 316; rev. 1914, sec. 107; 1928 pub., sec. 107; 1942 recod., sec. 4-111; am. Nov. 2, 1982.]

Section 4-112. Removals and Investigations. *No employee in the Classified Civil Service who shall have been permanently appointed under the provisions of this Chapter shall be removed or discharged, or in the case of the members or officers of the Bureau of Police, demoted, except for cause, a written statement of which in general terms shall be served upon said employee and a duplicate filed with the Board. Such removal or discharge may be made without any trial or hearing. In the Bureau of Police removal, discharge or demotion may be made only after a hearing before the Mayor, Chief of Police, or a discipline Committee of superior officers appointed as may be provided by ordinance, said hearing to be based on written charges filed by the Mayor, Chief of Police, Inspector of Police, or other superior officer of the Bureau of Police. Any employee so removed or demoted may within ten (10) days from this removal or demotion file with the Board a written demand for investigation. If such demand shall allege, or, if it shall otherwise appear to the Board that the discharge or removal, and in the case of the Bureau of Police, demotion, was for political or religious reasons, or was not in good faith, for the purpose of improving the public service, the matter shall forthwith be investigated by or before the Board, or by or before some officer or Board appointed by the Board to conduct such investigation. The investigation shall be confined solely to the determination of the question of whether such removal or discharge, or, in the case of the Bureau of Police, demotion, was or was not for political or religious reasons, or was or was not made in good faith for the purpose of improving the public service. The burden of proof shall be upon the discharged employee. On such grounds the Board may find that the employee is entitled to reinstatement upon such terms or conditions as may be imposed by the Board, or may affirm the employee's removal. The findings of the Board shall be certified to the appointing officer and shall forthwith be enforced by such officer. [Ch. 1903, part of sec. 317; am. June 7, 1909, part of sec. 317; am. May 3, 1913, part of sec. 317; rev. 1914, sec. 108; 1928 pub., sec. 108; am. Nov. 6, 1934; 1942 recod., sec. 4-112.]*

Section 4-113. Suspensions and Reduction of Force. *Any appointing authority may suspend a subordinate for a reasonable period, but if the suspension exceeds thirty (30) days or occurs more than once in twelve (12) months it shall be deemed a removal and subject to investigation in like manner. If at any time the Council or other City authority shall abolish any office or employment, or reduce the number of employees, discharges shall be made in the inverse order of appointment, and if such offices or places shall again be created or reinstated the employees so removed shall have preference for reappointment in the order of their original appointment. [Ch. 1903, part of sec. 317; am. June 7, 1909, part of sec. 317; am. May 3, 1913, part of sec. 317; rev. 1914, sec. 109; am. June 7, 1915; 1928 pub., sec. 109; 1942 recod., sec. 4-113; am. Nov. 2, 1982.]*

Section 4-114. Equal Employment Opportunity. *The Board may adopt and enforce rules to implement federal and State laws, regulations and orders pertaining to nondiscrimination in all employment pursuant to this Chapter. [New sec. Nov. 2, 1982.]*

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substantial changes in the duties, authority and responsibility of the position. Reclassifications must be based on a finding that the duties and responsibilities of a position have been or shall be significantly enlarged, diminished or altered.

ARTICLE III. APPOINTMENTS AND PROMOTIONS

Section 4-109. Recruitment, Selection and Promotion; Criteria; Procedures; Duties of the Director.

(1) Recruiting, selecting and promoting employees shall be on the basis of relative ability, knowledge, experience and skills, determined by open competition and consideration of qualified applicants, without regard to race, color, religion, marital status or other non-job related factors.

(2) The Director shall establish procedures for recruitment and selection which shall include adequate public notice, affirmative action to seek out under-utilized members of minority groups or women where they are underutilized, and job related testing.

(3) Competition for specific positions may be limited to facilitate employment of those with a substantial physical or mental impairment or for purposes of implementing a specific affirmative action program.

(4) Appointments to positions in the classified service shall be made on the basis of qualifications and merit by selection from eligible lists established by the Department. To fill a vacancy, the Department shall certify to the appointing authority the names of the five (5) eligible candidates standing highest upon the register for the classification. Scores may be banded where no statistically significant difference exists between candidate scores on an examination.

(5) Non-competitive selection and appointment procedures may be used for unskilled or semi-skilled positions, or where job related ranking measures are not practical or appropriate. Nothing in this Chapter shall prevent the Director from adopting selection procedures which follow the principles of "apprenticeship and training" as an alternative to written tests. Where "apprenticeship and training" principles are utilized, minimum qualifications and performance requirements and duties of a classification may be appropriately modified to permit appointment and promotion of trainees to positions normally filled at full proficiency level.

(6) The Department shall establish systems to provide opportunities for promotion through training, education and career development assignments in addition to the regular competitions by examination.

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Section 4.110. Temporary Appointments.

(1) Temporary appointments shall be used for the purpose of meeting emergency, non-recurring and short-term workload needs of the City. However, such appointments do not carry with them "status" in the classification and are outside the classified service, and they shall not be used to defeat the open competition and objective selection procedures established by the Director.

(2) Temporary appointments may be made by the Appointing Authority in the absence and pending the preparation of an appropriate eligible list from which appointments can be made, in emergencies to prevent delay or injury to the public service, to meet a non-recurring or short-term workload need, or when the position is authorized for a seasonal period not to exceed five (5) months in duration.

(3) Each Bureau shall report its use of temporary employment to the Director each fiscal year, including the duration and reason for use or extensions, if any. The Director shall report such use to the City Council.

ARTICLE IV. RULES AND REGULATIONS

Section 4-111. Procedures.

(1) The Director shall make rules to carry out the purpose and provisions of this Chapter.

(2) Prior to the adoption, amendment or repeal of any rule by the Director, the Director shall give public notice of the proposed action at least fifteen (15) days prior to the effective date by mailing the notice to each Council member, all Bureau Directors, and every labor organization representing City employees pursuant to ORS Chapter 243. Any person interested in such rules may attend a hearing scheduled by the Director and give evidence or testimony, or may present such evidence in writing on or before a date established by the Director. After any hearing or after the date established by the Director for receipt of evidence if a hearing is not to be held, the proposed rules shall be submitted to the City Council for approval by resolution. The proposed rules shall then be adopted and filed with the Director.

ARTICLE V. HEARINGS AND APPEALS

Section 4-112. Demotion, Suspension and Termination.

(1) No employee holding a permanent position in the classified

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but, if there be less than three (3), the Board shall so certify all such candidates upon the register. When vacancies exist in two (2) or more positions of the same class in the same department at the same time, the Board may certify a less number than three (3) candidates for each position, but those certified must be the eligible candidates standing highest upon the register. The appointing authority may interview the candidates so certified and shall be entitled to inspect their examination papers. The appointing authority shall appoint to each vacant position, on probation for a period to be fixed by the rules, one of the candidates so certified. Within such period, the appointing authority may discharge such probationer, and, in a like manner, appoint another of such candidates; but the appointing authority must appoint from said list of candidates unless, upon reasons assigned in writing by the appointing authority, the Board consents to and does certify a new list of candidates. If a probationer is not discharged within the period of probation, the appointment shall be deemed permanent. The appointing authority shall immediately notify the Board of any appointment or discharge. [Ch. 1903, sec. 313; rev. 1914, sec. 104; 1928 pub., sec. 104; 1942 recod., sec. 4-108; am. Nov. 2, 1982.]

Section 4-109. Temporary Appointments. Temporary appointments may be made by the appointing authority to positions in the classified service in the absence and pending the preparation of an appropriate eligible list from which appointments can be made, in extraordinary emergencies to prevent delay or injury to the public business or when the position is authorized for a seasonal period not to exceed five (5) months in duration. Upon expiration of the authorized period, a temporary position to perform similar duties shall not be authorized. [Ch. 1903, sec. 314; rev. 1914, sec. 105; 1928 pub., sec. 105; 1942 recod., sec. 4-109; am. Nov. 2, 1982.]

Section 4-110. Restrictions on Appointments. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall, without examination, be transferred to or assigned to perform the duties of any position in the Classified Civil Service unless such person shall have been appointed to the position from which such transfer is made as the result of an open competitive examination equivalent to that required for the position to which the transfer is made. [Ch. 1903, sec. 315; rev. 1914, sec. 106; 1928 pub., sec. 106; am. Nov. 6, 1934; 1942 recod., sec. 4-110; am. Nov. 2, 1982.]

Section 4-111. Promotions. The Board shall, by its rules, provide for promotions in the classified service, on the basis of ascertained merit and seniority in service, and standing upon examination, and shall designate the classifications in which vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the lower ranks established by the Board for each department as desire to submit themselves to such examination; and the Board shall certify to the appointing authority the names of the three (3) highest ranking applicants, or the names of the five (5) highest ranking applicants if the vacant position is managerial, for each promotion; and the promotion shall thereupon be made as in case of original appointments. The method of examining and the rules governing the same and the method of certifying shall be the same, as near as may be, as

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competitive examinations to ascertain the fitness of applicants for all offices, places and employments in the Classified Civil Service. Said entrance examinations shall be open to all persons who possess such qualifications as may be prescribed by the Board. Notice of the time, place and general scope of every examination shall be given by the Board by publication in the City official newspaper once each week for two (2) successive weeks and by posting such notice in a conspicuous place in the office of the Board not less than two (2) weeks preceding the examination. Such examinations shall be practical in their character, and shall relate only to those matters which may fairly test the relative fitness of the persons examined to discharge the duties of the positions for which they are applicants. No question in any examination shall relate to political or religious opinion, affiliations or services. The Board shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the City is designated by the Board, such person shall, without being entitled to extra compensation therefor, act as such examiner. Any Commissioner may act as an examiner.

Applicants for police officer and fire fighter positions shall be limited to citizens of the United States. The Board may, by rule, establish minimum and maximum ages at the time of appointment of police officers and fire fighters when it finds that age limits are a bona fide occupational requirement reasonably necessary for the normal operation of the police and fire bureaus. [Ch. 1903, sec. 311; rev. 1914, sec. 102; 1928 pub., sec. 102; am. Nov. 6, 1934; am. Nov. 8, 1938; 1942 recod., sec. 4-106; am. May 17, 1946; am. Nov. 2, 1982.]

Section 4-107. Register of Positions. The Board shall prepare and keep a register for each grade or class of positions in the Classified Civil Service of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Board, and who are otherwise eligible. Such persons shall take rank upon such register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination. Candidates of equal standing shall take rank upon the register according to the order in which their applications were filed. The Board may, by rule, provide for striking candidates from the register after they have remained thereon for a specified time, and may limit the number of times the same candidate shall be certified to the appointing authority. [Ch. 1903, sec. 312; rev. 1914, sec. 103; 1928 pub., sec. 103; 1942 recod., sec. 4-107.]

Section 4-108. Vacancies and Reappointments. Whenever there is a vacancy in any position in the Classified Civil Service, the appointing authority shall immediately notify the Board thereof. If the vacancy is in a position that exercises management authority over an office or bureau that reports directly to the appointing authority, the Board shall thereupon certify to such appointing authority the names and addresses of the five (5) eligible candidates standing highest upon the register for the classification to which that position belongs. In all other cases the Board shall thereupon certify to such appointing authority the names and addresses of the three (3) eligible candidates standing highest upon the register for the class or grade to which such position belongs,

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

service shall be demoted, suspended or terminated, except for cause, a written statement of which shall be served upon said employee and a duplicate filed with the Director. Any employee so removed may, within ten (10) days from the action, file with the Director a written demand for a hearing before the Board. The demand must state the grounds for the appeal. The hearing before the Board shall be confined solely to determination of the question whether the decision was or was not for a political or religious reason, or was or was not made in good faith for the purpose of improving the public service. This provision shall not apply to any employee for whom there exists a grievance procedure unless a collective bargaining agreement expressly authorizes an appeal to the Board as the method or alternative method to obtain a review of the decision.

(2) The Director shall submit to the Board proposed rules and regulations to carry out the purposes of this section. The provisions of Article IV, pertaining to notice and adoption of rules by the City Council, shall apply to adoption of rules by the Board pursuant to this section.

Section 4-113. Classification Actions; Appeals.

(1) Before requesting the reclassification of any position, proposing a new classification, or proposing that a classification be abolished, the Bureau Head shall give written notice of the request or proposal to the Director who shall give written notice to the employee(s) affected, if any, and to each labor organization representing City employees in the classified service. The requirement of written notice shall also apply to a classification action that the Director initiates.

(2) Any employee adversely affected by a change in classification, or whose request was denied, and any appointing authority who disagrees with the classification determination, may file with the Director, a written request for reconsideration thereof, and must be given a reasonable opportunity to be heard thereon by the Director.

(3) Any employee or appointing authority who is aggrieved by the Director's decision on an appeal under subsection (2) above, may have that decision reviewed by the Board, if the employee or appointing authority submits a written request alleging that there is no rational basis to support the Personnel Director's decision, or that the decision is contrary to a provision of this Chapter, to law or to rule, or is for a political reason. The Director shall adopt rules to carry out the purposes of this section pursuant to the rule making authority provided by this Chapter.

(4) Absent an appeal to the Director concerning a classification action, the action shall take effect upon approval by the City Council as a consent calendar item.

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

Section 4-114. Examination; Appeals.

(1) Any person aggrieved by the Director's decision in the examination process for appointment or promotion to a position in the classified service must be given, at the candidate's written request, a reasonable opportunity to be heard thereon by the Director.

(2) Any candidate for appointment or promotion, aggrieved by the Director's decision on the appeal referred to in subsection (1) above, is entitled to have that decision reviewed by the Board if the employee submits a written request to the Board for such review not later than fifteen (15) days after the Director's decision. The request must allege that the decision by the Director was contrary to rules promulgated for examinations, or that the decision was contrary to law or for a political reason.

ARTICLE VI. JUDICIAL REVIEW

Section 4-115. Appeals. The final decision of the Board on any appeal to the Board shall be subject to review by the Circuit Court in the manner provided by statute for review of quasi-judicial decisions of lower tribunals.

ARTICLE VII. EFFECTIVE DATE

This Chapter shall become effective on July 1, 1987.

NOTE

The Act and Charter Sections printed above represent the new provisions which would be enacted if Ballot Measure 51 passes. What follows is the existing law which Measure 51 seeks to repeal.

Section 4-102. Civil Service Board. The Civil Service Board shall consist of three (3) Commissioners. Within thirty (30) days after the taking effect of this Charter, the Mayor shall appoint, as such Commissioners, three (3) persons, known to the Mayor to be devoted to the principles of civil service reform, one of whom shall serve for two (2) years, one for four (4) years and one for six (6) years; and between the first and tenth days of July in 1905 and each second year thereafter, the Mayor shall, in like manner, appoint one person, as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for six (6) years. The Mayor may remove any Commissioner at any time. In the event of any such removal, the Mayor shall, within five (5) days

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thereafter, transmit to the Council a written report thereof and of the Mayor's reason therefor, and the Council shall forthwith appoint another person to fill the vacancy. Vacancies arising from any other cause shall be filled by appointment by the Mayor. All appointments to fill vacancies shall be for the unexpired term. No person shall be appointed as a Commissioner unless that person is a resident of the City. [Ch. 1903, sec. 307; rev. 1914, sec. 98; 1928 pub., sec. 98; 1942 recod., sec. 4-102; am. Nov. 2, 1982.]

Section 4-103. Secretary. The Board shall appoint a Secretary, who shall keep records of its proceedings, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as it may prescribe. The Secretary shall hold office during the pleasure of the Board, at a salary fixed by the Council. [Ch. 1903, sec. 308; am. May 3, 1913, sec. 308; rev. 1914, sec. 49; 1928 pub., sec. 99; 1942 recod., sec. 4-103; am. Nov. 2, 1982.]

Section 4-104. Classification. The Board shall classify, with reference to the examinations hereinafter provided for, all of the offices, places and employments in the public service of the City to which the provisions of this Article are applicable. Such classification shall be based upon the respective functions of said offices, places and employments, and the compensation attached thereto, and shall be arranged so as to permit the grading of offices, places and employments of like character in groups and subdivisions. The offices, places and employments so classified shall constitute the Classified Civil Service of the City; and after the taking effect of this Charter, no appointment or promotion to any such office, place or position shall be made except in the manner provided in this Article. [Ch. 1903, sec. 309; rev. 1914, sec. 100; 1928 pub., sec. 100; 1942 recod., sec. 4-104.]

Section 4-105. Rules and Records. The Board shall make rules to carry out the purpose and provisions of this Chapter, which rules shall provide, in detail, the manner in which examinations shall be held, and the appointments, promotions and removals made in pursuance thereof. The Board may, from time to time, change its rules. Such rules, and all changes therein, shall be printed for distribution by the Board and the Board shall, not less than ten (10) days before the same go into effect, give public notice of said rules and proposed changes therein. The Board shall keep on file all papers, documents, and communications received by it. All records and files of the Board shall be public and accessible at convenient times, except test questions, examination papers and the markings thereof. Examination papers and the markings thereof shall be open to inspection only by candidates who took such examinations for a period of thirty (30) days after the results of examinations are officially announced by the Board. Thereafter examination papers and the markings thereof shall not be open to inspection except as provided in Section 4-108 of this Charter and need not be preserved for more than five (5) years. [Ch. 1903, sec. 310; rev. 1914, sec. 101; 1928 pub., sec. 101; 1942 recod., sec. 4-105; am. May 17, 1946; am. Nov. 2, 1982.]

Section 4-106. Examinations. The Board shall, from time to time, hold public

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

Mrs. Thelma L. Graul
43712 S.E. Troutcreek Rd
Corbett, Oregon 97019

RECEIVED
JUL 01 1987

June 30 1987
COMMISSIONER OF
PUBLIC UTILITIES

* Commissioner Bob Koch
City Hall Room 211
1220 SW 5th Ave
Portland, OR 97204

Mr. & Mrs. Kenneth Graul
43712 S.E. Troutcreek Rd.
Corbett, OR 97019

Dear Commissioner Koch:

I am writing in response to Ordinance #159639 which protects homosexuals as a special minority group under the Constitution. The facts about the AIDS epidemic are sobering enough, but this Ordinance is an immediate threat to Oregon's fight against this deadly disease!

This ordinance prevents public health officials from treating AIDS as the extremely communicable and dangerous disease it is! Infected homosexuals, and practicing homosexuals working as foodhandlers, dentists, doctors, teacher, etc. cannot be singled out for testing because of the "protection" of this anti-discrimination Ordinance! The AIDS epidemic will be protected by our Oregon law! Gays already have equal protection under the law---they don't need or deserve "special rights"! Under this Ordinance, MY civil rights and health, and that of the rest of the uninfected population are in jeopardy! The lives of my family, friends and loved ones are being threatened as never before. I am appalled and angered that so many officials continue to support a purposeful campaign of DISINFORMATION about AIDS! Especially, now when so much more information is available. Do you think the general populace is too stupid to see the danger? AIDS victims should not work as dental or medical technicians and should NOT be employed as food handlers or as teachers. We isolate people with other communicable diseases that are far less devastating than AIDS.

As a public official, I strongly insist that you treat AIDS as the deadly plague it is and take steps to identify infected AIDS victims and separate them from the rest of society. Also, you should be working with all diligence insisting that public health officials perform their duty in the face of a national health crisis and enforce all sanitary measures necessary to prevent the increasing spread of this disease into the entire healthy population of Oregon. There has been too many innocent people infected with this disease already.

I am opposed to any bill or ordinance that might try to protect certain people, such as, homosexuals, from being tested for this disease. When the Center for Disease Control, suggested AIDS testing for couples applying for marriage licenses and anyone else seeking medical care for pregnancy or for sexually transmitted diseases, there was an immediate chorus of protest from civil-rights and homosexual-advocacy groups, whose militant resistance to reasonable testing is furthering the spread of this plague.

I don't want to see Oregon become so obsessed with the "civil rights" issue that we make the same mistake as California, where if an AIDS patient is admitted to a hospital, members of the staff can be found criminally liable just for informing other doctors or nurses of the patient's disease! Unless they obtain the patient's consent, the diagnosis can't even be entered on the medical chart! What about the safety of those working in the hospitals or other patients? Isn't their safety as much or more important than perhaps possible embarrassment of the AIDS patient? The whole issue is beginning to sound more and more like our

criminal justice system, where the criminal is coddled and the victim suffers! The AIDS epidemic is far more important to the population as a dangerous disease, rather than a civil rights issue. For that matter, if it's a civil rights issue at all, it should be the uninfected population that should be protected! It's time people got their priorities in perspective! We can't cater to a minority group when this disease threatens the entire population! It's past time for politics and time for action.

Even though you may not agree with my oppinions, I trust you will count my views and represent my wishes, and begin now, to do more to affect legislation in this area that will protect the innocent majority.

Just for the record, so you don't assume I am a radical, crack-pot. I am a young women who is happily married, with several children. I am actively engaged in my church, community, and school. I realize the heart-ache that would go along with separation of loved ones. But I am also realistic enough to be aware of the terrible impact of letting this disease run rampant.

Very Sincerely,

Mrs. Thelma L. Graul

Mrs. Thelma L. Graul

6-10-87

Commissioner Bob Koch
1220 S.W. 5th, Rm. 211
Portland, Oregon 97204

Dear Commissioner Koch,

I must say that I am disappointed by your support of the homosexual rights ordinance (#159639), especially after our conversation on the phone and your claim that it did not provide them with minority status.

If it is required of us to watch your every hair-splitting word in order to know which way you will vote on a moral issue, then we may as well have Maggie Strachan. She liked to hair-split on words but she was up-front about her agenda.

I oppose this type of ordinance for several reasons:

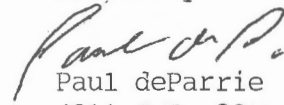
- 1) With this as an ordinance rather than a resolution, it provides a larger platform from which to launch civil suits;
- 2) It assumes that there is discrimination, but your comment on the phone that the City has many homosexuals working for them belies that idea;
- 3) There is no definition included for the term, "sexual orientation" which leaves this non-discrimination ordinance protecting, by law, those who prefer sex with animals and/or children;
- 4) There is no provision to prevent those whose sole claim to distinction lies in their perversion from working with children (recreation directors etc.). This, considering that homosexuals cannot reproduce and thus must recruit;
- 5) Affirmation of deviant, chosen lifestyles as "normal" or worthy of special protection eliminates hope from those homosexuals who wish to escape and strengthens the resolve of those deluded enough to think that they are normal. Affirm an alcoholic in the same way and even the liberals will be appalled;
- 6) No one is asking for anything that would require discrimination.

Commissioner, you were wrong; morally wrong, philosophically wrong, and politically wrong to back this sneaky, immoral ordinance.

As far as your vote on the Ben Linder Memorial, maybe you need to make votes that don't require elaborate speeches and exceptions that no one will hear about. Let your vote show your exceptions.

I would like you to respond to the points addressed in this letter.

Sincerely,



Paul deParrie
4211 S.E. 39th
Portland, Oregon 97202
774-3408

RECEIVED
JUN 12 1987
COMMISSIONER OF
PUBLIC UTILITIES

Same

TONY A. ROMANO
3760 SE 11TH AVE
PORTLAND, OR 97202
JUNE 3, 1987

RECEIVED
JUN 4 1987

COMMISSIONER OF
PUBLIC UTILITIES

COMMISSIONER
BOB KOCH
1220 SW 5TH AVE
PORTLAND, OR 97204

AS A VOTER AND TAXPAYER, I VIGOROUSLY PROTEST THE RECENT CITY ORDINANCE CLASSIFYING GAYS AS A MINORITY, EQUATING THEM TO MINORITY RACES WHO HAVE NO CHOICE IN SELECTING THEIR COLOR OR ORIGIN, IS A FARCE. THIS IS A CHOSEN LIFESTYLE. ONE IS NOT BORN WITH IT AND CAN WELL LIVE WITHOUT IT.

THE ORDINANCE PASSED BY A FULL VOTE OF THE CITY COUNCIL, NOT ONLY PROMOTES, BUT GIVES PREFERENCE TO THOSE WHO CHOOSE THE GAY LIFESTYLE. WHY WAS IT SUCH A HUSH, HUSH AFFAIR? VOTERS AND TAXPAYERS OF PORTLAND ARE CERTAINLY ENTITLED TO KNOW WHEN A CONTROVERSIAL ORDINANCE OF THIS NATURE IS BEING CONSIDERED.

FURTHERMORE, WE, THE MAJORITY SHOULD LAWFULLY BE PROTECTED FROM THE RAMPANT SPREAD OF AIDS, WHICH IS A MOSTLY VENEREAL DISEASE. A.I.D.S. IS NOW OUR NUMBER ONE HEALTH PROBLEM. FOLLOWING IS A QUOTE FROM HARVARD'S LEARNED BIOLOGIST S. JAY GOULD:

"A.I.D.S. MAY RUN THROUGH THE ENTIRE POPULATION,
AND MAY CARRY OFF A QUARTER OR MORE OF US."

I URGE YOU TO IMMEDIATELY REPEAL THIS ORDINANCE. PLEASE FAVOR ME WITH A REPLY.
THANK YOU.

procedure

YOURS TRULY,

Tony A. Romano
TONY A. ROMANO

BRUCE R. McCAIN, M.Div.
11815 NE THOMPSON
PORTLAND, OR 97220
(503) 257-8472

May 30, 1987

RECEIVED
JUN 1 1987

Commissioner Robert Koch
City Hall - Room 211
1220 SW 5th
Portland, OR 97204

Dear Commissioner Koch,

As a concerned citizen and resident of Portland, thus a constituent of yours, I sincerely request that you and the other City commissioners immediately rescind the recently passed "personnel ordinance" which contained language granting special rights to those who express "sexual orientation(s)" which deviate from the norm of our community.

I am not only disturbed about the content of the ordinance, but also about the manner in which it was passed. By not granting a public hearing on this matter, but quietly yet intentionally slipping it into law, you have effectively deprived the voting public from offering input into this controversial matter. Yet you have privately discriminated in favor of a group whose agenda inherently and implicitly requires acts done in secret; much like the way you passed this ordinance.

Again I urge you to rescind the ordinance, grant a public hearing dealing with the issue of the City granting favorable treatment to homosexuals in hiring practices, and then present the ordinance to the Board for vote once again.

Thank you for a moment of your busy time,



Bruce R. McCain

Same
RECEIVED
JUN 1 1987
COMMISSIONER OF
PUBLIC UTILITIES

MICHAEL J. CARR
2170 N.E. Weidler St.
Portland, OR 97232
(503) 287-1768

May 30, 1987

Bob Koch
Commissioners Office
Portland, Oregon

Dear Mr. Koch,

I am 100 per cent against the recent ordinance City Hall passed granting minority status for homosexuals in city government.

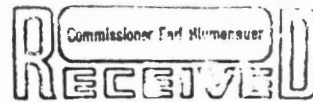
I would like to see this legislation reversed.

Secondarily, what irks me, is the swift secrecy this was handled by city government. If this legislation is such a useful, needed, and popular ordinance, why not allow the matter be brought up for Portland voters to decide?

Thank you for your consideration.

Yours truly,

Michael Carr



HENRY KANE
ATTORNEY AT LAW
12275 S.W. 2ND
P.O. BOX 518
BEAVERTON, OREGON 97075

AREA CODE 503
TELEPHONE 646-0566

MAY 26 1987 25, 1987

Hon. Earl Blumenauer, Commissioner
Portland City Hall
Portland, OR 97204

Re: Public Records Law request for "sexual orientation" documents

Dear Commissioner Blumenauer:

This request is made pursuant to ORS 192.410 to 192.500, the Public Records law, and pertains to the following quotations in the May 23, 1987 Oregonian article titled "Officials defend ban on sexual orientation bias:"

- (1) "Blumenauer said the new ordinance formalized city policy in effect since 1974, when the council approved a resolution prohibiting discrimination in hiring practices on the basis of sexual orientation."
- (2) "Blumenauer said that while the City Council did not debate publicly the reference to sexual orientation, no effort was made to keep the issue quiet.

"It went through a very open process," Blumenauer said."

Pursuant to the Public Records Law, and at my cost, I request a copy of the alleged 1974 forbidding discrimination in hiring practices on the basis of sexual orientation, and all public documents the City of Portland, you or your staff printed/reproduced/distributed/disseminated to organizations and persons other than persons employed by the City of Portland, announcing/disclosing/referring to the fact that the proposed ordinance/ordinance forbids discrimination on the basis of sexual orientation.

I am particularly interested in learning if you or the City of Portland notified the media, or any part thereof, prior to, on, or after, May 7, 1987 of the "sexual orientation" provisions of what is now Ordinance No. 159639, and if you or the City of Portland notified any homosexual organization of the ordinance prior to its May 7, 1987 passage.

The first edition of the May 23, 1987 Oregonian article quotes you as stating in the next to final paragraph:

"Blumenauer said the county commissioners backed off and repealed the county statute in 1985 because they did not want to spend money on an election."

The above quotation is not in the May 23, 1987 Oregonian article titled "Officials defend ban on sexual orientation bias."

Hon. Earl Blumenauer, Commissioner
May 25, 1987
Page Two

By coincidence I was present when the Multnomah County Board of Commissioners repealed the county's "gay rights" ordinance referred to the voters.

My recollection is that you and the other commissioners who spoke in favor of repeal said they would vote to repeal the ordinance to avoid the trauma of overwhelming rejection by the voters.

I don't recall that you or any other county commissioner said repeal was supported to save the cost of an election, but stand to be corrected.

Many thanks for your courtesies in this matter.

Parenthetically, the City Council can show "good faith" by, on the same day, repealing and reenacting Ordinance No. 159639. This would give opponents 30 days to refer the new ordinance.

Of course, it also would put Commissioners on the spot on the "gay rights" issue, for The Oregonian article said:

"City Commissioners Mike Lindberg and Dick Bogle said this week they were not aware that the policy contained a reference to sexual orientation when they voted for it but would have voted for it anyway."

Sincerely,



Henry Kane

cc: Hon. Bud Clark
Hon. Mike Lindberg
Hon. Dick Bogle
Hon. Bob Koch
Wayne Hilliard and Don Hortsch, Oregonian
Willamette Week
Mark Sanchez, Channel 6

801



CITY OF
PORTLAND, OREGON

DEPARTMENT OF PUBLIC WORKS

Earl Blumenauer, Commissioner
1220 S.W. 5th, 4th Floor
Portland, OR 97204
(503) 248-5577

May 29, 1987

RECEIVED
JUN 1 1987

COMMISSIONER OF
PUBLIC UTILITIES

Dear Mr. Kane:

In response to your May 25th letter, I am providing you with a copy of Resolution No. 31510 adopted by the Portland City Council on December 18, 1974. You also requested "all public documents the City of Portland ... disseminated to organizations and persons other than persons employed by the City of Portland announcing ... that (Ordinance No. 159639) forbids discrimination on the basis of sexual orientation." I am not aware of any such documents. I am forwarding your letter to both Personnel Director John Woods and City Attorney Jeffrey Rogers with the request that they determine whether there are documents covered by your request, and that they make available to you any such documents as provided in the Public Records Law.

Sincerely,

Earl Blumenauer

Mr. Henry Kane
12275 SW 2nd Avenue
PO Box 518
Beaverton, OR 97075

cc: John Woods
Jeff Rogers

CONCERNED CITIZENS FOR PORTLAND

4525 S.E. 63rd Avenue — Portland, Oregon 97206
Phone 775-8718

881

Hon. Bud Clark, Mayor
City Hall
Portland, OR 97204

Lama

May 28, 1987
RECEIVED
MAY 28 1987

Re: Passage of City Ordinance No. 159639
May 7, 1987

COMMISSIONER OF
PUBLIC UTILITIES

Dear Mayor Clark:

Concerned Citizens for Portland respectfully requests an audience with the Portland City Council, declaring that a public emergency exists. The constitutional rights of the people of Portland, Oregon, to initiate and complete a referendum against the passage of Ordinance No. 159639, have been seriously violated by the method of its passage by Commissioner Earl Blumenauer.

The ordinance contains very controversial sections offensive to a large cross-section of Portland's population. Commissioner Blumenauer failed to notify the public of the questionable contents of this ordinance. He failed to notify the media of a landmark change in City "law." He even failed to notify all council members of the "addition" of the offensive sections. Most importantly, he failed to keep faith with the people of Portland by not trusting them with knowledge of the intended language change for this important voter-mandated ordinance.

We believe it is incumbent of all elected officials to represent and govern the electorate openly, impartially, and justly. Commissioner Blumenauer's flagrant breach of "representative contract" forces us to bring this to the attention of the Council. His political reputation as well as the Council's is at stake.

We have a solution to the problem which will help all parties involved. Your immediate response will be gratefully received. Thank you.

Concerned for Portland,
Allan Berg
Allan Berg
Concerned Citizens for Portland

cc: Hon. Mike Lindberg
Hon. Dick Bogle
Hon. Earl Blumenauer
Hon. Bob Koch
Wayne Hilliard and Don Hortsch, Oregonian
Mark Sanchez, Channel 6



CITY OF

PORTLAND, OREGON

DEPARTMENT OF PUBLIC WORKS

884
Earl Blumenauer, Commissioner
1220 S.W. 5th, 4th Floor
Portland, OR 97204
(503) 248-5577

May 26, 1987

RECEIVED
MAY 28 1987

Dear Drew:

COMMISSIONER OF
PUBLIC UTILITIES

I tried to return your phone call this afternoon, but you were out of the office. Your question, as I understand it, is whether I am interested in scheduling another hearing on the personnel ordinance. My answer is no. My reasons are:

- a) The existing policy has been in place since 1974. To the best of my knowledge I have received no complaints about it during my campaign for City Council or in the more than a year since I was elected.
- b) No one on the City Council has expressed any interest in changing the existing policy, so further hearings would not be the most productive use of our time.
- c) The City Council is occupied with major issues that are current and pressing, like budgets and land use issues, as well as day-to-day ongoing business.

I am sending this letter because I have an exceedingly tight schedule in the next several days and I did not want there to be any lingering questions about my position.

Sincerely,


Earl Blumenauer

Mr. Drew Davis
c/o Tupperware
2136 NE 194th
Portland, OR 97230

cc: City Council

Com. Koch