



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **17TH DAY OF MARCH, 2010** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5.

Commissioner Fish arrived at 9:34 a.m.
Commissioner Saltzman arrived at 9:46 a.m.

At 10:57 a.m., Council recessed.
At 11:03 a.m. Council reconvened.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Ron Willis, Sergeant at Arms.

At 11:46 a.m., Jim Van Dyke, Chief Deputy City Attorney, replaced Walters.
At 12:00 p.m., Pat Kelley replaced Willis as Sergeant at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

	Disposition:
COMMUNICATIONS	
351 Request of Charles E. Long to address Council regarding stopping the stranglehold of special interests on City governance (Communication)	PLACED ON FILE
352 Request of John Munson to address Council regarding proclamation for Farm Worker Awareness Week (Communication)	PLACED ON FILE
353 Request of Andrew Frazier to address Council regarding residential wireless expansion, fiscal concerns and priority street policy (Communication)	PLACED ON FILE
354 Request of Sarah Dougher and the Flash Choir to address Council regarding citizen participation in the arts (Communication)	PLACED ON FILE
TIMES CERTAIN	

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<p>355 TIME CERTAIN: 9:30 AM – Accept Regional Arts & Culture Council 2009 State of the Arts Report (Report introduced by Mayor Adams) 1 hour requested</p> <p>Motion to accept report: Moved by Commissioner Fish and seconded by Commissioner Fritz.</p> <p>(Y-4; Leonard absent)</p>	<p>ACCEPTED</p>
<p>356 TIME CERTAIN: 10:30 AM – Authorize the City to submit a response to Google’s Request for Information for construction of ultra-high-speed open access broadband network within Portland (Resolution introduced by Mayor Adams and Commissioners Fish, Fritz, Leonard and Saltzman) 30 minutes requested</p> <p>(Y-5)</p>	<p>36770</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>357 Approve 109 applications and deny 70 applications for the Single Family New Construction Limited Tax Abatement program from January 1, 2009 to December 31, 2009 (Resolution introduced by Mayor Adams and Commissioner Fish)</p> <p>(Y-4; Fish absent)</p>	<p>36769</p>
<p>Mayor Sam Adams</p>	
<p>Bureau of Transportation</p>	
<p>*358 Amend contract with Star Park LLC to extend contract termination date, add contractual spending authority on a contingency basis only for parking garage system services (Ordinance; amend Contract No. 34879)</p> <p>(Y-4; Fish absent)</p>	<p>183603</p>
<p>*359 Amend contract with Star Park LLC to extend contract termination date, add contractual spending authority on a contingency basis only for parking attendant and revenue services (Ordinance; amend Contract No. 35401)</p> <p>(Y-4; Fish absent)</p>	<p>183604</p>
<p>*360 Authorize application to the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development for five Transportation and Growth Management program grants in an amount up to \$841,050 (Ordinance)</p> <p>(Y-4; Fish absent)</p>	<p>183605</p>
<p>361 Grant revocable permit to Willamette Week to close SE Belmont St between SE Martin Luther King Jr. Blvd and SE Water Ave; SE 3rd Ave between SE Yamhill St and SE Morrison St; and SE 2nd Ave between SE Yamhill St and SE Morrison St from 7:00 a.m. to 11:59 p.m. on April 24, 2010 (Ordinance)</p>	<p>PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>Office of Emergency Management</p>	

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<p>362 Authorize application to the FY 2010 Federal Emergency Management Agency Emergency Management Performance Grant in the amount of \$180,862 to administer an integrated all hazard emergency management program for the City (Second Reading Agenda 323)</p> <p>(Y-4; Fish absent)</p>	<p>183606</p>
<p>Office of Management and Finance – Human Resources</p>	
<p>*363 Create a new Nonrepresented classification of Environmental Services Public Affairs Manager and establish a compensation range for this classification (Ordinance)</p> <p>(Y-4; Fish absent)</p>	<p>183607</p>
<p>364 Create a new Nonrepresented classification of Principal Treasury Analyst and establish a compensation range for this classification (Ordinance)</p>	<p>PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>365 Create a new Nonrepresented classification of Vehicle Services Administration Supervisor and establish a compensation range for this classification (Ordinance)</p>	<p>PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>Commissioner Nick Fish Position No. 2</p> <p>Portland Housing Bureau</p>	
<p>*366 Extend subrecipient contract with Housing Authority of Portland to June 30, 2011 and add \$1,973,114 to provide additional short-term rent assistance for homelessness prevention and rapid rehousing (Ordinance; amend Contract No. 32000138)</p> <p>(Y-4; Fish absent)</p>	<p>183608</p>
<p>Portland Parks & Recreation</p>	
<p>*367 Authorize a contract and provide for payment to the lowest responsible bidder for sediment removal from the pond at Laurelhurst Park (Ordinance)</p> <p>(Y-4; Fish absent)</p>	<p>183609</p>
<p>368 Accept trail easement for Columbia Slough Trail from Fazio Gertz Road Property LLC and Batavia Zelman (Ordinance)</p>	<p>PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>369 Authorize an Intergovernmental Agreement with Portland Public Schools, School District #1 to provide janitorial services for the locker room at Wilson Pool (Second Reading Agenda 329)</p> <p>(Y-4; Fish absent)</p>	<p>183610</p>
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p>	

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<p>370 Authorize a contract and provide payment for construction of the Tenino-Umatilla Fish Passage Project No. E09112 (Ordinance)</p>	<p>PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>371 Authorize a contract and provide payment for construction of the East Lents Floodplain Restoration Project No. E07384 (Second Reading Agenda 334) (Y-4; Fish absent)</p>	<p>183611</p>
<p>City Auditor LaVonne Griffin-Valade</p>	
<p>*372 Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0775, K0119, T0130, W0007, K0118, T0131, Z1180, P0094, P0095) (Y-4; Fish absent)</p>	<p>183612</p>
<p>REGULAR AGENDA Mayor Sam Adams</p>	
<p>373 Direct the Bureau of Environmental Services to incorporate into its Capital Improvement Plan Green Street Projects on prioritized boulevards as identified in the Council-adopted Portland Bicycle Plan for 2030 (Second Reading Agenda 336) (Y-5)</p>	<p>183613 AS AMENDED</p>
<p>Bureau of Planning & Sustainability</p>	
<p>374 Create new categories of residential waste and recycling collection services and establish areas within Portland where new categories of services will be made initially available (Ordinance) 20 minutes requested for 374 and 375</p>	<p>PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>375 Revise residential solid waste and recycling collection rates and charges to address new collection services within Portland, effective May 3, 2010 (Ordinance; amend Code Chapter 17.102)</p>	<p>PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>Bureau of Transportation</p>	
<p>*376 Authorize an Intergovernmental Agreement with Metro, City of Lake Oswego, Clackamas County, Tri-County Metropolitan Transportation District and the Oregon Department of Transportation regarding the donation of a portion of the Willamette Shoreline Right-of-Way to TriMet for the Portland-Milwaukie Light Rail project (Ordinance) 7 minutes requested (Y-4; Leonard absent)</p>	<p>183614</p>

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<p>377 Extend contract with Cale Parking Systems USA, Inc. and increase authority to purchase additional parking pay stations, support services and product enhancements (Ordinance; amend Contract No. 36734) 10 minutes requested</p>	<p align="center">PASSED TO SECOND READING MARCH 24, 2010 AT 9:30 AM</p>
<p>378 Vacate a portion of SW 19th Ave and SW Seymour St subject to certain conditions and reservations (Second Reading Agenda 338; Ordinance; VAC-10035) (Y-5)</p>	<p align="center">183615</p>
<p align="center">Office of Management and Finance – Financial Services</p> <p>*379 Authorize long-term bonds for local improvement and sidewalk repair projects and financing of system development charges (Ordinance) (Y-5)</p>	<p align="center">183616</p>
<p align="center">Office of Management and Finance – Internal Business Services</p> <p>380 Accept bid of Emery & Sons Construction, Inc. for the Fanno Basin Pump Station Pressure Line Garden Home Section Replacement Project for \$6,335,357 (Procurement Report - Bid No. 111424) Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Saltzman. (Y-5)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p align="center">Portland Development Commission</p> <p>381 Approve the Tenth Amendment to the Airport Way Urban Renewal Plan to reduce plan area by approximately 870 acres (Second Reading Agenda 343) (Y-5)</p>	<p align="center">183617</p>
<p align="center">Commissioner Nick Fish Position No. 2</p> <p align="center">Portland Housing Bureau</p> <p>382 Establish \$275,000 as the maximum price for newly constructed, single-unit housing eligible for a limited property tax exemption in a Homebuyer Opportunity area for 2010 according to Chapter 3.102 (Resolution) 10 minutes requested Motion to accept amended staff memo dated March 16, 2010 and amended Financial Impact Statement: Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-5) (Y-5)</p>	<p align="center">36771 AS AMENDED</p>
<p align="center">Commissioner Dan Saltzman Position No. 3</p>	

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<p>383 Declare that it is the policy of the City of Portland to defend the 2006 voter-approved reforms to the Fire and Police Disability, Retirement, and Death Benefit Plan (Previous Agenda 345) 15 minutes requested</p> <p>Motion to amend to allow Commissioner-in-Charge of the Police or Fire Bureaus to take action to mitigate damages: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-4; N-1, Leonard)</p>	<p>36772 AS AMENDED</p>
<p>Commissioner Randy Leonard Position No. 4</p> <p>Bureau of Water</p> <p>*384 Authorize a contract with MWH Americas, Inc. for design services for Kelly Butte Reservoir (Ordinance) 15 minutes requested</p> <p>(Y-5)</p>	<p>183618</p>

At 3:05 p.m., Council recessed.

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<p><u>WEDNESDAY, 2:00 PM, MARCH 17, 2010</u> COUNCIL BUDGET HEARING WORK SESSION Canceled</p>	
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March 18, 2010

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **18TH DAY OF MARCH, 2010** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5.

At 5:10 p.m., Council recessed.

At 5:16 p.m., Council reconvened.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Jim Van Dyke, Chief Deputy City Attorney; and Ron Willis, Sergeant at Arms.

	Disposition:
<p>*385 TIME CERTAIN: 2:00 PM – Establish Police Review Board and clarify investigatory powers and complaint handling procedures of the Office of Independent Police Review (Ordinance introduced by Auditor Griffin-Valade and Commissioner Leonard; amend Code Chapters 3.20 and 3.21) 2 hours requested</p> <p>Motion to amend to add directive to establish a stakeholder committee: Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-5)</p> <p>Motion to accept amendments to Exhibits A and C requested by the Citizen Review Committee and other interested members of the public as stated in March 17, 2010 handout: Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-5)</p> <p>Motion to add to the stakeholder committee one representative from the Latino Network Center for Intercultural Organizing and one Native American representative: Moved by Commissioner Fritz and seconded by Commissioner Leonard. (Y-5)</p> <p>Motion to grant Commissioner Leonard the administrative authority to make sure that the community is well represented as a whole, including sexual minorities: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)</p> <p>Motion to continue hearing to March 31, 2010 at 6:00 pm: Moved by Commissioner Leonard and seconded by Commissioner Fritz: Motion gavelled down after hearing no objections.</p>	<p>CONTINUED TO MARCH 31, 2010 AT 6:00 PM TIME CERTAIN AS AMENDED</p>

At 5:27 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

March 17, 2010
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

MARCH 17, 2010 9:30 AM

Adams: We're waiting for one other city commissioner, is that right? Is amanda in the room?

*****: Yes.

Adams: Ok. And commissioner Saltzman will be a few minutes late. And this is paging -- well, top of the morning to you.

Fritz: Good morning.

Adams: Happy st. Patrick's day: We have -- it's a 9:30 time certain and we have a few things that we have to do before we get to the state-of-the-arts report. If you want to speak, and you don't have to, but if you want to speak, sign up on the table out front. The rules are if you signed up to speak, you give us your first and last name. No address. And by city law, if you are a lobbyist, basically, associated with any organization authorize authorized to speak for them, you have to say who you're associated with or who you're lobbying on behalf. Simple rules. And as soon as commissioner Leonard gets here -- in the meantime, i'm happy to announce, I can't gavel us in until there's a quorum. In the meantime, i'm happy to announce that Portland was rated by the -- looking at all cities in the united states, rated as the greenest city in the united states. Based on lack of traffic congestion, transit use, water quality, carbon emissions -- there he is -- leed certified projects and number of green jobs. Not only the highest participation in arts and culture events, we also have the greenest city. So congratulations: [applause] [gavel pounded]

Adams: This is the Portland city council. Today is wednesday, st. Patrick's day. March 17th. It's 9:30 a.m. We're in morning session. Good morning, Karla.

Moore-Love: Good morning.

Adams: Please call the roll.

[roll call]

Adams: Quorum is present. We can begin. Before we get to the communication item, i'm pleased to read the following proclamation. These proclamations have proven to be very newsworthy, commissioner Leonard. [laughter]

Adams: Whereas, all the citizens of Portland rely on farm workers for their daily sustenance and well-being and many other migrants are frequently excluded from excess to higher education opportunities and whereas, we the residents of Portland -- process our agricultural products and they're all worthy of our recognition and gratitude. Now, therefore, i, mayor sam Adams, do hereby proclaim march 28th, through april 3rd, to be farm worker awareness week and further proclaim march 31st, to be cesar Chávez in Portland and encourage all residents to observe this week and this day. Thank you. Round of applause for them. [applause]

*****: Do we have an tune to say a couple you have words?

Adams: No, you have to be signed up.

*****: We are.

Adams: Well, i'm just about to call you.

*****: We were signed up to talk to this specific thing.

*****: I'm just about to call you, but thank you for helping me to run the meeting. It does take a whole village, believe me. [laughter] please read council calendar item 351.

Item 351.

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Adams: Mr. Long, welcome back. Glad you're here.

Charles E. Long: My name is Charles Long. Portland has a population of nearly half a million. And the metropolitan area, over one million. Why? Because it's the transportation hub of the Pacific Northwest. Stumptown was founded years before Seattle. They came by horseback, covered wagon, sailing ship. Railroads, highways, trucks, steamships, aircraft, and recently, by the freeways. I-5 and I-84. Today, however, we have a proposal to transform Portland into a third-world transportation system. Bicycles. [laughter] Will our freight be hauled on the backs of bicycle riders. 94% of commuters and virtually all truckers want and need automotive transportation. Actually, bicyclists are an impediment to automobile drivers, truck drivers, tri-met drivers and taxi drivers to say nothing about pedestrians who confront ultimately irresponsible cyclists. Transportation is the lifeblood of Portland's economy but it's being impeded by a bicycle lobby headed by the mayor who is pushing bicycle infrastructure. To the detriment of automotive and commuting snarls and gridlock which put a strangle hold on the transportation system. In the process, a budget of the city of Portland, every nook and cranny of city finances are being scoured to pay for a \$600 million and probably \$1 billion rejected third world bicycle infrastructure which would choke the already weak economy of this city. All but one of our city commissioners, Amanda Fritz, have bought into this scheme. They knew -- they have kowtowed to the bicycle lobby. Kowtow, it's a Chinese originated term, meaning the art of kneeling and touching the ground with the forehead to show great deference and submissive respect, homage and so forth, to show respect to. City commissioners have a responsibility to promote the overall welfare of this community. All but Amanda Fritz have kowtowed, including Merritt Paulson and the soccer lobby which has caused the demise of the professional teams in Portland. And which will be my next dissertation on March 7th. In -- who kowtowed to vested interests rather than what is best for the economic prosperity of this city.

Adams: Thank you, Mr. Long, it's good to have you back. Please read the title regarding the proclamation, and this is where folks come forward, council calendar item 352.

Item 352.

Adams: Come on up.

*****: [inaudible]

Adams: Come on up. Do you want to come forward? You can come sit up here as well. Yep. Welcome. Glad you're here.

Helen Corrino: Thank you very much. It's a privilege to be here and as Mr. Munson said, he's John Munson, our executive director of the Oregon Farmworker Ministry. And I'm Eleanor and this is José, co-chair of the César Chávez Boulevard Committee and it's a privilege to be here. And to thank you for having the proclamation. It's also very great honor to be here to receive this proclamation. And I want to read a little something. Being today is St. Patrick's Day, I think it's appropriate that we talk about what the farmworkers contribute to our economy. Since the day is St. Patrick's Day and it's green everywhere. In the countryside, the fields and orchards are beginning to turn green as well. It's a reminder in the next 10 months, 175 seasonal immigrants and migrant farmworkers will sustain Oregon's agricultural economy. They are already working in the fields, nurseries and the berry fields. In the fall, they will harvest our grapes and cut our Christmas trees. Farmworkers are the backbone of Oregon's \$3.2 billion agribusiness. They deserve our recognition and support. And in conclusion, I want to also say that it is through the effort of the farmworkers that the food we put on our table is as healthy as it can be. A lot of times, it's because the farmworkers come forward with abuses of the work that they do, or the abuses of animals. We're talking about something like milk, that these abuses are put forward so that the community has healthier food. Thank you very much. [applause]

Adams: Thank you. Do you want to add any comment?

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John Munson: Well, I think that helen spoke of st. Patrick's day and to honors millions of immigrants from ireland and it's time we honor the migrants from mexico and central america who make it possible for us to have three healthy meals a day. [applause]

Fish: If I could add and thank the mayor for issuing the proclamation and state personally it's an honor that my children will be raised on the 3900 block of cesar Chávez boulevard. Thank you for your work. [applause]

Adams: José?

Jose Romero: I have little to add, other than cesar Chávez was an advocate and the leader of the farmworker movement and when you honor cesar Chávez and the farmworkers that provide the backbone of our agribusiness, you're talking about one and the same. So we're here in support of those who cesar gave his life for, dedicated to their well-being. Thank you very much. [applause]

Adams: Karla, please read the title for council communications item 353.

Item 353.

Adams: Mr. Frazier, how are you?

Andrew Frazier: How are you?

Adams: Welcome back.

Frazier: The issue of residential row placement utility poles for wireless antennas come down to two questions. Would any of you like a 60-foot utility pole as wide as double doors and noisy commercial grade mechanics towering over your backyards? Or purchase a home with this equipment installed on the parking strip or towering over your backyard? I will infer the answer is no. Portland families feel passionately about protecting their neighborhoods. Portland residents before me asked for your help. You answered with a ordinance that was meant to protect residential neighborhoods. We've been told that this proposed antenna at 37th and fremont is the first application under this new policy. We and our legal advisories are waiting the city's decision on this application. If the ordinance and contract is followed, we and our legal advisories believe there's sufficient evidence that clear wire cannot prove that it's the only and last resort. There's sufficient evidence that gives the city the right to flat out deny this application. Over the course of this journey, which you're all are well aware of, we've found a troubling lack of oversight over this installation. And been told that ocofm does not have the -- cannot properly process these applications. Yet in may 2009 audit of the office of cable and communications and fracture management says the city, Portland loses \$13 million annually because wireless companies are taxed lower than phone companies. Why the city of Portland giving them an unfair competitive advantage over land line companies and telling residents we cannot afford to do a technical review. Why are they taxed at a much lower rate? Portland leadership has found the will and way to raise millions of dollars for projects they feel passionate for. At what point will Portland leadership feel passionate for our families and the homes we raise them in to find the will and way to protect us and our properties and neighborhoods. Would any of you like to have a 60-foot metal utility pole with a 10-foot oil drum shaped canister as wide as a double doors and noisy mechanical towering over your backyards? Neither would i. Thank you.

Adams: Thank you, mr. Frazier, appreciate your testimony. Now we're transitioning into the state-of-the-arts and it starts with council communication item. Please read the title for 354.

Item 354.

Adams: Good morning.

Sarah Dougher: Good morning. My name is sarah dougher. We run the flash choir and non-auditioned choir here in Portland. We were founded three years ago for the pba festival through pica and we're going to perform a piece called "evolution." which is a poem by william stafford set to music by me and done in part as a result of the grant from the regional arts and culture council. So we really appreciate being here and to start this exciting day off with a little music. 🎵 [music]

🎵 🎵

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Adams: Wow: [applause] Wow. That was awesome. [laughter] Karla, can you please read the time certain item, a report to council, item no. 355.

Item 355.

Adams: And with us today is regional arts & culture council. That serves the tricounty area including 80 arts organizations in the city of Portland alone. Hundred of schoolchildren and families and countless artists. Racc is here to present this year's state-of-the-art report and i'm pleased to turn it over to racc executive director, who does a fantastic job on a little bit of money, eloise damrosch and our board chair carole morse.

Carol Morse: Thank you very much. Good morning. Happy st. Patrick's day. Especially to you, amanda. You have the best outfit on up there.

Adams: Yeah, what's with these two?

Morse: I don't know.

Adams: They have remedial st. Patrick's day. Ok. I'm sorry. You, you. [laughter] and I had to hand it to him. Sorry. Please --

Morse: That's ok. With me today is joanna kim. The creative administrative assistant for racc and has done the beautiful slide show and all right. Eloise damrosch. I'm carole morse, i'm chair of racc and an serve on the boards of the Portland opera. In -- I run the pge foundation for Portland general electric. Thank you for giving eloise and I the time to update you on the state-of-the-arts in Portland. Thanks to your generosity and advocacy for arts and arts organizations, we've been weathering this economy better than other cities in the country in the arts. Just look around these chambers. Here are the artists, the arts organizations, arts board volunteers, business people and students who want city council to know of their dedication, and belief in the arts as a way to vitalize our city, to build our economy, teach our children, and it feed our souls. Portland is home to more than 200 arts organizations countless artists of all disciplines. Our community extends to clackamas and Washington counties. Yes, Portland is the epicenter, but amazing art is happening in beaverton, forest grove, tigard, tualatin, west linn, Oregon city, estacada and molalla. It includes, literally, arts, visual arts, cultural festivals and arts education. It's tchaikovsky and shakespeare and kids learning math using music and visual arts. Our combined audience in the Portland region is more than 2.6 million people a year with an economic impact of more than \$318 million. Many of these artists are also part of our skilled workforce. Powering creativity in our businesses and fueling innovation in our manufacturing industries. Just ask shandra brown at united streetcar. Now onto racc. It's to -- mission it to integrate arts and culture into all aspects of life. And added contributions from Multnomah, and clackamas and metro, racc supports the community in a variety of ways. Eloise will show you how.

Adams: Thank you, carole.

Eloise Damrosch: Thank you for that good introduction and good morning all of you. Thank you for having us, mayor Adams and commissioners. The city of Portland has clearly been with us every step of the way, and this bar chart will show you the trend that's definitely going in the right direction. We've had a few dips in the way, with budget cutting but thanks to your commitment to the arts and dedication, we've been able to keep the trend going. As carole mentioned, I was at a meeting with my colleagues from around the country and literally one of many two representatives of major cities in the united states that was not reporting a dire cut in arts funding. So we're immensely grateful. [applause] and then the next slide show what is we do with your contribution as we leverage more funds for the region. And this comes from our partners in the counties, from metro, from the state, the Oregon arts commission and time to time from the federal government as now a substantial contributions through business and from individuals through our work for art and through the right brain initiative. Which you'll hear about in a few minutes. Advocacy, as you will know, is much of what we do, and it takes many forms. What i'm excited about and these are some of the wonderful volunteers who are hard at work and hard at work today mustering buttons for

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everybody and helping to pack city council, where on our way toward what we've been talking about for over 15 years before we became the regional arts & culture council when we were part of the city and ever since, we've been searched for a dedicated funding stream that arts organizations and artists can count on to continue to support the work, instead of having to rely on the rollercoaster of public funding that you all know about. So you're going to be hearing more about that later on, but I hope that you will follow carefully what this army of volunteers is going to do over the next couple years to build support for this very important initiative and this will then be on top of what the public funding we already receive and it will be money we can count on which is critical to a completely vibrant and successful arts community. And I also should mention that the size of this crowd today points out that can and the arts community can mobilize and organize our forces. You'll see more of that. Work for art, you know about, i'm assuming you all participate through the city's program. Has been phenomenally successful. And a wonderful spokesperson for what we've been trying to do. In generating more and more campaigns and contributions. His company has only been in the program for two years. Northwest natural has been the no. One participant and you can see how successful he's been in helping us. And we consider work for art as part of our advocacy work because all of the people who donate to the program become advocates and active participants with their arts card and become part of all of us. The statistics you'll see prove that the program is growing and growing and growing. I would like to point out we had a 19% increase even in this recession economy which is testament that individuals care and step up and give and we're 85% to our goal for the year of \$675,000 with spring campaign still coming. Now, the large companies like pge and northwest natural and the standard, you would expect to be big donors and they are, and we're tremendously grateful for that. But what's really exciting is some of the smaller companies that are stepping up and the favorite story de jour is burgerville -- de jour is burgerville, only been in the work for art for two years, and the first year -- oh, let's go ahead with the photo. Yeah. The first year, they really stepped up. The second year, stepped up even more. But the story I want to tell you is that when our work for art manager went recently to visit with elaine from the Oregon symphony about the symphony's campaign, she had learned that burgerville had an 85% increase in giving in this past year. 85% increase. And so she was so impressed she stepped up and offered over 100 free tickets to the Oregon symphony to burgerville employees, many of whom have never been to the symphony before and here they are at intermission at the Oregon symphony burgerville at the symphony: Yay: [applause] A huge part of what we do is, of course, our grants program. And we -- we support at various levels, general support, operating support, the funding for the top 43 organizations in the region. With budgets over \$80,000. That's our largest tier and i'm happy to say that largely because of your support last year, we were able to keep all those grant whole and didn't have to cut anyone and you can imagine as other sources of funding dwindled, it's important to have that funding and that gets back to the dedicated funding stream as well. We also provide professional development grants for individual artists and smaller organizations to help them take a step forward in their business and professional lives and it's important for them. 43 of the 49 that were given, were first-time recipients and we love it that we see we're reaching people we haven't reached before. We also give special project grants and this is for organizations that don't compete in the operating support category and also for individual artists and to support projects of all kind that's happen in the Portland region. And we have been working in the schools over the years, and you're going to hear a lot more about the right brain initiative from carole in a few minutes. We've been giving fast track grants to schools who apply, but from the numbers, the amount of money and the number of schools that we're able to support in this is nowhere near enough and not equitable and not adequate. So we're happy to be doing this, but it's not enough. And then a category that actually, thanks to your support recently, we established for emergencies and special opportunities, which the -- you can see how happy these people are. [laughter] thanks to an emergency grant and to the huge outpouring of community support laugh

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june, Oregon ballet theater was able to thrive and we're happy to be part of that success story. And every year, we give a fellowship to one of our successful and superior artists in this community. We rotate disciplines every year and this past year has been kim stafford's year. A poet you'll be hearing from shortly and it's a wonderful substantial fellowship that enables an artist to get out in the community, take his or her work to another level and really shine. To have that opportunity to be able to support that work. Now, if you look very closely in the middle of the photograph, you'll see Portlandia arriving on the barge. We'll be celebrating this year. We've come a long way in terms of building the collection and program and, thanks to you, we're at 2% of publicly funded capital projects. Recently, as you've seen traveling the transit mall, we've re-sited a lot of work taken off during construction and added a major collection of northwest artists to this piece of the city's collection. And there's an interesting story about this piece. There was a fountain that was situated on sixth avenue that had a stone base and a sculpture on the top. And the artist took the stone from the fountain and actually created three sculptures. We're green; we recycle stone as well. [laughter] we also are in the murals business again. And we funded -- partially funded 14 new community murals all around the city of Portland that involve artists and apprentices and community members and helped to revitalize these neighborhoods that may not have had art in the past. We got national recognition because we have the largest outdoor mural in the country and I think mike is here --

Adams: Good job, mike. [applause]

Damrosch: Those of you who used the omsi springwater trail, have seen the heron and now the entire building is wrapped with beautiful paintings of birds. Thank you, mike, for all of that work. And we're happily please blessed with generous citizens of Portland who give gifts to the city. The goodman family was generous enough to move a sculpture they own out to the transit mall to add to the collection. Thank you, to the goodmans.

Adams: Thank you, goodmans. [applause]

Damrosch: We're also tirelessly looking for ways to create more public art and some of the pieces we work on are actually in partnership. In this case, we worked with the bureau of environmental services, which rarely undertakes public art because most of what they do is under ground. When there was a new pipe station as part of the big pipe project was built, we were able to capture some percent for art money, because there's a trail -- a public trail that goes along the river. This is an artistic gesture to the big pipe project and actually uses several sections of the pipe itself. And, of course, we take our role as taking care of the city's collection seriously and are constantly refurbishing and taking care of the public art collection and this is the oldest piece of public art in public.

Saltzman: Where is that?

Damrosch: Skidmore fountain. We also provide public art management services to other entities beyond the city of Portland and Multnomah county. And in this case, it was the housing authority of Portland, was just dedicated this beautiful glass piece recently and these are some of the other organizations we've helped generating a fairly substantial amount of earned income to keep the public art program striving. We provided a wide array of community services. Every day to thousands and thousands of citizens from art parks events to our web presence and everything in between. These are some of the things we're constantly working on to provide information and expertise to people. And one of the most popular things we do, our artist workshop series where people come and learn special skills, if you can read the inscription at the top. They come and get involved and bring a friend and train their brain.

Adams: I want you to know that's not the city council on the far right. Despite what our critics might say. [laughter]

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Damrosch: These are some of the topics we offered this year. And over 300 people attended these workshops, so we know there's a demand. And now I'm going to turn it back to Carole to talk about arts education.

Morse: So recent polling shows that arts education is a paramount interest to our citizens when they're asked for their opinions on the arts. Arts education in the schools has been happening in our community for many years. Some of you probably participated in arts classes as youngsters. As you know, though, in recent years, arts have been cut in many budgets, leaving artists and arts organizations desperately trying to fill the gap with outreach programs that don't reach all students. Music and other arts teachers and outreach visits from the theater and ballet and other groups work diligently. With funding down for all arts organization, their arts education role has suffered as well. This diagram focuses on a regional arts education system. And I underscore the word "system," with the goal of providing equity and arts education for our children. High quality arts education for all students. This systemic approach involves school districts and artists and arts organizations, private funders, social service programs and young audiences. No organization is better positioned to bring arts into the schools than young audiences who have been excelling at this. They're a most valued partner of RACC. The right brain initiative is in its second year in regional schools. The focus is integrated arts education. The right brain's professional development component enables teachers to bring artists' skills into classrooms to teach core curriculum subjects, especially reading and math. Art is a teaching tool and art for art's sake. School superintendents asked us to focus on grades k-8 in the first stages of the right brain initiative the just imagine how much better high school students will be in terms of learning and preparedness if in k-8, they have had a energized learning experience. I think this will help around grade counts. Integrated arts in k-8 can help kids from dropping out because they're unmotivated or failing. [applause] Here, here. We need systemic change for arts education. For years, the participants in this diagram have been offering arts education separately without a common goal. Now with the right brain initiative, everyone is working together toward the same goal -- of high-quality arts education for all students. Nationally recognize the experts are providing the professional development and evaluation components of the initiative. It's an unprecedented cohesive effort in our region involving hundreds of professionals and volunteers. Thank you, Mayor and Commissioners, your visionary allocation to the right brain initiative kicked off the program. And it was leveraged five times. Five times over through grants from companies and foundations. I'm pleased to say that the PGE Foundation was the first private donor to the initiative, but we were quickly followed by Bank of America, Key Bank, and the major foundations. We all were very motivated by the city's generous support as a new, unknown program that addressed an issue our boards deeply care about. We're in 23 schools in the Portland, Hillsboro, Gresham, Beaverton and North Clackamas school districts. From Free Orchard elementary in Cornelius, to East Orient in Gresham. That will be filled with flags within a few years.

Damrosch: We couldn't do any of this work without hundreds of volunteers. People who serve on the board, committees and public art panels and grant panels. The can volunteers that are helping to mobilize the entire region and I just want to give a special thanks to all of the people who donate so much of their time. And I'd like to ask the RACC board of directors who are here to stand and be thanked. [applause] as you can see from the slide, and this is only a part of this year's army of volunteers -- this year's army of volunteers, I want to thank them. And everyone in this room who does so much for the arts and thank you for coming today and being so supportive. Carole.

Morse: I don't need to tell you that the arts community is struggling. Just as businesses, the government and all non-profits are struggling in this economic environment. For every public crisis you hear about, such as the Oregon Ballet last year, there are day-to-day struggles by arts and artists of every size. I can confirm what you know. Downturns in our business and found as it's endowment negatively impact our grant making ability. We still give as much as we can, but it's

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not enough to keep nonprofits whole. Arts organizations are doing their part. Lowering their budgets and cutting back on the number of show, taking unpaid furloughs and putting improvements on hold. What you see on the stage is still a fabulous product, but back stage, there's a lot of angst. But you know, artists and arts organizations are a feisty passionate bunch. They're used to a struggle and use creative skills to find ways to do things. They're collaborating like never before. A new artist organized group, the Portland arts alliance, brings together 60 arts organizations who regularly meet to figure out ways to get through the tough economy together. They're sharing networks and finding creative ways to be successful. The ticket stub program which gives a patron of one arts event the ability to get a discount at another one is proving to be successful. I've never worked with a more spirited and dedicate group of professionals. Our arts organizations and artists are worthy of our support. What would Portland or any city be without the life force they bring to our daily lives. The momentum continues to build. Individual contributors to the arts is increased. The arts advocates are growing their army. Just look around this packed room. We will get through these tough times: We're energized and we thank you for your support. [applause] [applause]

Adams: So we have five -- six people to testify. The first three are roger from bank of america. Holly, sixth grade teacher and participant in the right brain initiative. And the great kim stafford, poet and racc artist in residence. Welcome to the city council chambers. Glad you're here. Would you like to start?

Roger Hinshaw: By way of introduction. I'm president of bank of america in Oregon and southwest Washington and also serve on the leadership council for northwest business council for the arts. When I first heard about today's state-of-the-arts discussion, I asked virginia willard if I could participate and say a few words. I wanted to share a business perspective and because i'm a believer in how critical the arts are to a local community. For more 10 years, bang of america has been one of the largest contributors to the arts in Oregon and last year, we were the no. 1 corporate sponsor, despite an environment where it would have been easy to say there are more pressing needs in the community. I want it make a couple of quick points. First, the arts can and should be a place to bring the community together. Not a place where the haves and have notes are divided. That's why a major focus for our local foundation, arts accessibility initiative. Such as our work to help Portland arts museum -- omsi's \$2 tuesdays and why we're grateful for city council's support of arts last year. Together, I think we've made a big difference in arts access which has strengthened the community in real and meaningful ways. Secondly, i've seen first hand, the positive impact the arts can have on community stability, neighborhood preservation, and even economic development.

And that's good for Portland, its good for businesses and good for our citizens. From the renovation of the Portland arts museum on the parks block to the armory theater housing Portland center stage in the pearl, to the more developing scene on alberta, I believe that arts organizations can and do serve as a catalyst for economic development. Arts and culture is so much more than just listening to music, looking at an arts exhibit, hearing a lecture or watching a play or dance performance and because it's so much more, it's important we not overlook the bigger picture. I believe a vibrant arts and culture industry helps build our economy. Improves educational achievement and can even save at-risk kids in our community. And I know it helps build our local identity; answering for many, the question: What's so special about Portland? As we continue to navigate these water, please keep in mind the broad impact the arts and community has on our local community. Thanks for your time today. [applause]

Adams: Thank you. Ms. Wilson?

Holly Wilson: Good morning, i'm holly wilson. A sixth grade teacher at riggler k-8 school and here to talk about how the right brain initiative has had a direct impact on my students. We serve about 600 students and come interest a variety of cultural, language and economic backgrounds. 85% of our students are on the free and reduced lunch program and 36% are english language

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learners. For many of the students there, their access to the arts begins and ends at school. Luckily, my students and I have had the opportunity to learn from a variety of artists through the right brain initiative. As a teacher, one of my greatest challenges is to make the academic content comprehensible to all of my learners and this can be extremely difficult, especially given the demographics of the school. Our artists worked with me and other teachers to take the content standards and integrate them seamlessly into a variety of mediums. Theater became history and drumming geography. And it's pushed me to become more innovative with my own teaching practice. In the sixth grade, students are solidifying their beliefs about the type of student they are and the role that school plays in their lives. The right brain initiative gives students the opportunities to say, "i get it:" i'm good at this, I can do it: And this year, I was struggling to increase student participation in class discussions. After a brief residency with the loud and clear program, all students in my program are very eager to share their ideas. [laughter] we constantly refer back to the speaking skills we learned and I have students asking permission to stand up to address their peers in the front of the room. This has given the sixth graders in the cully neighborhood of northeast Portland a voice and this is priceless. When I told my students I would be here today, they were full of suggestions. [laughter] and also let me know their personal feelings about the artist residencies, so I have the great privilege of sharing their voices today. They say that it makes school much more fun and interesting. The programs made them want to come to school. The artists inspired and gave them an opportunity to interact with the content, rather than just listening to it. With the drumming circle, they learned if they didn't listen and stay in rhythm with one another, they sounded bad. But if they worked together, they made music. We've been enriched through these programs and I believe that every child deserves access to the right brain residencies. My students and I thank you for supporting race, listening and for your time.

Adams: Thank you. [applause] it's a great honor to have you here.

Kim Stafford: Thank you. Thank you, mr. Mayor. I have to say, i'm in the right group. A business and professional and a teacher and a humble poet are on the same team, we've got a great team. It's a privilege to be here. I'm grateful for the support from the city through race. And I wanted to share a few things I learned during that fellowship. First story. I was riding a bike with our 12-year-old son through tryon creek and the sun was in our eyes and guthrie turned around, and said, "dad, what if the flashing sun is like morse code telling us the meaning of life?" and I was processing. But dad, every forest would have a different message, maybe there are thousands of meanings of life? That's what race is about. There are thousands of meanings of life. And to have every voice, every child, every business, participate, we call that a democracy. Second story, my wife said to me the other day, you open the paper, turn on the news, talk to your friends, every day you're made aware of things that are being destroyed. Diminished. Made stink. Ruined. What -- made extinct. What if every day, you created something? Some little thing? An email message with a little extra kinship in it. A fabulous meal. Some music. I think that's what we're back to democracy. What if every day, every person has what sense of creation? And one thing that occurred could me while on this fellowship project, sort the kim's law of how the world works. The problems of our time are economic, environmental, political, but the solutions are cultural. The solutions are how we learn to talk with each other. How we learn to stand up. And in an unafraid way, to speak our piece. So in that spirit, I want to close with a poem I wrote for you this morning. It's called "city of art and culture." [laughter] beside the omsi submarine docked for good, the beaver whittles a willow stick. While the school a girl shapes her poem, gnawing the pencil to think the words just right. On ross island, the heron shouts a guttural cry. While outside city hall, alonzo, fingers cold, plucks his life tune for tips. Mother coyote hops on the red line, sits tall, gazes far, leaps off at the next stop. While a dancer at jefferson, seeks in his bones, the coyote gesture that turns pain to grace. In the way water moves along the restless hymn of johnson creek, the painter finds a line that transforms confusion into a map of the possible. Without the poet's right

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word, the musician's aching song, the dancer's feral reach, the painter's sure line, we lose resilience at the downturn. We lack verve, at the decision point. We falter when our children beg for joy. In spite of all. It is for these reasons, friends, the way the creative heart and mind can find the dancer's path through tough times, that we are practical about our work in the city of art. Thank you.
[applause]

Adams: Beautiful. The next three invited testimony will be jack graves, burgerville. Participant as we've heard. Work for art. Elaine calder, with the symphony. And jessica with creative advocacy network.

*****: [inaudible]

Adams: We'll do the next round. Welcome to city council. Welcome back to city council. Glad you're here. Mr. Graves.

Jack Graves: Thank you for inviting me today. My name is jack drives. Chief cultural officer for burgerville restaurant.

Adams: Chief cultural officer?

Graves: That's correct. [laughter]

Adams: An awesome title. [applause]

Graves: Probably no accident i'm here today. So having been with our company for over 33 years now, we've always had giving campaigns and they've always been very successful. Over the years, we've tried all kinds of different things to have the employees give more freely and more generously. And we've really used our mission, serve with love, which is how we manage our company, used it to help direct us to what's next for burgerville and burgerville employees and the businesses we do -- the communities we do business in. A few years ago, we identified a new participate in work for art. They came and said they would offer another choice for our employees. Our old program had not a lot of energy put into it. Work for art actually came in and helped us to generate more energy. And the first year, we increased our giving, which had been dropping through the three previous years, about 15% over the previous year. And the second year, with work for art as a partner, as you saw, they increased 80%. We increased over overall giving by more than 40% the second year that work for art was present. One of the things they did to help us generate energy was bring a team of folks that came over and did a radio show for about 10 minutes in front of our general managers. That in itself helped energize and was a demonstration of the power of the arts in the communities.

Adams: Was that live wire?

Graves: That was live wire, yes.

Adams: Very good. [applause] I assume they did the version without the curse words?

Graves: It was just very appropriate. [laughter] as you probably know, most of our employees are at minimum wage or somewhat above but overall, our hourly employees are not on the highest end of the wage scale. For them to step forward the way they did tells me that there's a lot of value in the arts in our communities. And also points to the contribution that art is to the community. One of the things they also realize is their funds, while they may not be big dollars, will be matched, and that matching is extremely important to our employees. They know then they can actually make a difference in their communities. Last year, with the 40% increase, that was a record increase in our company. The largest giving year in the history of our company and we all know what the economy was like last year. For many years, our company has supported several different arts organizations, tears of joy, we sponsored for years. And worked with on your feet productions for corporate training and anticipate working with them again in the near future. One the projects we had going on for over 20 years, but I think it's a right brain project, with fruit valley school in vancouver. That's very unknown, but the people who organized it had no idea. But we've been working with kindergarten, in that school, five hours a week. We send employees down to that school to work with them to do various tasks in large motor skills, reading and math projects using

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arts as one of the tools and using gymnastics and those things as a tool to really create a lot of right brain power, if you will, that also has them learn to read better. We know reading is the one thing that keeps our people from learning and graduating. Over the 20 years we've been doing that program, we've noticed an increase in the graduates out of that particular school. It's the lowest income school in our community. We're proud of that. More recently, I became a director for the children's museum and being supported by our company and doing so, also points to the level of support we have and the value we see in the arts in the community. Our young parents, they see what's happening in the schools and our employees are largely young and many of them have children in the school system. They see the arts disappearing year by year, year by year, and that I believe has -- has them want to contribute in our program at work. So they see that once again, they have an opportunity to bring the arts back into the community. I think the bottom line of our conversation is that we see arts as a very valuable asset to all communities and really is at the root of a thriving community and our business will not thrive unless our communities thrive. So thank you for having me here today.

Adams: Thank you. [applause]

Elaine Calder: Thank you, thank you for the opportunity to speak with you this morning. I'm Elaine Calder, the president of the Oregon symphony and speaking as one of the professional organizations funded by rac. By professional, I mean that our musicians and employee living doing what we do. This is a challenging time for all of us and not the just the art the. Your commitment to rac funding has made a big difference. Not -- difference. In the importance of the arts in this city. Portland's art community has had to make difficult decisions to survive the impacts of the recession. We've seen ticket sales and contributions shrink as people make hard choices about their lives and the causes they support. We've had to scale back and to give one example. Our 76 musicians and 30 staff members who have given up almost \$1 million in wages and benefits in year. We do not consider this heroic or exceptional. It's what we're all doing in every sector to preserve the things we value most. At the same time, our organizations have cut prices and offered discounts as we try to remain accessible to the many people who love the arts but are struggling themselves in this economy. And Portland does love the arts. The Oregon symphony's budget is \$14 million and of this, we rely on our audiences and individual donors for 84%. That is an extraordinary percentage by national standards and most of the organizations represented in the council chamber this morning would tell you a similar story. It's people who keep the musics and galleries open and vibrant and who buy our tickets and pay our admissions and take out memberships and make contributions to our capital funds and it was reinforced in december when the study was released and announced Oregon ranks second in the country in per capita attendance at performing arts events. And it's great to have roger henneshaw say what he did this morning. Portland doesn't have a lot of fortune 500 companies and we've seen head offices transfer elsewhere. And we have a relatively small number of foundations here. And so our arts organizations have carefully nurtured our relationships with audiences collectively and individually. The economic climate remains challenging and the need to make hard choices continues. I hope your decision to continue your commitment to rac will be made easier by the knowledge you're reinforcing the people of Portland to their arts community. This is not a place where the arts are enjoyed by an elite few. But a city that embraces creative enterprise. Thank you for all you do that participation in the arts can be enjoyed by the broadest possible cross section of our community.

Adams: Thank you very much. [applause] and I apologize to Elaine and Mr. Graves. Would you mind, so they can get closer to the mic?

Calder: Uh-huh. We'll slide back.

Adams: That's great. We don't have the most sophisticated --

*****: Setup.

Adams: -- p.a. system here.

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Jessica Jarratt: Thank you very much for having me. I'm Jessica, a resident of Portland, a mom of two and executive director of the creative advocacy network, or can. I'm here representing 235,000 metro area students and 24 neighboring cities and 1.3 million metro area residents and on behalf of all of them, I want to say thank you. Your investment in the arts in this city have made a tremendous impact. Just this year, alone, 2.6 million experiences took place for Portland residents and visitors through the 93 organizations that have funded. Of those, 2.6 million experiences, 916,000 were free. And 175,000 schoolchildren, benefited from the arts. Because of your investments. Your investments in the creative advocacy network are laying a groundwork for regional funding for the arts. Here, the arts shape our neighborhoods, they impanel our educational opportunities and fuel our economy and open our minds and spark creativity. Thank you for making that happen. While many consider Portland to be an epicenter of creativity and near has ranked Portland no. 2 in attendance for the performing arts. In the region as a whole is much lower. And as a result, our children and communities do not have equitable access to the arts. Your leadership and investments have sparked a movement that's fueled by what can be described as popular demand. 2008 and 2009, can has done polling which has given us a bit of information about a representative sample of tricity residents. 95% of residents believe that arts education is vital to our children's future success. 83% of residents agree that arts and culture help fuel creativity and innovation that fuels Portland's economy. And 70% of residents are willing to pay a dollar more per month in additional taxes to fund the arts and arts education. As reported in yesterday's "the Oregonian," settled on 2011 or 2012 to introduce a ground breaking \$15 million-\$20 million regional funds for the arts with voter improvement. It's no longer a question of if, but when it will go to the people with this issue. Thanks to the visionary investment of the city of Portland, can is working to ensure that my children and their children will have the opportunity to experience the arts and learn in their classrooms and communities no matter what income level or neighborhood and once again, I thank you for making this possible. I would like to use the rest of my time to introduce a beautiful woman that I invited to come here today to testify. Kiera is a 16-year-old junior at Benson and the best reason I know of to invest in access to the arts for our children and community.

Kiera Brinkley: My name is Kiera, I'm 16 and I attend Benson Polytechnical High School and I wanted to thank you for having me here. I'm honored to share why having access to the arts is so important to me. I'm a dancer. I've been dancing since I came out of the hospital after I had an amputation done and I attended Da Vinci Arts Middle School and majored in dance there. And made it to the top level of dance. Dance is easy for me and my friends and family seem to like it, so I'm very happy to do it. I'm known as the dancer at Benson and even though it's not an arts school, I look forward to every arts assignment because I go all out. The main reason I dance is to express myself and being able to go to a school that allows me to dance and go down the hallways with my hair not done and dance without being judged is one of the best things I'm able to do and I'm known as the girl who is disabled. The girl in the wheelchair and when I dance, people get to actually see me. They get to know me and my feelings. And so today, testifying, I'm just asking you to keep being as generous as you've been do for my friends and families. I want them to be able to experience the same opportunity I have with the arts and how it's affected my life.

Adams: Well done. [applause]

Jarratt: She's agreed to perform a brief dance for us today. If you all would be amenable. You might have seen this. ¶¶ [applause] [cheers and applause]

Adams: That was really fantastic. All right, has anyone signed up to testify?

Moore-Love: I think everyone who signed up spoke.

Adams: Then I'll entertain a motion to accept the report.

Fish: So moved.

Fritz: Second.

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Adams: Moved and seconded to accept the report. Call the vote.

Fritz: This is wonderful. Thank you so much for take can the time to come in today and thank you for your work in the community and thank you, racc, for supporting so many professionals in the community and volunteer projects. It's heartwarming to see how this community has pulled together in the worst recession of my lifetime and thank you to the performers, thank you so much. Kim stafford, and the choir. My goodness: That's -- I haven't heard a choir in this auditorium before and I think all the high school choirs, at wilson high school, should bring his choirs here and all the high school choirs, it would be wonderful to have this building used for the arts well as well. Thank you, aye.

Fish: I want to acknowledge the three dynamos, for their leadership. We're fortunate have three dynamic and relentless leads are for the arts and thank you for what you do for our community. I want to acknowledge the mayor, because he's the one who sets the table and sets the priorities in our budget and work. And he's put arts and culture as the head of the list for this city. And so I am as a citizen, a member of this body, grateful for the mayor's leadership. So one the questions, I often get asked: Why do arts and culture matter and why invest in arts and culture in a down economy? I go back to one simple story. I think it connects all the dots. About three years ago -- and eloise will correct me if i'm wrong on the date -- it was a marvelous public art staged at the halprin fountain. Maybe it was three or four years ago. Something like that. And my family came out and joined a thousand people at a performance at the halprin fountain which proceeded south and that particular project was put together by pica, funded by racc, and other public and private sources and brought together the halprin fountains, which turns out is one of the great treasures of our community and not as well known as it should have. Third angle, which is one of our great musical organizations, pica, and -- and dance. And it all came together at that event. And it was an extraordinary piece of public theater. So what happened as a result of that? Because of the investment that were made in that event, the public gained a deeper appreciation of a significance of the halprin fountain and we learned that the fountains were at risk and it turns out we're the envy of the country in having his master work here and the sequence he designed. As a result of the momentum that that public art brought about, randy completed his book. Which is entitled "how the revolution came to be." and how we can elevate its significance. As a result of this whole continuum of efforts, initially sparked and enhanced because of art, the city of Portland today is the lead applicant for an historic district designation to create a historic district for the entire halprin sequence. The fountains and plazas and the connectors. And the mayor has proposed creating a new subdistrict in Portland called the fountain district, celebrate the heritage of halprin's master work. When you ask me why do art and culture matter, I would say let's just look at the story around lawrence halprin's great work and how art and culture brought it to our attention and save something that we took for granted. Here's my commitment. I will pledge to work with the mayor to work tirelessly to maintain city funding for the arts. A do you know economy is no reason to back away from our commitment. I will tell you that will not be easy and you know how bleak the budget situation is. But you make a compelling case and the fact we have a down economy makes the case even stronger for maintaining our commitment. And when jessica and can call -- blow the bugle and rally the community toward the larger goal of dedicated funding for the art, i'll join with her and the mayor and the regional coalition you put together to fight for that funding. It's time to go to the voters and ask for their support. Thank you nor your leadership on something we care deeply about. Aye.

Saltzman: Well, I want to thank racc for an outstanding presence and show of force today. Outstanding presentation, I should say, as well as show of force. And kiera, you're fantastic. I really appreciate you being here today. And it minds reminds me that I need to say through the support of the children's levy, two times now, we also support arts education in the schools. Tears of joy theater is one of the recipients of our investment. And we support sun school programs that support the arts and writing and photography flew our after-school students, so the children's levy

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hooks up well with what race and can be about. And it's a challenge in these times to sustain or fund but I'm committed to sustaining funding for race and finding other opportunities we can support the arts and culture. I think it's one of the things that's fortunate to hear the statistics about the participation of people in order for the arts, but the arts to me is something that brings communities together and we have so many things that are divisive these days. Many of them coming up on this rostrum in the next few days or weeks. When you show the last slide of the audience standing and clapping, looking at the stage, it's that type of moment, it brings us together at a city or audience or just a random group of people in appreciation of something special that we've just seen. And so it's an incalculable value that's well worth sustaining and I too, will to all I can to help with the creative arts networks, proposed funding strategy. And look forward to being a participant and want to thank Carole, Eloise and Jessica for your outstanding leadership. Aye.

Adams: One person that is very modest in other contributions to the leadership in the arts community and is actually deserves to be called out for recognition and thank you, she's sitting up -- where does she go? Virginia Willard. [applause] executive director of business communities for the arts. I know Roger spoke on behalf of her, but I wanted to thank you personally as well. My colleagues said it far better than I could. I simply want to say that, you know, the best days for Portland's arts and culture communities are ahead of us and I said five years ago when I took over the helm of being the arts commissioner for the city of Portland, that the arts and culture heritage preservation history community in Portland was the worst organized demographic, social demographic group, advocacy group in the city of Portland. And it's now one of the best. And that's huge, a huge change. Thank you very much and I want to thank Polly and Jennifer and our new person on the arts and heritage team, Harry Clark for his work in my office. Aye. [gavel pounded] [applause] you're free to stay. And watch democracy in action. We'll take a five-minute recess to switch audiences in and out.

At 10:57 a.m., Council recessed.

At 11:03 a.m. Council reconvened.

Adams: Welcome back from recess of five minutes. We are going to do the consent agenda. Does anyone wish to pull any items from the consent agenda? All right. Karla call the vote on the consent agenda.

[roll call]

Adams: Consent agenda approved. 10:30 time certain. We are running a little late. Please read the item for resolution item number 356.

Item 356.

Adams: Commissioner Fritz.

Fritz: We are a diverse community, and something for everyone including the technology geeks. And it is my pleasure to introduce the simple resolution stating the enthusiastic support of the city of Portland in responding to Google's request for information to build an ultra-high-speed fiber network to the selected cities -- we're not guaranteed to get it but we are going to go for it. On Wednesday, February 10th, Google announced plans to build one or more fiber to the home network in one or more cities in the United States. The deadline for this is March 26th, which is why we are doing it today. At that time, the office of communication and franchise management director David Olson was traveling in China, and Mary Beth Henry immediately jumped at the opportunity, despite the fact she was already in the middle of preparing the \$8 million technology grant we told you about last week. Over the next several weeks, Mary Beth, Tim Crale and David Olson met regularly -- I'm excited about the opportunity that Portland's selection would provide. Particularly grateful to the chief of staff of commissioner Saltzman -- led the charge on this.

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Brendan Finn, Commissioner Saltzman's Office: Thank you, commissioner, thank you for your leadership on this issue. Mayor, council, happy st. Patrick's day.

Adams: Indeed. We will take a break at 11:30 to see irish dancing brought to you by the famous irish american randy --

Finn: Molly malone dancers, tradition. David olson, director of office of cable franchise management, deputy director mary beth henry, and skip newberry from mayor sam Adams office. We're here to increase the amount of fiber in Portland's diet. I think it goes without saying that the internet has become an every-day existence vital to the every day existence of citizens and businesses across the globe. Evolution has been unpredictable but its innovations have changed the dynamics of our economy, creativity, and the way we connect with family, friends, communities, yet in one of the most industrialized nations in the world, united states remains 32nd in the world in providing high speed internet access right next to slovenia. This is not news to this city council. You have exhibited a decade of leadership in trying to provide Portland of the needs of the 21st century. Much like the sustain ability movement, this is one of those forward-thinking issues where Portland leads the way and the rest of the nation follows. That might sound tremendously smug coming from a Portlander, but when scc commissioner adelstein was here two years ago he stated just that. Just yesterday the fcc finally took action under the leadership of president obama's new appointment to accept a new broadband plan, which mirrors many of the concepts that this city council has long since adopted. Today we bring those concepts, studies, and policy goals into action by applying to google to be their test bed community for the next generation of high speed internet. Fiber to the premises at no cost to taxpayers. So, just to hear from google themselves, we have about a minute and a half video so that you can hear what they're anticipating and what they would like to see.

[video start]

James Kelly: Hi, i'm james kelly, manager of google's infrastructure team. Today we're announcing our plans to build and test ultra high speed broadband networks in the united states. We plan to provide fiber -- speeds up to one gigabit per second for 50,000 or potentially up to 500,000 people. In selected locations we will offer internet connections up to 150 times faster than many -- 100 times faster than many americans have access to today. We want to -- experiment with new ways to make the web better for everyone. We want to try out new ways to build and operate fiber networks. Operate open-access networks, meaning we will share our network giving users more choice. We wanted to get started as quickly as possible. We need to find a community partner to succeed. If you are a state, county, or city official, you can express your interest by answering questions online at our project web site. And if you are not a city official, you can still nominate your community. Working with the right community partners we look forward to seeing what is possible. Please visit our web site and get involved.

[video end]

Finn: That is straight from the words of their mouths. Now I will turn it over to david olson.

David Olson, Director, Office of Cable Communication and Franchise Management: Thank you, mayor and council members. David olson of office of cable and franchise management. You have heard from me once or twice on this subject. And it has been -- have been very patient and gracious. But this is very exciting stuff. When I was last before you when the council had the discussion of this, we talked about Portland being the hole in the fiber donut. That is we are surrounded by fiber in the suburban communities, but there is absolutely little or no prospect of our incumbent telephone cable companies running fiber to the home here in the center where it is most needed to be economically competitive to and get to the next generation of broadband as we discussed with this council many times. This council is aware and should absolutely take credit for being as brandon said at the forefront of this issue. Not just last year, not just five years ago, but for nearly a dozen years this council has been on top of this issue, ahead of everybody. And

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our bona fides -- in response to google, in my opinion, this is not a remote response. We have everything. Everything in this city, including the history and commitment, and a history that no other city in the country can match. We are shovel ready. We have the information, the commitment, the history, the policies ahead of the nation. I don't personally regard this as a remote possibility. I think this is the place. This is the time. This is the partnership, and this is the council that can get this done. You know the history, brandon mentioned the national broadband plan the fcc announced yesterday. With all respect, we love'em, they're our partners in many of this, but, you know, that broadband plan is all about getting wireless spectrum out there, more tv gadgets and getting a lot more money to the telephone and cable incumbents in this country that have caused the usa to slip to what, 30th, 20th in the world in broadband in the last ten years from a position of first place ten years ago. And a lot of it is about getting more tweets in the truck lanes of broadband, in other words, about moving the marbles so that the usa stays in the truck lanes and not in the fast lanes where the future is. That is what google is proposing. That is what we have always said we have to have. You have to have speeds on the internet that are truly game-changers, landscape changers that change the entire equation for applications known and unknown. This is what this is about. That is what this council has been saying for years. So I am - I couldn't be happier to have heard about this in hong kong and my brother saying I can't believe this is happening. They're doing this? Yes. Come back and get on this. As the last element probably is what I was trying to explain to my son when he said, what is this last night? He's 13. And I told him what it was, one gigabit per second fiber to the home in a test bed. He finally got it. I talked about what that would mean to the stuff he runs. And he said, that would be awesomely cool. And you know what? I think it is a match made in heaven. Thank you.

Mary Beth Henry, Office of Cable Communication and Franchise Management: Mayor and commissioners, i'm mary beth henry. I have -- represent all Oregon cities on the broadband advisory council and am a board member of the national association of telecommunication officers and advisors. National organization of cities promoting rich connectivity among people, institutions, and information. The google fiber project is about connectivity, making sure that we're all connected. Just two days ago on behalf of 18 partners of connect Portland, I pressed the button to submit the grant proposal for broadband technology opportunity program grant that is all about connectivity. The grant will address critical needs for broadband access and training for our most vulnerable populations. We are actively working to address the digital divide, and we will increase our chances for success if google decides to deploy its fiber project here in Portland. Many of us realize that the quality of Portland's information and communications technology will increasingly define our future economic opportunity. Reflected in increasing economic opportunity is the value of inclusion. To this end, we have reached out to include not only a wide variety of Portlanders for help in landing google, but we have reached out to the other four cities in Oregon that hope to attract google as well. We have reached out to the governor's office and to the broadband advisory council. We are saying to google we here in Oregon would love you to pick one or more of our cities for your fiber test bed. Because we understand if google picks any community in Oregon, all of Oregon is a winner. The cities of eugene, gresham, hood river, pendleton and Portland have all agreed to commit to working with each other in whatever way necessary to support a goggle deployment in Oregon. Portlanders have long been pioneers of innovation, open source telecommunications, and information technologies, and will readily engage in an opportunity to deploy, develop, and utilize google's visionary broadband network. Thank you.

Skip Newberry, Mayor Adams' Office: Hi, skip newberry, work on the economic development team. I want to point out today a couple of things. First starting with google wants to demonstrate this type of investment will produce a pretty quick return in a short period of time. I want to touch upon a couple of examples that I think make Portland particularly strong as a living

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laboratory for innovation. Portland has a very large number of home-based businesses. With many core business functions migrating to the web, this means home-based businesses stand to benefit greatly from this type of initiative. Examples include video, graphic design, e-commerce, and software development businesses. Additionally, as more people are able to work from home, this has a significant impact. Businesses can reduce overhead, increase worker productivity. This is the new knowledge-based economy. Portland offers an attractive value proposition in terms of quality of life. Welcome the number of community partners that stand ready to assist us in helping to close the gap between those with access to internet and those who do not. If selected by google, we could partner with one economy here in Portland helping to train local youth, develop leadership and workplace skills to help connect their neighbors and friends to the internet and provide training and support. Provide low income residents with the access of computers and the training that they need, we can do our part to help reduce the digital divide. I want to mention another news item that went out today. Today is the official launch date of Portland civic ask contest, a software design contest that is regional in its approach. We have partnered with trimet and the county and Portland public schools, and we're trying to make it as transparent and open to the public and accessible as possible to the public so that people can submit ideas for new software applications and mobile apps that they would like to see developed that take advantage of public data set that the city and other partner organizations have now made available. It is a perfect example of what is possible in a city like Portland that is known for its openness and collaboration. And with that, I think it is now time to hear from Portland's greatest asset, which is its residents and I would like to respectfully request that since the students here to speak have an exam coming up today that they be asked to come forward and speak first.

Adams: Sure.

Newberry: Thanks.

Adams: What exam do you have today?

*******:** I have an ip spanish oral.

Adams: Who would like to go first?

Sam Burnett: I will, mr. Mayor. Good morning council and thank you for inviting me to represent the youth of Portland. My name is sam burnett and I am an 8th grader where I am the student body president. I am here to emphasize the importance of high band width internet for the future. My generation faces severe challenges. We will need tools in order to face these challenges, the most critical being the internet. This presents us with an interesting opportunity. An opportunity to allow one of the students of Portland to become the inventor of the next ebay or wikipedia. Even in every-day life, we use the internet nonstop on social networking sites such as facebook and myspace. I imagine a future where high speed internet based application help monitor the environment, optimize job growth and the economy and let citizens of the world engage in cooperative international problem solving on a regular basis. You have the opportunity today to establish the foundation for this future. I whole-heartedly support the proposal you have in front of you. Thank you for your time.

Adams: Thank you. Good job.

Quinn Roth: Hi. My name is quinn rolff. I'm a junior at lincoln high school. I feel that Portland would be an excellent partner with google on this venture because there is a huge largely untapped potential in Portland that stems from the creativity and resourcefulness of Portland area youth. I don't know how one gigabit per second internet connections could change the world, but I can tell you that some Portland youth have an idea. When given -- advanced tools -- display an amazing knack for innovation. One example of this is first robotics, a competition that involves high school students designing and building programs in under six weeks. Students are given access to industry software, professional mentoring and commercial facilities. At these competitions, incredible amounts of innovation can be seen. There were 61 student design

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machines at this year's regional competition at memorial coliseum and all took a different and widely creative approach to the challenge. If students gained access to this internet connection, they would display the same creativity and innovation in what they create with this connection that I see every year at that robotics competition. Two years ago I stood -- two weeks ago I stood in a crowd of over 1,000 Portland area youth at that robotics regional and I listened as the vice president of education at auto desk, a national software company, said I know you are going to do things that people said could never be done with technology. I firmly believe that this is true and that the statement not only reflects the potential that Portland area youth show in robotics, but that this statement speaks to the potential for innovation that high school students could show with this high-speed internet connection as well.

Adams: Thank you very much. Great testimony. Sir.

Collier Johnson: My name is Collier Johnson, a student at Portland Community College. The internet advances communication -- internet is communication, and communication is the -- it is the basis for our society. It is the catalyst of business, of art, music, and education. And you know through time people have tried to advance communication, but barriers have persisted. Buildings that fill downtown Portland are still necessary to hold our offices because digital communication is not -- has not yet advanced to the point where it can equal a conversation held in person. It cannot share assets on a level equal to the presentation. With the gigabit internet connection that Google promises to have, we can overcome these limitations. I hope to see a future where offices are merely a figure of speech. In my future, people will be unhindered by the start-up cost of infrastructure investments, a day when information and ideas flow freely unfiltered and unencumbered -- when businesses are held accountable, only to the standards of imagination and possibility. It is the inevitable progression of our society and I hope this will be communication that will become Portland's legacy.

Adams: Very well done. Good job in testimony. Give them a round of applause. [applause] My understanding is next we have Gerald from PDC, Wilfred Penfold from Intel, and Matt Niess. Glad you are here.

Gerald Baugh, Portland Development Commission: Mr. Mayor and Council, I will start, Portland Development Commission. From the PDC perspective, we think this is a very important step to embracing 21st century technology and its direction and actions by Council is another step of really building the community and getting them on the information super highway. When you adopted the economic development strategy back in July, you called out four target industries that we were going to look at and put our efforts behind in job creation, one of those being software. I happen to be the manager for that energy cluster for PDC. In taking a look at that, we have nearly 1,200 software companies within the city of Portland. Out of those 450 that have one to two employees. When you take a look at that, most of those start with a software company, two people, couple of computers, and a lot of times a kitchen table where that business gets started. This sort of thing with Google gives those businesses an opportunity to have the kind of access and connectivity that they need to help grow and scale their business. In addition to that, we have over 500 businesses that have five folks or fewer and so it goes to some of the numbers that we have shared with you before that this is an area of small business. This kind of thing being able to get fiber to the home is very, very important. Mr. Penfold will talk a little about something that he has done and I have had the opportunity to attend. Back in November, Super Computing Conference came to Portland and we started conversation around building an information hub. That Super Computer Conference had a hub at it that generated the ability for people to pass and receive information at 400 gigabytes per second. It was some 84 companies of tools that were put together, some \$20 million of equipment that came about in putting that sort of thing together. For the time that it was here at the Portland Convention Center, it was the most powerful computing entity on planet earth. What we are looking at with Google potentially gives us a leg

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up towards driving towards something that mr. Penfold has been looking at and talking about and helps build that connectivity and information and data sharing that we're looking at and thinking about for the city of Portland and giving us an economic leg up on what is happening around the nation. I urge your support for this particular --

Saltzman: When was that event?

Wilford Pinfold: November of last year. About 11,000 individuals, professionals to Portland to talk about how high -- computing impacting their industries. Major theme of the conference were health, environment, and education. And as we get more capability in our computing and infrastructure, those industries become more dependent on the advancement -- more dependent on this communication infrastructure. Bringing this infrastructure to Portland will allow us to have a leading position in developing new jobs around health care, around the environment, and around education. So I strongly support bringing such infrastructure to Portland.

Adams: Thank you very much.

Matt Nees: To echo everyone's comments, thank you very much for the opportunity. I'm matt niess president of the software association of Oregon. Call me a representative of this entity that makes up the small business environment, technology and development environment. To back up with all of the testimony you have heard so far this morning, going back even down to the level of education, you heard a number of examples -- these are the type of students today that are eclipsing what we were trying to do as high school students some of us 20 plus years ago. What they're doing today is on the verge of launching businesses, selling products, developing services, and becoming their own entrepreneurs. I say entrepreneurs, because entrepreneurship is the heart of Portland. Having the number of -- the amount of band width increased with this kind of opportunity puts us, leap frogs us above the competition. The reason I say that is because if you speed in innovation, you increase the competitiveness of the environment, of this ecosystem and that is exactly what this opportunity will do. Within the Portland metro region, there is the opportunity to open the door for a lot more potential employment of a lot of the single type of folks that will be working, telecommuting from their home. This opens the door for that kind of innovation both on the corporate side, as well as on the individual entrepreneur side. On behalf of the industry we fully support this opportunity and wish that google will be the new home here. Thank you.

Adams: I want to take the opportunity to underscore our thanks for your great leadership of the software association of Oregon --

Saltzman: I would like to thank the software association for its work with the Portland police bureau through common friendships with the late officer mark zalari and we have been working with the members -- officers communicate with each other but also how we can communicate with public more and there are exciting things that are going on. You will be hearing about those maybe more this afternoon. Thanks.

Nees: Thank you.

Adams: Thank you all very much. We're very honored to have ward cunningham via video is that right? Somebody? And then we will also have vince porter, and who is first on the sign up sheet?

Moore-Love: Mike burnett.

Adams: Okay. Glad you're here, vince. Go ahead and get started and we will wait for the connection.

Vince Porter, Executive Director, Governor's Office of Film and Video: I will be brief so we can get to the irish dancers. My name is vince porter, executive director of the governor's office of film and television. Before I get talking about the benefits of this type of network for film and video, I would like to thank the mayor and the entire council for their tremendous support in the past few years in our effort to bring more film and television production here in Oregon. There have been some great results, and certainly a broadband network like this would be another tool

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for us in recruiting even more production and developing the economy in the film and video industry. Leverage is a perfect example of an opportunity many of you are aware of, television series -- they don't film on film, or even videotape. They film on a hard drive. What they do with that on a daily basis, they ship that down to Los Angeles and extract that information and create their television program. If we were able to give them a high-end broadband network where they can plug that hard drive in, it would give them the opportunity to exchange this level of information back and forth, and also potentially even give them an opportunity to develop even more of roots here in Portland. They have expressed interest to me several times, and, in fact, last year we looked into the possibility of this type of network for them. Currently it is not available. I think having that level of connectivity like Google is proposing would be a tremendous asset for us in the city and also the entire state. Another phenomenon that I have seen recently is the amount of digital media and visual effects and graphic artists that live here in Portland that often go down to work in Los Angeles to make their money. If they were able to have this kind of connectivity and be able to stay at home and have that -- those tools here, I really believe that their potential could grow even ten-fold, and, in fact, would not have to go down to L.A. At all to do their work. Again, enhancing the economy here in Portland. I also think that the future of film and video is going to be very decentralized, and, in fact, there will be more opportunity to connect up with international partners. I worked on a television series prior to here where we shot in Ireland, did our post-production in Canada and never left Los Angeles to manage the project. Having that connectivity here would allow us to establish those type of partnerships where we're no longer concerned solely about what is filmed here, but we could reach out to many different countries and enhance this creative community and show what we have to offer. I thank you for your support the last few years and I encourage you to support this effort as well.

Adams: Thank you. Doing a great job as well. This week there is a convention of Leverage fans, right?

Porter: Yeah, there is. I -- it wasn't part of our plan. Low and behold, I think over 300 people coming in from out of town to come to a Leverage convention at the Governor Hotel, which is one of those added unintended benefits of bringing projects to Oregon.

Fish: What makes our work exciting here -- the course of the meeting -- came in took the paintings and took the furniture out, and it was later that some guy in a general's uniform came in who was an actor so -- it spices up life around here at City Hall.

Porter: And we are grateful for your willingness to let them do that. It does make a difference. And encourage to --

*****: Hoping to get a role --

Mike Burnett: Good morning, Mayor and Council members. My name is Mike Burnett. I have been a serial pioneer in the earliest start-up phases of energy efficiency, renewable energy, climate -- the Climate Trust -- now I am the president of Hot Sky Consulting, another start-up. I am here to draw your attention to the critical linkage between fiber to the premises and sustainability. Remember back to the days of the dial-up modems. Speed jumped by a factor of 50, and now we have email, e-commerce, and social networking as essential components of our daily lives. None of these were possible in the dial-up modem era. We now face a jump in bandwidth ten times as great, speed increasing by a factor of 500, instead of 50, and moving from today's technology to gigabit technology, just as we couldn't envision Amazon.com, Facebook and even Google in the dial-up era, we can't fully envision the fantastic things that fiber to the premises will do for us in the future. We can be certain of one thing. Bandwidth will be critical to economic competitiveness in the future. But not key just to economic competitiveness -- dire consequences if we don't cut greenhouse gas emissions by 80%. Electricity, buildings, transportation all must go through fundamental transformations -- to get there we need gigabit bandwidth -- and to allow to efficiently coordinate the movements of people and material. Portland is one of the global

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epicenters for sustainability. With many first and best. Our 1993 city climate plan essentially meeting kyoto, most renewable energy, most leed buildings -- we are unique in our institutional and leadership capacity and have the potential to pioneer new internet-based sustainability solutions and export them around the globe. We need gigabit fiber to fulfill this critical path-finding role. I urge the council to pursue a google fiber test bed and fully develop a community fiber network in Portland and urge google to maximize the sustainability benefit of the test bed by selecting Portland. Thank you for the opportunity to share my thoughts.

Adams: Thank you. Thank you for your advocacy and great work over the years. How many more people are signed up?

Moore-Love: We have five more.

Fish: Are we going to look at video. And then the next three people. Come up and take seats. In the interim we will listen to mr. Cunningham.

[video start]

Ward Cunningham: You know, i'm here -- [inaudible]

*****: I know what to do with this. A group of people -- focusing on -- [inaudible]

[video end]

Saltzman: Just for the record, who is ward cunningham?

Sheldan Renan: He is the man who invented the wiki. All of us live and die by wikipedia, but wikipedia is only one of a small number -- one of probably a million around the world which create technology and knowledge -- almost everybody has a voice in, work on, and use.

Fish: We welcome all three of you. Since you started, state your name for the record and you each have three minutes. Thank you.

Renan: Mayor, when he comes back, and council members. I was born in Portland. I left to learn how to write movies and ended up writing technology and a lot of other things. Recently two years ago moved back to Portland thinking I was going to make a sacrifice and found myself in the middle of a hot-bed of creativity and innovation and a friend of mine -- has become the future. In november, the super computing association held its meetings here in Portland and I was asked to attend interviews with people who ran those centers, and that turned into this book, which I was asked to edit the interviews together about infrastructure and opportunity for cities, populations, communities, people, species, everything. So, I write a lot about connectivity, but i'm here today to testify to three things. The first is that the more things are connected, the more things can communicate, coordinate, collaborate, the better things work, the safer people are, the smarter things are, the more opportunity communities have. In the many decisions that you will have to make over the -- over your term and future terms, I hope you will remember that that is -- it is now a community which is -- community supported by connectivity, which is the largest source -- which is the largest source of -- it used to be morris law, now it is the law of connectivity. The second thing is the difference between Portland's past and Portland's future will be defined mainly by connectivity. So, we're not just by the internet, not just by networks, but by net -- the ubiquitous connectivity, services that wind together, and whether we're able to support initiatives like aging in place will depend on rich connectivity, by that we mean abundant connectivity, open connectivity, so that everything works together. You can't get that from an incumbent. An incumbent is responsible by law, to its shareholders to make profits. It is not to its customers. This is a discussion today and every day about infrastructure. When you invest in infrastructure, you invest in everything. Somebody who was a mayor for seven terms was quoted online the other day and said ten years after he had left office that in retrospect, the only investments that the city had made that were worth a dime were things that were owned by everybody. Infrastructure serves everybody. You have to get out of the grip of the incumbents and focus on what connectivity can do. The third thing I want to say --

Fish: Your three minutes is up. If you could just wrap up.

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Renan: Very simply, google is a huge opportunity, but it doesn't matter if we get google or not. Portland wants to be connected. That's it.

Fish: Thank you for your testimony. Sir.

Russell Senior: I'm russell senior. I am currently the president of the -- a volunteer based nonprofit here in Portland and I am speaking in support of the resolution. Personal telco is best known for free wi-fi hot spots. 10,000 unique users every month. We have built many networks, including at pioneer courthouse square and neighborhood scale network. There are about 100 personal telco wi-fi networks in Portland today providing internet access free to the end user. Early work by personal tel-co that wi-fi networks should be free which is the norm in Portland today. The project began ten years ago not because we were wi-fi geeks, but in response to our perception of the fundamental flaws in our telecommunications. We are aware that band width is too costly, too limited in speed, availability, and freedom. Our original goal was to build our own network because the incumbents were failing to meet our needs. Supports an open access fiber network in Portland. Support the city's application to google to help building. Google understands innovation and what is required for it to flourish. It is important for Portland citizens to have an open access fiber to the premises network. I believe public ownership is the easiest, fairest, and best way to get the freedom and price advantages that our citizens want and need. Most for-profit partners are going to want to exercise control over the way people are allowed to use the network in order to maximize the -- charging extra for arbitrarily different services. We don't manage our streets like that. We should not be managing our communication infrastructure that way either. Imagine if chrysler got to decide what cars you were allowed to drive on their streets and where you could stop to shop. In the hands of private for profit carriers we can expect intrusive -- access to faster internet threatens incumbent existing businesses -- for what most Portlanders pay comcast for three years of internet service, we could build fiber to their house and then we would own it and we -- 100 years ago Portland made a wise investment in a water system that we are proud of. In another 100 years let's hope that citizens then can say the same of us. Thank you.

Michael Weinberg: My name is michael weinberg. Organizing volunteer behind the Portland community fiber initiative, Portlandfiber.com. I am here to urge a yes vote on the resolution to respond to google fiber for community rfi. The excellent work of the office of cable franchise management, along with your staff, brendan, we know many of the benefit open access fiber will create. However, like many innovations made possible by the internet, countless ideas that won't be imagined, let alone realized until a high-speed open network is open and available to tomorrow's innovators. Today you vote on one opportunity to bring open access fiber to our city. Regardless of google's decision, we need open access fiber for the future of the -- if the time comes when we must decide to do for ourselves or to do without, it is imperative that our leaders take the step to build one of the best communications networks in the world. I believe the citizens of Portland are ready to be partners in creating open access community fiber. The internet is a rare experiment that that fosters a free market of ideas and information. Let us preserve and protect it from corporations that will control and restrict access to it, free access for us and for generations for come. Thank you.

Adams: Thank you all very much.

*******:** Thank you.

Adams: Hi, welcome to city council.

Trudy Johnson-Lenz: Thank you.

Adams: Glad you are here. Happy st. Patrick's day.

Peter Johnson-Lenz: Good morning. I'm peter johnson lenz.

Trudy Johnson-Lenz: We will only take three minutes between us. Helping people work and think together effectively in cyberspace.

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Peter Johnson-Lenz: In 1977, we were given eight hours of free connect time on a precursor to the internet for a small electronic -- in lake oswego, we connected to an international computer conferencing system in new jersey funded by the national science foundation.

Trudy Johnson-Lenz: Back then we sold our second car to buy a second computer terminal. Think of all of those vehicle miles not traveled.

Adams: Did you say 1977?

Trudy Johnson-Lenz: 1977. We have been at this for over 30 years. Eight hours of connect time into a 30 year career. Connectivity has been our economic development engine and it has given us job creation.

Peter Johnson-Lenz: Over the years we have learned three key lessons that few communities or organizations understand yet. But Portland does understand. It's leading the way to innovation and civic life that all cities will need in the future. This technology amplifies and accelerates whatever flows through it for better or worse. A word processor doesn't make a good writer, and social media doesn't make for a good society. Good collaboration requires a collaborative culture. Portland already has an open, inclusive, collaborative culture to make good use of open access high-speed connectivity.

Trudy Johnson-Lenz: The second lesson we learned nobody can reliably predict the future of this technology. Facebook started at harvard as a student directory with pictures. Last week it became the most visited web site on the internet. Most of the game-changing applications on the web came about when people tried something new after that capability was already in place. During our long career, nearly all of our projects have explored previously uncharted territory. Learning what actually works through hands-on collaboration with our clients. We call this path finding.

Peter Johnson-Lenz: Lesson three. The best way to learn what works is to build and use prototypes, assess often and learn from everything, especially mistakes. We won't get it right the first time. Portland's history and culture have created experimentation demonstrates that we know how to innovate here. Hub of open source software, great and growing creative class, leaders of sustain ability and green building. How could ultra broadband help us reach the aggressive goals of the climate action plan. What part does it play in the Portland plan? No one really knows. We can organize now to learn our way forward together.

Trudy Johnson-Lenz: One last thought. Let's organize a multi-sector collaboration to launch a Portland civic laboratory for smarter futures that coordinates and accelerates the discovery of ultra-connected social innovations for the future. Regardless of what google does, Portland wants and needs ultra band width.

Peter and Trudy Johnson-Lenz: Go Portland:

Adams: Yay. Thank you. [applause] All right. That gets us to -- unless there is anyone else who wishes to testify, that gets us to our vote.

Finn: I want to make one more quick plug for those watching this on the internet or on tv at home, if you want to help nominate Portland to google, Portland community media has put the web site right here for you all to log on and to nominate Portland and, again, for those who also want to be involved, please visit www.Portlandfiber.com. Thank you.

Fritz: To clarify, this does not cost any taxpayer dollars.

Finn: That's correct.

Fritz: And also please clarify, is this going to provide free service to citizens --

Finn: It will be a competitive service. Google wants to provide the infrastructure and allow internet service provider or -- to compete on the network. That network will be faster than existing networks and be open to competition not currently existing.

Fritz: It is not a free service. It is going to probably provide competition --

Finn: Competitive environment.

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*****: Yeah.

*****: Thank you very much.

Finn: Thank you.

Adams: All right. Would you call the vote.

Fritz: I chose to come here to Portland 25 years ago. I did a nationwide search to find the best place to live and raise a family. I encourage google to do the same. I'm sure your employees will enjoy it here and will probably want to stay. We in Portland appreciate this opportunity to so what a diverse community we are with a lot of different interests which we think google will be well served by. Portland is a good place to come. Thank you very much also particularly to -- commissioner Saltzman chief of staff -- it is an example of governments in Portland united. We are united with our partners across the state. Come to Oregon, whichever you pick, come to Oregon because this is a good place to do business. Aye.

Fish: Thank you david olson, mary beth henry and brendan and all of those who took time to testify. I am pleased to support this. My extended family will help maintain the fibers. My stepbrother lives on the global centennial, which is stationed here in Portland. Anyway, I learned a lot. I told commissioner Saltzman a couple of times that I need an english translation on some of the testimony. It was -- the technology and the language has just -- it is now light years ahead, and i'm still trying to work my email function. I appreciate the education and passion behind this. Aye.

Saltzman: I want to thank all of those putting this application together. Special thanks to brendan, my chief of staff, skip newberry -- the office of cable franchise -- whatever -- out of practice. We want to send the strongest and -- strongest message possible, and the good folks at google I know are -- are looking at us, poised with open arms to see what we've got and I hope we have illustrated some of the vision that we have here in Portland to become the candidate of their choice. It is true that we have much to benefit from being chosen as one of the cities included in google's plans. The jobs associated with the construction of the network will be significant. But the competitive advantage it will give our family in recruiting and maintaining private sector businesses has huge, huge potential. That and -- as a creative tech savvy city, and that is a reputation that we take great pride in. So i'm excited about the prospect, as are the -- as are the other cities in our state and across the country. We are in competition with. Two cities in Oregon, I wish you the best of luck. Because as mary beth said, if you succeed, we also succeed, because having it in our state. To the other cities who are not in Oregon, you may have grab headlines with stunts like renaming your city after google or having your mayor jump in a freezing lake, but it will take more than that.

Adams: That's not going to happen here. [laughter]

Saltzman: It will take more than that to beat out the rose city. As you can see, we have done our homework and we're poised. I'm pleased to vote aye.

Leonard: This is an outstanding effort. Also reflects our values, not just domestically but internationally and I will leave it at that. They are a progressive company that believes in the kind of things that may not always make economic good sense, but make social good sense, and I recognize that about google and I couldn't be more excited about the prospect of having them actually be in our city. Aye.

Adams: I want to thank amanda Fritz for her leadership on not only this issue, but a host of difficult problems and opportunities in the area of technology as it meets neighborhoods and human beings. Thank you for your leadership on this. Thank you brendan for your great work on the staff level, skip newberry, and david olson, mary beth henry and the entire folks in the bureau. We have chosen not to rename the city for now, but if we get this, we will definitely seriously consider renaming a street -- a street on a temporary basis.

*****: Google map.

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Adams: Just kidding. I'm very pleased about it. Aye. Congratulations. [applause] All right. Karla, can you please read second readings?

Fish: Consent agenda yet?

Adams: Yes. We did it -- can you please read the title for second reading item number 373.

Item 373.

Adams: Please call the vote.

Fritz: Graciously agreed to give me another week to look into the questions I have about this proposal. I am pleased to announce that I have done so, spent most of the week doing it, including most of the night last night with the final touches. I appreciate the work of the Portland bureau of transportation and environmental services to helping to educate me about what is being proposed and staff in the mayor's office and commissioner Saltzman and his staff. Many questions that citizens had. The first question is where did the \$20 million come from. It is from savings and construction contracts that have been coming in way under budget. Then the question is what do we do with that money? \$20 million is a lot of money. It works out though to 7.5 cents per average domestic rate payer per month or 90 cents per -- less than a dollar. And that is not even an ongoing, it is a one-time savings because we hope -- that's good for the construction industry. It doesn't mean we will have ongoing statements probably. 90 cents one time. When you start looking at it that way, the next question is if we don't refund the 90 cents or use it to pay down the rates for next year, what could we do with that \$20 million? The answer is that it would give and keep 280 jobs in construction. So, I think certainly for myself as a rate payer, if I am asked would you like to get your 90 cents or would you like to help employ 280 people locally in our city to provide infrastructure improvements in neighborhoods, my answer is that I would like to help. I would like to make sure that those services are provided. Then the question is what kind of services are we buying with that rate payer money? Let's be very clear. We are all committed to using rate payers money for the purpose that rate payers pay it and that is for projects done by the -- managed by the bureau of environmental services for storm water and sewer projects. Then you look at should we do green projects or should we do hard-pipe projects? That has been some of the debate over the last couple of weeks. We adopted under then commissioner Adams' leadership in 2007, we adopted the green streets policy. One of the reasons we did that is because it is cheaper to manage storm water on the surface in vegetative swales and ditches and curb extension than it is to build bigger pipes under the street. Multiple purpose to do what we call green streets. If you do the curb extensions and the swale down the planner strip, that looks better in the neighborhood, it manages the storm water better, and results in a street that is less likely to have speeding cars on it. For those reasons, I believe that this use of this money is appropriate use of environmental services money. I know that the bureau of transportation and the environmental services are going to work very hard to make sure that the project funded with rate payer money will help with sewer basement backup, looking at the combined sewer overflow areas to make sure that the particular project funded are the ones which are going to help with sewer issues and back-up issues. They're also going to look at geographic equity and make sure there are some projects in all five quadrants of the city as well as concentrating most of them in areas that are most affected by sewer back-ups. We have maps that show where they are. I have one -- well, you are not going to be able to see this. It is small. But it is there. All of this information is on my blog on my web site. There is a lot more details, of course, because that is what I do to find out. For those reasons I believe this is using sewer money appropriately and that it is the best thing to do. I commend mayor Adams for your leadership in this and giving me the time to come to this conclusion. Aye.

Fish: Before I had the pleasure of moving to Portland, I lived in a city in an apartment in a city along a great boulevard. One day the city announced that they were going to repave the street. They took five years and they disrupted everything along that street and probably put most of the

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businesses out of business. Just when they finished the street and cut the ribbon, they came in and dug up the street again because they forgot to do the infrastructure beneath the street. The left hand and right hand were not coordinated apparently. For me, this marriage of green streets and active transportation gives us the promise of doubling our benefits through critical investments to achieve multiple city goals. That is the artfulness of the mayor's proposal and I support it today. There are three specific conditions to my support. The first is the commitment that this will not raise sewer rates. That has been made explicitly clear throughout this debate. Second that these projects will address storm water, and that that primary benefit was not achieved first, I don't think any of us here would support it. Third we need to make sure that the benefits of this proposal are spread throughout the city and that all parts of the city see the benefits of these green street improvements. Mayor I compliment you for putting access at the heart of your proposal. I will support this proposal. I want to commend the mayor for not only leading the way on this proposal, but also in his most recent email clearing up some of the misconceptions for what the city is intending to do, providing clarity so each of us has a necessary comfort level. Aye.

Saltzman: Aye.

Leonard: I, too, appreciate the thoughtfulness behind this proposal and I have been dismayed on how it is been misrepresented in parts of the community in Portland that have motivated some to mis characterize how this money is being spent. It is a thoughtful approach to a very complex problem. All Portlanders should appreciate it, but particularly for those that live east of, say, 72nd avenue who bicycle. And I pick that because that's precisely where the bike boulevard ends for those east of 72nd, and I remind some that the -- 164th. He knows from experience that one takes one's life in their hands when you ride a bike east of 72nd in this city. Not only are there no safe routes east, they are unsafe and they require citizens to travel in very, very precarious traffic mediums that we shouldn't allow. This proposal helps address that geographic inequity that exists among Portlanders currently. We shouldn't just allow swells and green streets to be built within the traditional boundaries of Portland, generally from 42nd to 82nd but out into the other areas, next to a city that lack sidewalks, that lack some of the basic infrastructure that most Portlanders take for granted and those who live east of 72nd can only pray to have. This doesn't fix all of that.

It makes it safer for those Portlanders finding affordable housing east of 72nd and who want to be able to commute with their bicycle. I have gotten that from the moment that this proposal was brought forward and have appreciated mayor Adams insistence consistently since he was a commissioner for geographic equity for all Portland when it comes time to spending money. And that actually -- it is not just a fancy political term. It actually means something and can make Portland a safer place for all. Thank you mayor Adams for leading this effort and I appreciate the work on behalf of all of the advocates who have brought us to this point. I'm pleased to support this. Aye.

Adams: Thank you. I want to thank the city council for digging into the details of this issue. It is considered innovative to try to get a two for on three for off the same investments to prevent one bureau from doing good work and another bureau from doing good work in silos which equals bad work. I want to thank them for digging into the details of this. The proposer of the green street strategy and the 2008 greater green strategy and having been the lead negotiator with epa on preventing the federal agency from imposing what I thought were wasteful additional mandates which -- that and that was in support with the council and in combination of commissioner Leonard's help as well, this is absolutely consistent with city policy. The fact that green streets are largely -- the green street plan is significantly unfunded speaks to the need to focus more on it. The fact that the initial proposal that came out from the bureau that has been widely reported, not my proposal, reported as my proposal, but not my proposal, had all of the savings going into gray pipes only. I think speaks to the work that we have to do even internally to move forward our green agenda as it relates to storm water, rainwater, how do we get the most out of it for rate

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payers to prevent more costs? We need to stretch the \$1.4 billion investment we made in big pipe. We need to stretch out the time that it will still be useful to us. If we don't, it will be a matter of decades within our children's lifetime where future councils will be figuring out how do we build another one of these things? We can avoid that with a green approach, and at the same time save lives. Every time a Portlander is injured. Every time a Portlander is killed, a pedestrian or bicyclist, Portlanders rightfully ask, why aren't you doing more? Well the swale on the corner for green street is a piece of, not the total set of what you need to create, but a key piece of making a bike boulevard. When we did polling, one of the top items that folks that never get on a bike, one of the top items for folks that would ride a bike if they felt safer was as much as possible get the bike off the busiest street. Remove the conflict and the potential conflict with cars, take an adjacent street, quieter street and make it a bike boulevard. I thank everyone for digging into the details, continue to dig into the details. I think when you see how this is actually to you this is a two-for-saves lives -- storm water means rain, I think people will find that it absolutely is in keeping with what we're trying to accomplish on multiple levels. I thank you all. I want to thank especially Katherine from my office for her work on this and the good team at Piedmont. Thank you. Aye.

Saltzman: Point of order. Time check. Are we going to work through the regular agenda?

Adams: Which you -- do you have a suggestion?

Saltzman: I know people waiting here for items that are towards the end of the agenda. Some are waiting for the next item. And I plan to have a couple of people here for my resolution. I just want to know if we're going to break or not. I would like to keep working through it. That is my preference.

Adams: Everyone else okay with that? All okay with that. Point of order. We're working through lunch. Call your staff and have something brought in. Can you please read the title for nonemergency ordinance item number 374?

Items 374 and 375.

Adams: First we have --

Fish: Mayor, excuse me, you did not say we could not take a bathroom break.

Adams: You can take a bathroom break.

Adams: We have some -- neighborhoods to be decided in the next couple of weeks. Every household will get their own complimentary -- I will autograph them later, if you want. Did you read the title already? Okay. I'm pleased -- I talked about this in my state of the city speech -- can you also read title for 375? All right. This spring, 2000 Portland households will be selected to participate in a pilot for weekly food scrap curbside collection. Portlanders already lead the nation in residential recycling, and this is an essential step in implementing phase two of the Portland recycle plan and brings Portland in line with other west coast community, like Seattle and San Francisco by offering residents curbside collection of food scraps. The pilot will go out in May and go citywide within the year after. Compostable food and food soiled paper account for almost 30% of Portland's residential garbage. In the landfill, this waste produces methane, which is one of the most destructive and most potent greenhouse gas that causes climate change. Instead of all of that waste, it can be composted and produce a product for healthier soils and gardens, diverting food waste from landfills and an important role in meeting our climate change goals. I'm pleased to introduce Bruce -- Bruce are you going to take it from here?

Bruce Walker, Bureau of Planning and Sustainability: Yes, thank you. Mayor, commissioners, I am Bruce Walker, Bureau of Planning and Sustainability on -- happy St. Patrick's day.

Adams: Where is your green?

Walker: There is a little in there.

Adams: Uh-hmm.

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Walker: I tried. To recap, in 2007, city council adopted the Portland recycles plan that set an aggressive 75% recycling goal, phase one of the Portland recycles plan that led to delivery of the blue recycling carts and the green compost carts to residents throughout the city. That occurred in 2008. We saw a boost in recycling and composting rate of about 14%. That's good news. We expected more than that, but what we found was people weren't quite purchasing as much, weren't quite -- the recession affected it. The good news was people were throwing away almost 10% less garbage. The good news is that the carts still found a way to increase by almost 10,000 tons per year of additional recycling and composting, but we also saw a bigger decrease in some of the disposal from the solid waste. That's the good part. What we're doing now in moving ahead as part of the Portland recycle plan is beginning the pilot for phase two. We have two ordinances today. One is to establish the pilot areas and to set up the program. The second is to set rates for the customers in the pilot areas. And we will talk more about that in a moment. But I wanted to just touch on the -- a couple of things we are testing. Reviewing the food compost and testing every other week garbage service, why is that important? Because in some of the cities that mayor Adams referred to, san francisco and seattle, they retained weekly garbage service. And people didn't participate as much. This is our opportunity to challenge ourselves and to see if we can move ahead with an aggressive recycling and composting program to challenge people to recycle and compost as much as possible and see if we can reduce the need for weekly garbage service. Secondly we're also going to test every other week recycling. Why would we do that? When we delivered the cart, it doubled the capacity of the two recycling bins that we used to have. We believe that we should at least test it. That would remove the need for additional trucks throughout the neighborhood --

Saltzman: You met every other week garbage pick up.

Walker: Well, in some areas, we are testing every other week recycling. So, these are really -- this pilot is going to be out there to test. We will come back with the value information that would be shared with council before we go forward.

Adams: To summarize for a certain segment of the 2000, we will test one approach, another approach of the customers to see how people respond.

Walker: All customers in the pilot areas will have every other week garbage. That will be tested. They will have weekly green cart service with food waste added. In part of the pilot areas, we are testing every other week recycling to see if that will work. I would like to introduce our project lead on this to touch on a couple of other program elements.

Adams: Hi, welcome.

Arianne Sperry, Bureau of Planning and Sustainability: Thank you.

Adams: Thank you for your work as well.

Sperry: We're getting the pilot participants lovely kitchen pail to collect all food scraps, and when I saw all food scraps, I mean all, meat, cheese, Fish, nuts, beans, bread, rice, pasta, donuts, coffee filters and grounds, all food, put them it in the kitchen pail --

Adams: Banana peels --

Sperry: Yes. Whatever you want to put in there.

Adams: Moldy cheese.

Sperry: Moldy cheese, that's all good. And you can empty that regularly into the green cart and that will be picked up weekly as bruce mentioned.

Fritz: My understanding is that soiled pizza boxes can go in the green cart, too.

Sperry: Yeah, exciting.

Fritz: That's great.

Sperry: The pilot will take place in four neighborhoods around the city. One in northeast, one east of i-205, one in southeast, and one in southwest.

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Fritz: If I might interrupt, there was a letter in the newspaper a while back that said they should be in the commissioner's neighborhoods. I asked the staff could we please have it in mine. I don't think you are announcing which neighborhoods --

Adams: Yes, we need to finalize.

Fritz: For the record, I will be disappointed if it is not mine, but I don't expect any special treatment.

Adams: I would be happy, too, as well.

Sperry: That's great. We will keep that in mind. The areas we're choosing them based on the service areas that have volunteered to help us with the pilot and also we want to capture a broad range of demographic as well as geographic areas around the city. We see this pilot as an opportunity to learn. And so getting that feedback is really important. We're planning on collecting a lot of data to determine the effectiveness -- how much food actually migrates from the can to the green cart. We also will survey participants before and after the survey to capture their perceptions and attitudes and we will be using all of that data to improve the program before we look to move citywide, hopefully next spring, 2011. And also monitoring of the haulers costs as they provide this new service so that we can feed that into a new rate structure as we also looked to citywide implementation. Because the rates that we have proposed for the pilot, they're getting closer to what we anticipate the real cost of service will be for this new suite of services. But we won't know for sure until we have actually done the pilot. So -- and I think the important piece is that we want the pilot rates to be as realistic as possible so that we can monitor changes, see what the customers are doing. Do they need more capacity? Do they need to move up a can size? How many people opt to stay with weekly garbage service?

Adams: There is always fear and consternation and anticipation by some with change. Can you just give us a brief overview of our sister cities, Seattle to the north, San Francisco to the south, how long they have been at it and has there been good acceptance and utilization of the food scrap curbside composting.

Walker: All food waste, including the banana peels, they have been at it for just over a year. San Francisco has been doing it over five years. So, the initial participation in the first part in both cities was in the 25 to 40% range, which I believe is part of the -- is because they allow the weekly garbage service to continue and they didn't make the change like, for example, the city of Olympia did, that moved to the every other week garbage. Whether you want to call it an incentive or disincentive --

Adams: What kind of utilization is Olympia getting?

Walker: In terms of customer participation, over 70% in their compost cart.

Adams: Thank you. Sorry to interrupt you.

Sperry: My impression is from talking to folks that, you know, depending on participation levels, they have really high acceptance of the program and people really like it. Looking at the proposed rates, for the vast majority of customers, if you stay with your same can size, your rates will not increase. The exception is monthly customers, that is about 8% of households -- they see an increase because they are receiving additional collections in terms of yard debris and food waste. They are not having a corresponding decrease -- will see a decrease in their bill. We anticipate some folks may need more capacity in their garbage and they will be able to increase the can size for just a few more dollars a month. These pilot rates make it more affordable for the folks that need to do that. We will be offering weekly garbage service for those folks that really want it still. But it will be expensive. Because it is very inefficient for the haulers to drive through the neighborhoods for just a few households. So, how much more expensive will that be? It will be whatever your standard current rate is. It will be double that.

Adams: I want to know before -- how many people have signed up?

Moore-Love: No one else signed up.

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Adams: I want to thank the participating haulers in the pilot. Really appreciate it very much. Allied waste, arrow sanitary, heiberg garbage service and waste management. Thank you for being part of the pilot. It is a good cross-section of local and folks with regional and national operations as well.

Fritz: Couple of questions.

Adams: Please.

Fritz: The survey you are doing -- when we went to the big green and blue bins, make sure that people are happy with that. Have we done that?

Adams: The before survey is absolutely intended to get a good snapshot of where they're at. We can definitely ask a question about the conversion to the big bin.

Fritz: Yeah, I'd like a follow-up study.

Saltzman: We did that in the pilot areas and there was very high satisfaction.

Walker: Right, we received positive feedback not only in the advance survey we did with the curbsider that was mailed out but also as commissioner Saltzman was referring to, in the pilot areas we did follow-up. We also rely on the auditor's sea analysis in that it doesn't say your new blue recycling cart but overall satisfaction level, good and very good is a very high rating.

Fritz: I think its another opportunity to get another of the --

Walker: Good point.

Fritz: -- for however long people have had them, let's find out whether people like them. And my second question is about cat litter. Can that go composting?

Sperry: No it cannot.

Fritz: So that is a concern that I've heard from constituents who are rightly concerned whether that can last for the two weeks in between. Is there any thought given to small -- I don't know what else can be done --

Adams: Cats?

Fritz: I actually use flushable litter for our indoor cat. But not everyone does that.

Adams: Can you air out the issues around waste and cat litter and those things?

Sperry: I think our messaging to folks that are concerned about that, make sure your securely bagging your waste so that it doesn't smell and --

Adams: No, why is it with we're not composting litter?

Sperry: The facilities that we're working with. They're -- they don't accept that waste.

Fritz: And tell me again where we're taking the new mixed composting to, which -- how far away is it going to be and what are our plans for bringing --

Sperry: Yeah, so the -- so currently, our food waste from the commercial program goes to a facility up in -- near seattle. And we have three facilities in the Portland region that are currently looking to get their permits through deq so accept food waste. And the amount we have for the pilot is pretty annul. And so we have another -- is pretty small. And so we have enough capacity to handle the pilot that we have now. And we're working with metro to develop more capacity and anticipate the facilities working to get permitted will be permitted by the time we roll out citywide.

Adams: We've been actively recruiting a number of composting companies to locate here and we're -- the pilot is also intended to break out of the chicken and egg -- they're not willing to make the big capital investment to locate a plant closer until they get a sense they're going to have a flow of raw materials so we're hoping that the pilot will show to them we're serious about this and that the investment that they're contemplating is a wise one to make. Because we'll pursue it beyond the pilot.

Fritz: Thank you.

Adams: Anything else? Anyone wish to testify on this matter.

*******:** We have a question.

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Adams: Come on up and testify.

*******:** It's a simple question. Did I hear it right that the rates will double?

Adams: Go ahead.

Sperry: If you -- if you stay with your same can size and you go with the standard service of every other week garbage, your rate will not increase at all. But if you opt for weekly garbage service, then your rate will increase.

*******:** Thank you, that's the inducement. Great.

Adams: Thank you. Anyone else? This is a non-emergency ordinance. Moves to a second reading. [gavel pounded] Karla please read -- both move to second reading. [gavel pounded] reed item no. 376.

Item 376.

Adams: Welcome.

Shoshanah Oppenheim, Bureau of Transportation: Good morning, mayor and council.

Adams: What are we looking at here.

Oppenheim: Today's action allows the city to enter into a iiga to donate a portion of the willamette river shoreline to tri-met to be used in the Portland-milwaukie light rail project. I'm happy it give a presentation, but I don't --

Fritz: I think it would be helpful. I know the time is going on, but I think it would be helpful for the citizens to do your presentation. 1994, the city of Portland and self other jurisdictions entered into a agreement to create a consortium to manage the willamette river shoreline right-of-way. Which was originally a railroad right-of-way owned by the southern pacific railroad. And that idea was always to keep this right-of-way as a right-of-way for high-speed rail or transit uses. Now we're at the time where we're using the right-of-way for the Portland-milwaukie project. The right-of-way is valued at \$21 million and will be used as the local match as part of the Portland-milwaukie project.

Adams: So we owe a debt of gratitude to the consortium that bought this right-of-way from southern pacific; is it two decades ago, more or less?

Oppenheim: I think in the early '80s.

Adams: Bought it for --

Oppenheim: \$2 million.

Adams: And now is valued at \$21 million and thank you to those who worked on --

Oppenheim: It's valued at even more, that's just the portion that's going to be used for this project.

Adams: Great. Anyone who wishes to testify on this matter? All right. Please call the vote.

Fritz: Well, I was confident that asking shoshana to go through the details was not going to take time. I greatly appreciate the presentation. Aye.

Fish: Thank you, shoshana, aye.

Saltzman: Aye.

Adams: Thank you, sue, thank you, shoshana. Aye. [gavel pounded] please read the title for non-emergency item 377.

Item 377.

Adams: Sue.

Sue Keil, Bureau of Transportation: Hi. This is a straight business decision and I think we have talked with staff in all of your offices in preparation for this. It's an opportunity for us to take advantage of a contract that exists. We have done the strong financial analysis that would tell us that this is the best option for our ratepayers, taxpayers, and secondly, we've done the surveying of the marketplace, so we know that among those cities that have recently purchased or become involved with parking meter contracts, that this is as good as is out there. So it's an opportunity to extend a contract that we have for technology that we have in place already, and a provider who is

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currently providing good service for us. So ellis can answer any technical questions and tell you about additional features, but a straight business decision.

Adams: So just to underscore what some of written material is, the stelio pay stations are in the eighth year of their 10-year estimated life. And we're having the kind of maintenance requirement that one would expect from technology that's 80% used up.

Ellis McCoy, Bureau of Transportation: Yeah.

Adams: So I know that we have frustrated Portlanders with a lot of maintenance issues with them, and I know that they would be -- many people would be grateful with moving on to better technology, newer technology. Would you agree with that?

McCoy: I would. And i'm ellis mcco, the parking operations manager in transportation and to piggyback on what sam is suggesting, there are two types of meters we have in town. The older, first generation ones, the ones with the p hat. And if you remember the gumby character on television, they look like him. And the others are the ones without the p hat. And we contracted in 2006 to resolve the performance issues we were having with the older pay stations. Those we're looking for improvement on dealt with the card reader, the configuration for wireless services and programming flexibility and proprietary parts issues and since then, performed well for us and improved our customer service in a number of areas. And one example of that is that they worked with us and our bureau at technology services to develop a model where we send all of our bank card transactions to the Portland gateway, through Portlandonline and we're the only city that i'm aware of that does that for on-street parking. Sue alluded to the financial and marketing analysis we did. The survey we did of 16 cities showed pricing for pay stations at \$7,900 a piece. Our contract is \$71,050 and back office for \$45 per meter per month. Our current price is \$19 and would go down to \$17 with this particular contract. And also, an important thing to understand about the pricing, we know they're giving us the lowest price because they was a favored nation clause in other contracts around the city and that says they offer a lower price to someone else, they'd have to change the pricing in other contracts and so they put us on notice, the current pricing is the lowest they could provide us with. We recommend that council approve amending this contract because of the financial and markets analysis we stated and also because they've provided us with great -- cale has provided us with great service and providing a number of technological advantages. Council can extend the contract for another five years and we've worked with the bureau of purchases on this and they're supporting the amendment and the plan for financing this amendment is in the current pdot budget. It would extend the contract through june 2016 and provides a commitment for the purchase of 1,000-meters, just about the number we need to preplace all of the stelio and the purchase order would allow us to purchase up to 1500. The totals about \$15 million and that will be used to secure annual revenues of \$20 million we generate from on-street parking.

Saltzman: Do the new pay stations also have solar electric cells?

McCoy: Yes, they do.

Keil: And also have a light.

Saltzman: A light?

Keil: The front light up with a motion-sensitive trigger which is a nice feature.

McCoy: Sue is referring to a few technological advances that cale is proposing. The light bar, customers have been asking for that for a number of years. We have extended hours in the evening, sometimes it's difficult for customer it is see the face of the pay station, this illuminates that. And there's a four-line display which allows us to put more information on the fate of the meter so the customer can get full breadth in one glance and also providing us with a professional help desk service and actually they're providing that service to a number you have cities around the country. So we'll be taking part of that service and they'll be providing service to our customers on basically a 24/7 basis. Anybody has a problem they can call?

Adams: In light of the --

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Fish: In light of the presentation earlier on google and high-speed internet, do the new pay stations and technology allow us to speed up the process of verifying your credit card?

McCoy: That piece of technology, I don't think it would address that potential. We're talking about the wireless capability now which is different than broadband and what affects that speed is our ability to process at the payment gateway, which the city controls and we're making some improvements on that.

Fish: The only comment I would make on that, particularly rainy days, it's striking you go into a -- seattle's best or starbucks and it takes two seconds to process your debt card and sometimes quite a while to get a authorization at a meter. I wonder if there's a way over time to accelerate that.

McCoy: Phone lines are usually quicker than the wireless. What's going to speed that up is the. In the wireless technology, and other faster technologies that at&t is looking at. They're teaming up with google on faster wireless technologies and that will be coming up in the until few years.

Keil: Talk to them about the smart card.

McCoy: There's a quicker way to get your transactions processed. That's what sue is alluding to. Smart cards are a prepaid method of purchasing time. If you load the value on the card and then debt from the card, it only takes two or three seconds. E.

Fish: You win. I'm going to get one.

Keil: Well, it's a --

Adams: To remind everyone. The history, we were losing a lot of money and you actually --

McCoy: Correct.

Adams: Because we were having bad cards being used and so we were giving away parking. And this is a bureau that needs money. And so we went to the authorization and how much do we save?

McCoy: \$600,000 is what we saved in transaction costs and what the mayor is referring to, when we first -- with the old stelio system, we have batch transactions and that meant we accepted all the transactions on at the meters on faith they were good and submitted them later phenomenon processing and if some of the cards were bad, we would have to accept that loss. And to process those, the banks charged a higher fee. 12.5 cents on the dollar.

Adams: For the batch transactions?

McCoy: Yes, and processing half a million transactions a month. So we went to online authorization, which is a lower transaction fee so our costs are about six cents on the dollar.

Adams: I want to make sure we hear those concerns and complaints and commissioner Fish, it's totally appropriate that you expect us to continue to improve on the turn around times and with the new technology, we'll have more reliable service on the street and provide us with the opportunity to upgrade cellular or wireless connections and to make them work faster in the future.

Fritz: I'm also hearing, though, mayor, there's no surcharge on the use of the smart charge, right?

Adams: Correct.

Fritz: If we have an extra 6% coming back into the transportation budget, that would be very nice, wouldn't it? In other words, a civic minded thing to do to buy a smart card rather than a credit card, how does a citizen get a hold of one?

McCoy: The smart cards we've been use can since 2003, we ran out of the supply of those. And --

Adams: How?

McCoy: I bought about 20,000 initially and we used all of those up and because of the popularity of smart cards and the nature of that type of smart card, I was told the price of those have gone up to about 10 apiece, which we thought was very expensive and difficult to get. So we're in the process of -- in the process of a smart card business case where we'll relook at the type of card that we would use for this type of activity and hopefully, once that analysis is complete -- it's just starting

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up -- that we're out with the public with another card that we could use and for a variety of purposes, hopefully. Not just parking.

Fritz: Great, thank you.

Fish: Thank you.

Adams: Thank you very much. Anyone wish to testify on non-emergency ordinance 377?

Moore-Love: No one signed up. [gavel pounded]

Adams: Moves to a second reading. Please read item no. 378.

Item 378.

Adams: Who is hear -- here to --

Fritz: Second reading.

Adams: Sorry, please call the vote.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded] so approved. Please read the title for item 379.

Item 379.

Eric Johansen, Office of Management and Finance: Thank you, mr. Mayor and commissioners.

This authorizes up to \$25 million of limited tax improvement bonds to finance the cost of lid projects, sidewalk repairs and system development projects. The bonds will be repaid from the revenues from assessment contracts with the city that entered into benefiting property owners and in addition, the bonds backed by the credit of the city. We expect to sell the bonded probably the second week of april, closing later in april. And we will be selling them through competitive bidding. With that, i'm happy to take any questions. By the way, city debt manager.

Adams: Questions? Comments? Anyone wish to testify on this matter? Can you please call the vote.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded] so approved. Can you please read the title for procurement report no. 830.

Item 380.

Christine Moody, Bureau of Purchases: Christine moody, procurement services. You have the contract award to the low bidder in the amend of \$6,000,635. And subcontracting opportunities, the participation on this project is at 51.6%. And work is being performed in the areas of concrete cutting, asphalt, and crane services. I'll turn it back over to Council if you have questions about the bidding process?

Adams: Anyone wish to testify on procurement report 380? I will entertain a motion to accept.

Fish: So moved.

Saltzman: Second.

Adams: Please call the vote.

Fritz: Good to see the participation of women and minority and small businesses. Aye.

Fish: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Adams: Aye. [gavel pounded] approved. Can you please read the title for second reading, item 381.

Item 381.

Adams: This is a second reading. Please call the vote.

Fritz: This was a very interesting hearing. I appreciate the folks from east Portland action plan coming in and the response of the Portland development commission regarding what to do next with urban renewal. This particular ordinance doesn't say what we're going to do with the excess acreage. It merely takes some out. Although we're taking acreage out and the value could come back to the city, \$3.5 million. It actually already does and we're getting over \$17 million in tax -- what had been tax increment financing but is now value to the city because this district has been so

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successful even though it's not tired yet, getting \$17 million of benefit. So this is evidence that the urban renewal has worked and i'm pleased to see the size of the acreage is going down. Aye.

Fish: Aye.

Saltzman: Well, i'm also pleased about the acreage going down but I want to recognize the outstanding success of this particular urban renewal area. The airport way. Not only produce the ikea, which is probably the most notable. But created 17,000 jobs within the boundaries of the urban renewal area. It's a big success. Motion to support this. Aye.

Leonard: Aye.

Adams: Aye. [gavel pounded] so approved. Can you please read the title for resolution council calendar item 382.

Item 382.

Adams: Commissioner Fish.

Fish: I'd like to call kate allen from the new Portland housing bureau forward. This matter was originally intended to be placed on the consent agenda. We think we can do this from soup to nuts in one minute. Pleased to introduce kate allen.

Kate Allen, Portland Housing Bureau: Thanks.

Fish: Bring the make around.

Allen: Good afternoon, mayor and commissioners. Commissioner Fish, do you have an amendment to this -- to introduce? An amendment simply creates the calculations that were placed in the back can documents. There's -- the backing documents. There's to change to the resolution in front of you.

Fish: No substantive change. It's a housekeeping matter.

Allen: Right, so the resolution itself is a housekeeping matter, we're annually required to establish the price cap, being 109 approvals for the single-family on the consent agenda, are approved under this program. The same cap of 275, the maximum price under this program. The backing -- the amendment that you have is to correct the calculation that was in the backing documents.

Fish: I move the amendment.

Fritz: Second.

Adams: Moved and seconded. Anyone wish to testify on the amendment. Karla, call the vote.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded] amendment is approved. Commissioner Fish.

Fritz: I have a question.

Adams: Oh, there's a question. Question. Commissioner Fritz.

Fritz: And I appreciate the speed each one of these items is posh and I want -- is important and I want folks to understand them. Can you explain why the price cap is \$275,000 which is 210% of the medium house price?

Allen: Multnomah county gave us the information the end of november that the median price was \$250,000. What we understand is that in some of the opportunity areas, some of our home buyers with assistance are finding properties that are slightly above that. We're below our cap of what we could do with this prop. So the -- maintain can the same level that we saw in probably the most depressed home buying market into this year where we hope we're seeing a little more activity. We continue to hope we see low-income and qualifying home buyers making their way through the pipeline succeed in buying homes.

Fritz: So the key is, we're not saying this is a particularly affordable house price. But targeting the home buying in particular areas. That's why the tax abatement?

Allen: Correct.

Fritz: Thank you.

Adams: This is a resolution. Anyone wish to testify on it?

Moore-Love: No one signed up.

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Adams: Karla, please call the vote open 382.

Fritz: The home buying opportunity areas are carefully mapped and look at the distressed area where there's not as many homeowners and help folks who are moving up from starter homes or recently been able to purchase a home like this. And up to this limit. And it's a good program carefully searched and pleased to support it. Good work. Aye.

Fish: Thank you for your outstanding work at the new Portland housing bureau. Aye.

Saltzman: Aye. **Leonard:** Aye.

Adams: Great work, commissioner Fish. Thank you. Kate. Aye. [gavel pounded] can you please read continuation of I believe an ordinance, no. 383.

Item 383.

Saltzman: Resolution.

Adams: Is it? A continuation of a resolution 383. Commissioner dan Saltzman.

Saltzman: Thank you, mr. Mayor. Members of council. In november 2006, the Portland city council asked voters to consider comprehensive reforms of the fire, police disability and retirement system. Those reforms included making changes to the pension system, to stabilize the city's economic future, and sweeping reforms to the disability system. Prior to 2006, the fire, police and disability retirement system and the disability program in particular was viewed by many, including myself, as mismanaged, unprofessional and fraught with fraud. There were apparent able-bodied workers who received disability checks from the taxpayer-supported fund when it readily appeared they were more than capable of work. The poster child for this reform effort was former firefighter turned chef at taxpayer expense and ran two successful restaurants and yet still received taxpayer-supported disability checks. I worked hard to spearhead the reforms of 2006 to this system to ensure a fair and independent system run by experts. When voters finally had the opportunity to approve these reforms, they snatched that opportunity and resoundingly approved these reforms by a margin of 82%, which I think is probably the highest ever on any city election. The reforms have been extremely successful. We're saving taxpayers 24% in disability costs in just four short years. Include initiating successful return to work programs and ensuring those who can work do work. Today we're faced with many challenges to those reforms. A challenge to the will of the Portland voters. And that challenge comes from the poster child for the reforms. Former firefighter turned chef tom hurley. After the reforms were passed, he was determined by doctors to no longer be disabled -- excuse me -- and eligible to return to work. The city offered him a position. Instead of returning to work, two legal challenges were filed. One which ended up in an odd ruling which threatens to unravel the reforms of the system. And an arbitrator and labor grievance ruled that the city needs to continue to pay hurley despite the fact he's capable of working. On behalf of the voters and the taxpayers of Portland, we, the city council, need to ensure that we defend the reforms they made to the system. And that's what this resolution before us does. It affirms the will of the voters, it protects the Portland taxpayers and says we aren't going to tolerate fraud and deceit, spending taxpayer dollars to pay someone who just wants to milk the system. So that's the resolution. The reason I set it over a week as a result of some discussions with commissioner Fish, and the city attorney, and i'd like to offer an amendment to the resolution and this amendment is to clarify that if a legal strategy is developed by the city attorney to mitigate potential damages in any of the legal challenges faced, that the city attorney can implement that strategy working with the commissioner in charge of either the police or fire bureau. Commissioner Leonard, for instance, has indicated he would like to offer tom hurley back to work in a way that does not run afoul of the arbitrator's decision. My amendment allows that to do that, and what it will not do is strike our ability to challenge the arbitrator's ruling that he deserves \$100,000 in back pay and \$40,000 a year in salary until he retires. So we're going to continue to go after that part, but this amendment does permit efforts of commissioner Leonard or in the future, the police commissioner or fire

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commissioner, in consultation with the city attorney, to move ahead on back to work. So I would offer that amendment and I have a copy of the resolution that contains that amendment.

Adams: Anyone -- is there a motion?

Fish: Second the motion.

Adams: Moved and seconded. Any discussion of the amendment?

Leonard: Can I read it first? Where is it contained?

Saltzman: In the underlying section. Nothing in this resolution shall prevent the commissioner in charge of the police or fire bureau, upon consultation with the city attorney, from taking action to mitigate damages in these matters. So the -- the amendment was moved and seconded?

Adams: Any further discussion.

Leonard: I invited Justin and Jeffrey to testify.

Adams: Would you like to dispense with council consideration of the amendment before we take testimony or after?

Saltzman: Either way.

Adams: Call the vote, please.

Fritz: This is on the amendment.

Adams: Right.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded] Amendment is approved. Would the invited testifiers please come forward.

*******:** What about the sign-up list?

Adams: And then we'll go to the sign-up list. Thank you for asking.

Saltzman: Bob, I didn't see you because you were behind the pillar, but you're a member of the fpl board, but --

*******:** I thought you were going to go off the sign-up list.

Adams: You're welcome to come up now. But the sponsors of the items can have the courtesy of requested testifiers. You were just offered the opportunity for that before we go to a sign-up list. That's the way we do every day, every item.

*******:** I'm concerned it creates a meeting of the fpdr.

Adams: Do we have a quorum? City attorney, are we fine?

Jim Van Dyke, Sr. Deputy City Attorney: I think you're fine. They're not here to meet. They're here to testify in front of a legislative body.

Adams: Thanks for checking on that. Go ahead.

Jeff Robertson: I'm an attorney in town, a labor employment firm and appointed to the board by Mayor Potter. Probably in '05, '06 as a pension expert. I have no affiliation with the fire or the police. Which isn't to say I don't interact with them but only when I come to this building for meetings. The independence of the city is under direct attack. It was under attack and a strategy executed by the union in respect to the system and it's my belief that the arbitrator's decision when I spend four to eight hours a month, at the request of Mayor's office and reconfirmed by the council that we're no longer independent. That the arbitrator's decision states we're not independent and that something must be entered in by the city, not the fpdr. There's things I've heard that in some manner, fpdr should pay for this result. I'm concerned as a trustee how we can effect the payment of something that we weren't a part of. I ask the council today and I wholeheartedly support the resolution, that the independence of the system must be determined and if it's not, we should move on to something different and ask the voters that question. But the arbitrator decision should be challenged. Why? Because the broader question is at issue. I'm unconcerned with the individual's claim, other than to say it's my understanding that a claim of benefits has not occurred under the system which is the proper way. My belief as a lawyer and trustee, the arbitrator's decision should

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have said there's no standing and get a court of law if we question that. Against a body which was not mentioned in the grievance. Thank you for your time.

Adams: Thank you for your testimony. Would you like to go next.

Leonard: I have a question -- can you ask that of you now based on what you said.

Robertson: Absolutely.

Leonard: Have you read the arbitrator's decision?

Robertson: I have.

Leonard: I've read it as well and there's nothing in it having to do with fpdr. It's about the termination of a firefighter and the union's argument that the city lacked just cause. How do you interpret that decision to mean it's attacking fpdr. Especially when the arbitrator says he has no authority. That the arbitrator said that you are not independent. You -- you -- quoted the arbitrator saying that. He never said that. He said the opposite. He said I have no authority over fpdr. I'm curious how you read that and concluded it's an attack of the independence of the fpdr system.

Robertson: I don't believe I quoted it. I referenced it.

Leonard: You said the arbitrator states we're not independent.

Robertson: Right, I agree with that.

Leonard: Where --

Robertson: I don't have the decision in front of me. I'm happy to go back and read through the decision.

Leonard: I would appreciate that. He said just the opposite. I said I have no authority.

Robertson: The result of the thing and the comments, I believe were attributed to yourself, commissioner Leonard, are that the fpdr should pay for this decision. The result of the decision to pay for the ultimate award is an attack on the independence of fpdr.

Leonard: Whatever you read in the paper, is what you read in the paper. You're a lawyer. What matters is what the arbitrator said.

Robertson: Right.

Leonard: I'll bring a copy.

Robertson: I don't have it, commissioner Leonard.

Leonard: But that's --

Robertson: [inaudible] debate it.

Leonard: That's what he said and the award had to do with the city terminating a firefighter without just cause. Do you -- are you -- do you think that the arbitrator had no authority to speak to that issue?

Robertson: I don't have any authority to speak to that issue one way or the other. My position is that a trustee citizen member of the board, it's my belief as a citizen member and a professional lawyer reading that I believe the arbitrator's decision is incorrect and should have stated there's no standing on this decision. If the decision of the fire bureau was, as I understand it, to pay the award as written, that's not my purview. My concern is an attack that's occurring on the independent of the system and in support of this resolution, which as I read it, state, we should fight all attacks or lit division or lawsuits or arbitrations that impact that award.

Leonard: I think it should be based on the facts and not how you portray them. There are 10 issues characterized as attacking fpdr, and of those 10, nine of those issues, the council is unanimously in support of addressing in court. But i'm charged with adhering to the facts and the law. And I would appreciate it if you would read the arbitrator's decision and send me an email with the points how you characterize the decision. If i'm wrong, i'll state it publicly.

Robertson: I'm happy to walk through it. I don't have it in front of necessity.

Leonard: I'm asking you to email me after and I hear you promise.

Robertson: I'm not going to promise you anything.

Adams: Appreciate the exchange.

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Bob Lemon, Portland Firefighters' Association: I'm bob lemon. A representative of the Portland firefighters' association. We -- I helped create the transitional limited duty return to work program that serves approximately 60 members a year and contribute to \$3.3 million a year. And everything was proceeding smoothly until the city abruptly broke off bargaining and the association waited hoping the city would complete its obligation. There's no rational reason for the city's refusal to bargain. The next mistake was terminating a member for refusing to return to limited duty work. This member had been medically separated from employment with the city. There would have been nothing for the association to grieve. No grievance, no arbitration award. I can appreciate commissioner Saltzman's frustration with the ill-advised inept representation the council received from the city attorney's office. As a matter of law, the Portland firefighters' association is a non-striking bargain unit. I'm here today to ask the council not to make another mistake and honor the rule of law. Don't commit an unfair labor practice by voting to disregard the lawful decisions represented by the board ruling and binding arbitration award. Thank you.

Fritz: How do you see that as an unfair labor practice?

Lemon: If the city decides not to honor the bind can arbitration award, that's unfair labor practice. And now you're saying you're not going to honor that, I think there's an unfair labor practice. Any labor attorney would agree with that.

Fish: Let me, if I could, clarify that, I appreciate your point. Under our system, if either party believes that the arbitrator has exceeded the scope of his authority and that is a right, either party can assert. Labor partners or the city. It's my understanding under state law, what happens is one of the parties refused to honor its obligations under the agreement, that triggers an up fair labor practice as a matter of law. The employment relations board issues a ruling and then when -- with either party wants a court to decide that question, the next level of appeal is to a court. In fairness, because I understand either party has the right to contest whether an arbitrator exceeds the scope of his authority. If the award is not honored, the unfair labor practice is the only mechanism that gets us to a court. It's not -- it is not an additional disregard of the law or rule of law. It is effectively the only way, either party can get it a judge, and a judge is then in a position to determine whether the arbitrator did or did not exceed the scope. I want to be clear. Because when you mention rule of law, as someone who practiced in this area for over 20 years, i'm deeply committed to the rule of law. But as long as the system is structured to require you to take a ulp in order to get the court and have a judicial opinion, rightly or wrongly, that's the only way either side can get a judicial opinion on that point.

Leonard: I want to make a point about that. The collective bargaining agreement, with the Portland firefighters association and the police union and trade unions all have language that says arbitration shall be final and binding, except in the case that commissioner Fish just articulated where the arbitrator exceeds the scope of authority. The issue isn't whether you have to abide by every arbitration ruling. I think everybody would agree there's circumstances that could exist where an arbitrator ordered a city, and/or a union to do something that exceeded that arbitrator's authority and there has to be a way to resolve that other than just complying. I stipulate to that. The issue is not whether or not the city has to always abide by every arbitration award, right or wrong. That's not the issue. We all agree that in certain circumstances, certain circumstances, it may be incumbent upon us to not -- to not comply --

Fish: Will the gentleman yield on that point?

Leonard: I will not. The questions I have at this point, revolve around that issue. As it's being portrayed by one of your colleagues who just spoke, as mr. Saltzman just spoke. An attack on our system. Which is a system that was put into the charter by the voters. Is this case an attack on that? So the first --

Fish: May I reclaim my time?

Leonard: There's no such procedure. You interrupted me.

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Fish: I would ask the person testifying a question.

Leonard: I didn't realize you weren't done. You're saying halfway into my remarks that you weren't done?

Adams: I'm going to -- I didn't realize you were not done. My fault. I'm going to ask you to continue and then we'll pick up with you.

Fish: Mr. Lemon, have you read the arbitrator's decision.

Lemon: Yes.

Fish: And are you aware at page 26 that the arbitrator ruled the simplest way to issue a make-hold remedy is for the city to reinstate the grievant and the fund to pay him his disability benefits? Are aware that the arbitrator found that the simplest way would be to reinstate the grievance by the city and make the past disability benefits.

Leonard: That's taken out of context, that sentence.

Fish: Mayor -- I think I have the right --

Leonard: Misrepresenting what he said.

Adams: The question was directed at basketball. You can decide whether or not you want to engage. And then after commissioner Fish is done, commissioner Leonard, you will have time for a rebuttal. [laughter]

Lemon: I -- I can't state that I know for a fact the exact verbiage used in the arbitration award, sir.

Fish: As you know, I have great respect for you and had a chance to talk to commissioner Leonard at length and to the union about my concerns about this decision. Page 26 of the decision, the arbitrator states that, of course, quote, the six way to make grievant whole, to reinstate grievant as I fund member and to pay the -- retroactive to 2007. Do you believe that the arbitrator would have had the authority to issue that ruling? To direct the person be reinstated and the fund a non-party to the case. Be required to pay him his disability payments.

Lemon: Keep reading. It says that if the fund doesn't pay, the city is on the hook.

Fish: It goes on to say that the city has taken a position that no one, including the city, has the authority to direct the fund to do anything. I want to focus on a moment, because commissioner Leonard invoked that section of the arbitration earlier and it's fundamental to our decision. The city's position was that the arbitrator could decide the just cause issue. That's a garden variety clause under collective bargain agreement. I completely agree with my friend, commissioner Leonard, that a just clause provision an arbitrator's award is final and binding. Whether we agree or disagree with them, that's a bargain we have struck. The question in this case, though, and the legal question that's caused a lot of consternation with the city, is whether the arbitrator has the authority in a case with the city to issue an award binding on the fund. In this case, the city took the position that the arbitrator did not have the authority to do that, did not have the authority to direct the fund to make the grievant whole. So the arbitrator, in my judgment, compounded his legal error by ruling that I direct the city, parenthesis, not the fund, end parenthesis, to pay the grievant his disability benefits. That turns logic on its head because the city does not provide disability benefits.

The fund does. And when -- when I came before you, and when I sat down with commissioner Leonard and said I had a concern about this case, it's not because I think the union did not have the right to assert its position. I honor our process. It is not because -- it does not go to the question of who had better lawyering. It goes to the question of whether the arbitrator had the authority to render that decision. And there's no principle of law that says that either party is bound, final and binding or otherwise, to a ruling which the arbitrator does not have the authority to render. Any more than had the arbitrator not only reinstated him, but declared mr. Hurley should now function as the mayor of the city of Portland. He has no authority to do that. That's a legal question. And mr. Lemon, I have great respect for you and your attorneys. My position in this case is that when you have a legal question that goes to the core, the foundation of the integrity of this system, we're

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best served, both of us, as I mentioned when we met, we're best served by having a court decide that question and not an arbitrator. Why? Because we never agreed that an arbitrator or arbitration is the best forum to decide something fundamental like the structure of our government and fund. And furthermore, it is my understanding that in the history of this state, not one single beneficiary has ever brought a arbitration disputing a pers benefit or worker's comp benefit. I did research, from 1903 to -- rather, to 2007, not one single beneficiary under the city's pension and disability fund has ever sought to challenge a decision of the fund through arbitration. So as -- as a -- as a recovering lawyer and member of this body, i'm trouble that had an arbitrator substituted his judgment for what I think ultimately is a decision of the court. And if you are right, at the end of this process, and a court agrees with you, so be it. That's our legal system. That's the rule of law. And then this body will have to take up -- will have to decide whether that's an appropriate result and may be required to bargain with you over changes and I would advocate we do that in a collegial way because I believe that every single -- my concern goes to who decides the legal question and on that point, I believe a court is the best place to have that decided. And I appreciate your position and you know I respect it.

Lemon: Can I ask you a question?

Fish: Please.

Lemon: If an individual was unjustly fired and he -- we went through the process and he was reinstated, the arbitrator would have the ability to say you owe him this amount for the time he lost when he was incorrectly fired; isn't that correct?

Fish: Not in this case, in my opinion.

Lemon: In the scenario I laid out --

Fish: If it's a pure matter under the city's contract. That's a remedy. The question here, and the arbitrator alludes to it in his decision, he acknowledges that the appropriate remedy is to reinstate and have the fund pay the benefit. But the city advised him he didn't have the authority to do that. So the arbitrator, in my judgment, compounded the legal error by charging the city for disability benefit he had no authority to impose. It's only the fund that can make that decision. And that's a common question of law in each of the other nine cases that mr. Commissioner Leonard alluded to. In each. Those nine cases, the question is: Is the fund like pers and have separate legal identity or is it like any other city bureau, in which case you can use the contractual arbitration to get a better result. That's the question in my judgment.

Adams: Do you have any comment?

Lemon: Regarding that or anything.

Adams: Let's keep it to that and then i'm going to --

Leonard: Ask questions and i'd to respond to --

Adams: I'm going to give you a chance. Do you have anything to say in response to that? Commissioner Leonard. Are you done, commissioner Fish.

Fish: [inaudible] my discussion. I concede the courtesy, commissioner Leonard.

Leonard: We're each entitled to our own opinion, but wire not entitled to our own version of the facts. What you see is a fact production mill and I expect more out of commissioner Fish than what you just heard.

Fish: A comment --

Adams: Let's keep it --

Leonard: I'll finish the extents that commissioner Fish has artfully dropped off. I'm going to read the entire six, seven sentences that Fish alluded to -- commissioner Fish alluded to. The simplest way it so direct the city to reinstate grievant as a fund member and the fund pay grievant retroactive to april 5th, 2007. However, the city took a position that no one, including the city, has the authority to direct the fund to do anything -- I direct the city, not the fund, to pay grievant the amount of compensation grievant would have received from the fund in disability benefits had they

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not been terminated. The arbitrator did not award disability benefits to mr. Hurley. He awarded what commissioner Fish commonly would refer to in the legal profession as damages. If you're driving a car, leaving here today on your way back to work and you're lawfully driving through a green light and somebody blow blows the red light, and hits you, and injures you so severely you can't go to work, not only that day, but for two years and it ends up in court, I promise the judge will not order your employer to pay you the wages you would have otherwise received. That would not happen. What the judge would do is order the person that harmed you, the person that blew the red light, to pay you the compensations in damages you have coming in terms of lost wages. That's exactly what the arbitrator did in this case and is the source of my frustration. It feels more like election year grand standing then to responsibly resolve a dispute.

Fish: Mr. Mayor.

Adams: Just a second.

Fish: Strike the words -- that outrageous comment.

Adams: Gentlemen, you do not --

Fish: You do not challenge the motives -- strike the word.

Adams: I'm the chair of in august body.

Leonard: I'm not done.

Adams: And i'm not going to tolerate questioning even other's motives as part of this discussion.

Leonard: I didn't.

Adams: I understand passions are high and people feel strongly about that, but i'll gavel anyone who questions another's motives.

Leonard: I didn't question. I said how I felt about what was happening.

Adams: I'm gaveling that as well.

Leonard: The point being, this issue only has to do with the termination of an employee without just cause. That is, as has been alluded to, garden variety labor law. Any attorney should understand that. You cannot fire somebody without just cause to do so. What is just cause? You have legal standing to do that. Why if the fire bureau fired mr. Hurley? Because they ordered him back to a job in the fire bureau that hadn't been identified, hadn't been created, there were no wages assigned to, no hours assigned to, and there were no, notwithstanding the characterization of mr. Hurley milking the disability system, no limitations put on the job that reflect the independent medical exam that the pension board had done of mr. Hurley to see what kind of job he could have performed. The union didn't sit down and bargain whether or not we have the return to work program or whether it was legal for the voters to pass light -- light duty jobs. They agree with that. All sides stipulate to that. What was not at issue -- at the cost of being repetitive, but needs to be said again. But whether or not there should be a return to work program. All sides agreed. But the city didn't sit down and say, when we order mr. Hurley back, it will be job a, it will pay that much. And here's what he won't be required to because you're pension board doctor said he can't do these things. Those things were not identified. The city said come about a back to a position -- he said i'm not come can back until you tell me what the job is. They five fired him. The union did what unions do. They filed a grievance. You can't fire a person to come back to a job what you haven't said what the limitations are. The independent medical examiner found he had physical limitations so the union did its job. They went to arbitration and the city arc argued, you can't tell us to put this guy back to work. Of course, we can, you fired him. You can't tell the disability fund to pay benefit the. You're right, I can't. The city -- he said i'm not going to award disability benefits, i'm going to award damages. Damages in the amount you would have got had you not been terminated earlier. That's what the issue is. Until this amendment happened today, the strategy that the fire chief and I had worked on, we couldn't do. We've -- I was assigned the bureau a year ago. This decision was made back in 2007 by the then-commissioner in charge and by the then-mayor, tom potter. That we're trying to unravel today. What we've done at the fire bureau is identify two

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positions that the pension board doctor previously had cleared Mr. Hurley to work into. They exist currently. They've been bargained. We know what the wage and limitations are and the hours. We can legally tell him to go back into that position. Some might ask why that wasn't done back in 2007, as I have. And I haven't gotten a good answer. But you wouldn't have an arbitration and grievance if the city would have followed basic labor law at that time. With this resolution, it threatens to put us right back in the position of playing, ironically, into Mr. Hurley's hands and as I was accurately quoted from the paper today, if that resolution would have passed with the language that existed up to 10 minutes ago, where Mr. Hurley is, he would raise a cocktail glass and this arbitration work isn't going to be overturned. This arbitration award will not be overturned. Everything I've heard is mischaracterization of the facts and it's easy to read.

Adams: Ok, done? I want to underscore with the public, having spoken with every member of the city council today, every member of the city council up here today on this issue, that I believe all of their intentions to be constructive and well meaning and although in the passion of debate, that might seem to be skirtedly called into question, I think reasonable people can disagree on this issue. Having said that, you've been waiting very patiently to testify, so now is your opportunity.

Justin Delaney: You're asking me to be reasonable?

Adams: Please try.

Delaney: I agree with everything you said. I entered this with the assumption that everybody's motives are pure here. And everybody wants to implement what the voters adopted in 2006.

Saltzman: Your name.

Delaney: Justin Delaney. Of the fpdr system, a citizen trustee. Appointed by this council. I respectfully disagree with some of the comments I just heard. I think of a plain, non-legal ruling of this arbitrator's award reveals an intermingling of fpdr in the city that does not exist. We operate fpdr as a stand alone benefit system, much as pers is operated and worker's comp is operated as a stand-alone system. I'm also a lawyer and have a lot of disability management experience. I think this arbitration ruling is incorrect. I don't know the arbitrator. But I think that these issues need to be sorted out in a court of law. I don't have anything against Mr. Hurley. I think Mr. Hurley would do what any rational person would do. And I truly respect the efforts and skill of the union. They did what they should do. They're representing their member. They picked a very smart tactic, which is to say that fpdr is just another part of the city government. That is the fundamental issue here. If you want me to continue on this board, and to do what we've done and believe me, we've had a lot of positive effect and saved the taxpayers a lot of money while at the same time we take ample time to listen to members' concerns, I need you to uphold the independence of the system. That includes challenging opinions that we think might be wrong, even if there's a chance we may lose in court. Fpdr has an appeals process. It was not followed in this case. The union decided to go to the labor grievance route. That was -- turned out to be a smart tactic. That's why I say good job to them. It's incumbent upon us to push the claim back into the disability system where it belongs. I would ask simply if this could occur under pers and if your answer is no, as I suspect it is, why is it ok under fpdr? We need to operate this as a stand-alone system, try do what the voters asked us to do and that's preserve the integrity of the system. One point that hasn't been made that I'll close on is the idea of finding another job outside of the return to work program. For Mr. Hurley to go into. That concerns me because it feels an awful lot like a second or third disability system we're talking about here. Commissioner Leonard, I don't think you want to be in the position of having to decide which members you're going to find a job for and which you're not. I respectfully -- I respect what you're trying to do for this member, believe me, but I'm not sure it serves your interests or the fund's interest in the long term. Feels like a separate decision process and again, outside of fpdr. Thank you.

Leonard: On the last point.

Delaney: Yeah.

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Leonard: You say if we bring him become to a job, that your independent medical examiner said he qualified for, that's the wrong decision?

Delaney: A job was created for him, under the auspices of fpdr, i'm not the claims person for fpdr.

Leonard: You should know.

Delaney: No, I shouldn't know.

Leonard: Let me finish.

Delaney: He made a statement that's not.

Leonard: The whole arbitration award surrounds the issue you said you don't know about. A position hadn't been created, hadn't been identified, hadn't been funded, the hours weren't identified, the responsibilities hadn't been identified, wages hadn't been identified, so that's not correct. What you just said. He hadn't been ordered into a job -- you shake your head and throw it off like it's nothing. It's that kind of -- I would develop a strategy to put him in a job that your doctor says he's qualified for upsets you? I'm sorry, I -- I --

Delaney: Respond to that?

Adams: The floor is yours to respond.

Delaney: Commissioner Leonard, this isn't about me. This isn't about you. I am an independent trustee of a fund that taxpayers implement. My reading of this arbitration is very different from the facts that you spelled out. Same with my colleague on the board here. This isn't about wages applicable to a position identified by the return to work system. This is an attack on fpdr, part of a coordinated effort, which I don't begrudge the unions for. That effort is to say that every rule change or negative claim decision can be grieved through a collective bargain agreement. Fpdr is not part of that cba. That's my reading, collective bargaining agreement. That's my reading. So respectfully, I disagree with what you just said.

Adams: All right. Thank you gentlemen for your -- oh, you wanted -- is this part of a coordinated attack to --

Lemon: Yeah, right.

Adams: Want to give you a chance to respond.

Lemon: What led to this whole thing was the city's refusal to bargain about the hours and working conditions of these positions. It was -- we were flabbergasted. We had worked through a list of 12 things and got to no. 10 and the city said, now, we're not going to do this anymore. We waited for months before we filed a unfair labor practice. You should find out who made that decision, because the labor relations board, or the employee relations board agreed it was unfair labor practice. And whoever decided they weren't going to talk anymore -- and there was nothing to be fighting over. We were just working out the little details and they walked way, whoever it was.

Adams: So it the union engaged in or representatives of union engaged in a coordinated effort to try to push back or through other means dull the impact of the reforms of fpdr?

Lemon: Well, I was an officer of the union until january and i've been a trustee since 2000 and absolutely not.

Adams: Ok.

Robertson: Mayor Adams, if I may --

Adams: And then we'll move on, but yes.

Robertson: When I say a coordinated attack, i'm simply stating the facts if you look at the 10 cases referenced by this council. I don't mean something negative by attack. It's very, very smart. If I was the union's attorney, I would take that -- pick that tactic as well. I'm talking about skipping the built-in appeals process in fpdr, and saying fpdr is just part of the city's benefit package, let's grieve it --

Adams: The union trying to do that, that he described better than I did.

Lemon: Not that I know, sir.

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Adams: Thank you very much. Anyone else signed up to testify?

Moore-Love: Mr. Hartsock.

Adams: Anyone else wish to testify that did not sign up? Sir? Please come forward. Anyone else? Hi, welcome to city council.

Robert Hartsock, Portland Firefighters Association: Good afternoon.

Adams: You need to give us your name and if you represent any organization. You have three minutes.

Hartsock: I represent the Portland firefighters association, i'm -- I would like to address the attack and the strategy and your question, about the union and the pushback. I'm currently sitting as the vice president and I can tell you absolutely categorically, no. We support the return to work program. We sat at the table, and really adopted a collaborative attitude in the whole reform process. There were things about it that we obviously had issue with. But we realized that reform is necessary. And the return to work program is successful. It works. The numbers are there. Look at the numbers. Take the time. Research it. Understand it. It's necessary. The firefighters and the police officers need it. The citizens need it. But the attack -- I take issue with that. The ruling simply said that the city should bargain, the impact -- when I say impact, we're referring to the hours of work, the type of work, and the dollars that they'll receive in compensation. That's it. We wanted to sit and talk about that. As -- as bob lemon referred to, all of a sudden that just stopped. We were so close. That bargaining processes with being productive and it just stopped. And so now we're faced with this arbitration piece that's complicated. It's messy. But we were right there. Nobody knows why. And we'd like to know why. Because we're committed to sitting at the table and -- and moving forward through that process to develop resolve, that's the issue here. It's not arbitration.

Adams: Do you see merits in the concerns expressed about the -- the bigger picture, the notion that unless the city fights some of these things in whatever venue or pushes back on some of these things that it will in effect create significant dysfunction in the system? Do you agree with that?

Hartsock: I don't. I'll tell you why. If you look back -- commissioner Fish, you cited numbers back to a certain -- local 43, while i've been a sitting officer in this union, we've never taken a case to arbitration regarding benefits for our members. There's actually a group of individual that's brought forward their own case, came to local 43, sought support from us to fight a fight relative to this whole conversation and we opted not to get involved. They've taken it on their own and we didn't feel it was appropriate for us to get involved. So what I can tell you is that the specifics of this particular issue, mr. Hurly's case, we're very -- were very unique and for the reasons that commissioner Leonard cited and the arbitrator cited. And had we been able to sit table and committed the process we committed to in 2004, in the reform process, I have no doubt in my mind that we would have reached a final decision that made sense. And i'm committed to that and speaking for our union body right now. I can tell you, we come here today telling you we're committed to that process.

Adams: I appreciate that and you've made that a couple of times.

Saltzman: I want to ask a question. You're in bargaining right now in the city, why not take the stance to iron out the kinks to the return to work program and in the meantime, let us challenge the fact that mr. Hurley has not exhausted his remedy if the fire, police disability retire. Fund.

Leonard: We can't bargain it, because the very thing you just asked him to bargain about, the city filed a unfair labor practice over, actually, the union filed a unfair labor practice over, when the union tried to bargain what you just asked him to bargain. It ended up with the board and the board rule that had the city had committed an unfair labor practice by not doing what you just asked him to do and then appealed it to the court of appeals. You've got to connect the dots here. You just put him on the spot and asked him, why don't you sit down and bargain when we've refused to bargain with him.

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Adams: Is your answer different than commissioner Leonard's.

Hartsock: I'm not sure i'm tracking with everybody --

Fish: And you don't have counsel here. Trying get you to speak for the union on an extremely complicated matter of law.

Adams: I'm trying to chair the meeting in a manner that airs the issues toe. You have an opportunity to add or subtract to commissioner Leonard's --

Hartsock: Can you ask me the question again?

Saltzman: We're in negotiation with and all of our unions for new contracts. Why don't we negotiate and iron out any kinks there are in the return to work program to your satisfaction and our satisfaction.

Hartsock: You're talking about the bargaining process we're currently in to address fpdr issues?

Saltzman: Right, and let us move ahead with the resolution to challenge the award part of mr. Hurly's?

Hartsock: There's two reasons, I can think of. First, we've already started that process. And both sides have exchanged our intent to being and that was not one of them. And I think without reference to council, I think it would probably be something we would want to sit and discuss at length before we decide that's something that fit -- before we decided that's something that fit. We believe reform is necessary. It was right. There are things we don't like. But we're committed to the process and there's things about it that are really providing benefits for the citizens. And the firefighters and police officers.

Adams: We're going to move to --

Saltzman: The city attorney present that's involved in this issue.

Adams: Commissioner Fish would like to make a --

Saltzman: If you could bring them down --

Adams: In the meantime, commissioner Fish wanted to talk about --

Fish: I wanted to make reference to the check economic employment relations board. As commissioner Leonard has observed, nine of the 10 cases that the council is unified in believing we need a definitive legal ruling. There's one case that's causing more vinegar; that's the hurley case. Bad facts make bad law, is an old adage and I appreciate the fact that we're trying to struggle with a decision that in my opinion, was poorly reasoned. That's just one person's view. But I want to go back to the employment relations board ruled. Because that's something that I believe we're going to get challenged. They said that fpdr is a bureau of the city and as consequence of being a bureau, bound by the same duty to bargain that any other bureau has over certain matters. That may or may not be right, but i'll tell you in terms of my understanding of the relationship and how it impacts what we bargain over and how we resolve disputes and the integrity of the fund and whether we need trustees, to me that's a big finding. And so what I want to be clear on the record is that determination by the administrative agency that fpdr is a bureau, and rather than being like pers, which is a separate -- does have, in my opinion, significant consequences in how we bargain and resolve disputes. And as I mentioned before, I think on questions like that, both sides benefit from having a court give us some clarity on that. Because to me, that's a big question and if you're right, if the union is right on that, it has big consequences, if the city is right, it has consequences, but in asking a court to rule, I don't intend to express disrespect to either side. I -- disrespect either side. I just believe that a judge is best suited to deciding.

Hartsock: Are you familiar with the committee work that took place that developed the components of the return to work program that resulted in that dispute, I guess, or the question?

Fish: I'm not -- partially because I wasn't a commissioner. But i'm willing to learn more.

Hartsock: Not an attorney, but in nuts and bolts fashion, I can give you insight. As we worked through the process of the components of return to work, we got to the part where all sides agreed and then came the piece, ok. How many hours, how much do they get paid, what do they do. How

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does this fit for the police officers and firefighters called back to work? We were concerned when there was an intent what the language of the program would be and when we reached implementation those two things didn't line up. We had things happen like firefighters getting letters mandated return to work that couldn't physically do it. It just created -- things -- the intent wasn't meeting what the expectations were, I guess.

Fish: Regarding --

Hartsock: And that resulted from the legal process which resulted in the ruling which resulted in -

Fish: I'm speaking for myself, since you and I both agree that a grievance and or erb filing represents a failure of the system because we want to resolve things at table.

Hartsock: Right.

Fish: Regardless of what the council does today, I hope you know it's our commitment to get to the root of this. There's relationship issues and nothing precludes us from revisiting those issues and figuring out what went wrong. But I don't think either side is served by having an arbitrator opine on fundamental legal issues outside of their authority.

Adams: I think a number of people have -- a number of -- thank you. I think a number of people in this last portion of discussion have underscored by increasingly distilled repetition their point of view on this, which is good, but I'd like to move on. I really want to thank you for your willingness to step to the table and I appreciate the openness in which you've engaged us in dialogue. It can be a intimidating setting. You held your own. Now we have the city attorney here. Commissioner Leonard wanted to ask questions.

Leonard: Before you got here, mr. Hartsock representing the firefighters' association was describing how we got here. One of the things he was describing was the dynamic that existed when they were bargaining over the wages and hours and working conditions of the proposed light duty positions that returned -- duty positions that returned to work firefighters were to do. And at some point, the city stopped talking about it which led to the unfair labor practice. Commissioner Saltzman said we're in bargaining now, why not sit down now and bargain relative to the creation of those positions you were trying to bargain back in 2007 or '08 or whenever that took place. That is, that we took the position that those were aments of duties and the union had to right to bargain over the wages and hours and working conditions, and if commissioner Saltzman is saying why don't you sit down and bargain that, that's contrary to what -- am I accurately describing our position?

Linda Meng, City Attorney: I -- I will answer you, but I'm not the most intimately involved in this and unfortunately, the people who are not here. But I believe if it's a subject to bargaining, the city could decide to bargain about it. We've taken the position that it's not a mandatory subject of bargain. Permissive means the parties can both side they'll bargain, but one party can't make the other party.

Leonard: I'm trying to get to very specifically on this issue. Commissioner Saltzman said why not sit down and bargain it. And my clear understanding of the position we have taken is that, it's permissive and the union can't insist we bargain on it the ball is in the city's court. We've taken that position and we've appealed to the court of appeals.

Leonard: Thank you.

Adams: Introduce yourself.

Yvonne Deckard, Director, Bureau of Human Resources: My name is yvonne deckard, the director of the bureau of human resources and we're bargaining with pffa and generally, the city has refused to bargain over permissive subjects and we've taken the viewpoint that this is permissive, but if the union -- permissive, but if the union -- because we haven't exchanged our list of things we're willing to talk about. Could they put that on the list and say do they want to engage in this during bargaining, yes, they could.

Adams: Could we.

Deckard: Yes, we could.

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Leonard: The point I want to make is the city council can't have it both ways. Defend can the is a u changes to the system and putting the union on the spot. And the city took the position, you don't have the right to bargain with us over the wage the and hours and work conditions and we get into a circular argument where we're villainizing the association and not talking about our role in what happened. This is not for either of you to respond to. I'm trying to point out that the council has taken a number of contradictory positions all of which cost the taxpayers a lot more money than if we took the right position in the first place.

Adams: Do you agree with the -- what is your perspective on the need to pursue our legal options to prevent fpdr de facto being considered, its status to be considered of just another bureau.

Meng: Are you asking me?

Adams: Starting with you.

Saltzman: That's the subject of this resolution. As was discussed in executive session we had two weeks ago.

Meng: We have recommended that the city pursue this.

Fish: She can answer in public, yeah.

Meng: We've recommended the city pursue these issues because it's creating a significant level of disconnect between what fpdr does and what the city does and has created, I think could in the future create extreme difficulties in being able to manage the disability and retirement system in the city.

Adams: And in terms of the work that commissioner Leonard has been pursuing, vis-a-vis, the specifics around the hurley situation, to try and get some closure to that and future liability, whether it's fpdr's bill or the general fund bill, do you agree the way he has approached is it financially in the city's best interests as well? Are the two compatible?

Meng: I believe they're compatible and it is a reasonable action to take to try to limit future liability.

Fish: May I follow up?

Adams: On the specific?

Meng: On the specific matter.

Fish: Linda, thank you for the briefings you've given me on this matter. I want to separate out the two issues. The remedy phase in the hurley case has two components.

Meng: Yes.

Fish: One is pay money that was earned in the past. The 100-something thousand dollars.

Meng: Disability benefits.

Fish: And the second part -- the disability benefits. And the second is the resolution makes clear that the commissioner in charge can take reasonable stems to mitigate the impact -- steps on the city and tax payers on future exposure. And doing whatever the law provides to make sure we're not paying mr. Hurley for doing nothing.

Meng: That's the way I would interpret it.

Fish: Our risk at on the 100,000 and change, that if a court disagrees we us down the road is that we'll owe the \$100,000 plus interest.

Meng: Yes.

Fish: So the risk to the taxpayers this separating the issues, challenging the authority to award the disability benefits. And is effective the interest due on the lump sum amount that the arbitrator awarded?

Meng: Yes.

Adams: Thank you both very much. Karla, please call the vote on the resolution.

Fritz: First, thank you, to jeff and bob lemon and just delaney and other members of the board. I appreciate you being here for these comments and thank the Portland firefighters association and your members here giving us your input. That was helpful to me. I have not heard anyone

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villainizing the firefighters' union and we share the value of our city employees in making sure they get what is due and what is right. And I appreciate the resolution, I believe this declaration, what it does is asks the court to decide this issue and clearly there's a difference of opinion on the council the court is the right venue to decide on this and also other avenues that the city can continue to pursue. I support the resolution and appreciate the manner -- it's the best ever best way to resolve the manner. Aye.

Fish: The discussion in this debate has been extremely healthy and the frustration with our requirement that we do some of our business in executive session is the public doesn't have the chance of the full flavor of what we're grappling with. This is been useful and as preface to my remarks that i've spent a considerable amount of time with my friend, commissioner Leonard and the city attorney assigned to this case, with chief klum and the leadership and representatives of the fund because I wanted to understand this issue. Something about this award didn't make sense to me. While it's not my preference to be involved in labor relations at this level, I believe this is an exceptional case and we're required to way in and try to get to the right outcome. For me -- and this is just this commissioner's way of looking at this case, the fundamental question today is whether an arbitrator acting under the City's collective bargaining agreement can tell the fpdr fund what to do. I think that's a basic question. And another way of looking at that question is whether the fund is like pers or worker's comp. That is, has separate legal identity. Or whether it's just another city bureau. And the answer to this question has significant legal and practical consequences for all concerned. For 94 years, 1903 to 2007 -- excuse me, from 1903 to 2007, that's 107 years, there were no grievances challenging disability decisions of this fund or its predecessor and that's I don't believe anyone thought that the contractual grievance process was the right place to decide these questions. Today, by supporting commissioner Saltzman's resolution, I am saying that I believe a court of law needs to decide this question. Now, in nine of the 10 cases, we're considering, I believe we have the support of all five commissioners to proceed on those cases and I believe the legal issue in those cases is straightforward. It goes to the question of the status of the fund. And I would rather have a court of law, rather than an arbitrator or administrative body, decide that question. The hurley case is a bit more complicated and I agree with commissioner Leonard that it cannot be randomly lumped with the other nine cases. I think there are two key questions in hurley. Did the city have just cause to determine nature will mr. Hurley and did the arbitrator have the right to -- just cause to terminate mr. Hurley and did the arbitrator have the right to award him I know from that a employer cannot second guess an arbitrator on just cause. That's black letter law and I agree wholeheartedly with commissioner Leonard on that part. But in addition, I believe the city has the duty to charge the arbitrator's ruling on the question of benefits. I think this plainly exceeds his authority and I believe he compounded the error by awarding -- excuse me, by ruling that the city has to honor an obligation that's truly an only the fund's. I want to clarify two other points because I believe there's some confusion on this point in the public debate. First, mr. Hurley and his union had every right to bring the grievance. And I do not think it is wise or fair to question their motivation. Second, the city has a duty to mitigate damages in this case. And that includes seeking another position for mr. Hurley that -- that -- that is -- that the parties have bargained for and is otherwise lawful and I believe commissioner Leonard and chief klum are wise to do so. If done appropriately, this will cut off the city's -- cut off the city's obligation to pay mr. Hurley for doing nothing. I want to thank commissioner Saltzman for bringing this resolution forward. I want to repeat what i've told the brave men and women who serve in the fire bureau. Today's action is about resolving a fundamental question of law. It's not about attacking them or their rights or ability to pursue their rights. I would never be a party to such an action. I vote aye.

Saltzman: Well, I appreciate the discussion we've had today. Late as it is, it's been a good discussion and I want to say it's a mind-numbingly complex subject and that underscores even more why we need to, and what the purpose of this resolution is, is to defend the 2006 voter-approved

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reforms. Going to bat to defend those reforms and defend taxpayers. The fact that 82% of voters pass what had we called in the commercial, the most boring subject you're going to see. That's what we used this the tv ad, it's true. It's an important one. Without those reforms, the general fund risked being swallowed up whole by the police and firefighters retirement fund and gives our city attorney the authority to continue to challenge these claims as they emerge, regardless of the motives of whoever brings them forward. If they're threatening the system that the voters approved, we need to go to the mat on it and pleased to vote aye.

Leonard: Saying something so doesn't make it so. We're entitled to our own opinions but not our own version of the facts and repeating over and over that mr. Hurley was awarded back disability payments doesn't make that so. That's not what the arbitration award says. If -- and I hope the public -- that's why i'm trying to sort this out -- asks the question if five of us finally agree on appeal -- unanimously agree, why is one a point of contention? One is a point of contention, because I believe that my colleagues have misread this arbitration award. Its clear from the language that the arbitrator is saying I don't have the authority to tell fpdr what to do. I have the authority, however, to make the decision whether or not mr. Hurley was fired according to your own rules and I decided he wasn't and it's garden variety labor and civil law when you harm someone and found liable to pay them damages. That's what the arbitrator awarded. Not back disability payments. It clear from the win language and if pie friends at home watching on tv want to go to my website, you'll find the arbitration award there and turn you to page 26. Paragraphs 2 and 3. Bad facts make bad law. Bad facts make bad law. The irony of this is, this debate, is that where there has been no direction by any governmental body, including a arbitrator, to tell the city whether or not it has the -- it's subject to the authority to direct payment the out of disability fund, why that hasn't happened yet, because of the action of my colleagues, it may. And i'm the only one up here trying to make sure that doesn't happen. They're taking up a question that will end up in the court of appeals of the state of Oregon and if I know the city, when it loses there, it will appeal to the state supreme court. Can an arbitrator tell us we have to spend money out of the pension fund? That's going to be the question they ask. No court has been asked that yet. You know, our reading of the charter, is you can be told to spend money from the pension fund. That's the shortsightedness of this position. Is to actually ask a question that hasn't been asked yet and if you're not ready to hear the answer to a question, don't ask it. That's -- that's kind of the rule I live by. And nothing was more telling today to me than the current attitude and -- and emotion around this subject then when a member the fire police and disability fund testified that he was disappointed that I had developed a strategy to put mr. Hurley back it a work in a job that the pension doctor said he was qualified to be. In other words, why not leave him fired and accruing \$3,200 a month against the city and that's outrageous. And if commissioner Saltzman is correct and the prior pension fund was unfair to firefighters, then that attitude characterized today is also unfair to firefighters. You cannot have a fund operated by people who have preconceived notions of what's right and wrong on don't confuse them with the facts. When I took oath of office, I promised to uphold the facts. Sometimes I do that and it's ok with people and sometimes I do that and it's not ok. I get this is not ok with people but I still read what it says and i'm going to follow what it says. What i'm going to do with my vote is protect the city's interests. The irony of this whole debate, it opens the city up to legal challenges we would have never been open to. No.

Adams: I think it's important that when we have these discussions in executive session, that as much of the issue that is possible and prudent be aired out in hearings such as this and I want to thank the folks that testified. Including members representing the union and the fpdr board, for the manner in which you testified. I want to thank my colleagues up here for pretty darn thoroughly airing out the points of view on this. I know that -- i'm impressed with commissioner Leonard's strategy to bring the hurley case to closure. We, as I city, need that -- as a city, need that. I want to thank you for that. It will have, I knowed challenged many other commissioners in charge

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unsuccessfully and I think you have found a way to do that. I also, though, believe that whatever risk we have in pursuing our legal action to define the status of the fpdr board, whatever risk there is of an adverse ruling on that, is worth the risk and effort. Because this system has to have longevity and staying power -- longevity. So the court will not only be opining on a city and union involving fpdr, but resolving a difference of opinion on the city council and I believe if we get an adverse ruling that there will be political support in this community to make the necessary corrections, the public was -- the public absolutely picked up and passed commissioner Saltzman's initiative and I think they'll do it again. So I think we need to pursue both paths, bringing hurley to a close with commissioner Leonard and pursuing the legal clarifications necessary for the city that commissioner Saltzman spoke to and commissioner Fish argued for. Aye. [gavel pounded] All right. Can you please read the title for emergency ordinance number no. 483.

Moore-Love: 384?

Adams: Yeah, the afternoon budget workshop sessions are canceled and they will be rescheduled. So if you're here for either the 2:00 police bureau or the 3:30 fire and rescue, they'll not be occurring this afternoon.

Item 384.

Adams: Commissioner Leonard.

Leonard: That you have, I have director shaff here.

David Shaff, Administrator, Portland Water Bureau: I will try and be quick. I know there are a number of people who would like to testify on this ordinance today. This is the first step. We require consultant services to provide the design for the Kelly Butte Reservoir project. We put this out for bid in accordance with the city's code for professional services contracts. We had 41 consultants attend the mandatory pre-bid meeting. Received three bids. One from Acorn, one from Blacken Beach, one from MWH Americas. And of the \$3.3 million for the contract, \$848,000 or approximately 25.7% will be awarded to state of Oregon women and emerging small businesses. The total project is about \$90 million. The piece you're voting on today is about 4%. Typically design is 10-15%. We're getting a good deal. Part of that has to do with the economy. And also getting a good consulting team. As you know, we have a compliance schedule that the council approved March 25th of last year. The EPA approved it two days later. March 27th, in time to meet the April 1 deadline mandated to have a plan and approved schedule to take our open reservoirs off-line. This as I said, this contract is the next step in the Lt2 compliance process. And with that, I'm here to answer questions or sit down and let the folks who have come to testify have their say.

Adams: Do you have anything you want to add, ma'am?

Teresa Elliott, Portland Water Bureau: No.

Shaff: We'll stay.

Adams: Thanks very much. Thanks for your patience. All right, Karla, who do we have first on the docket?

Moore-Love: First three, please come up.

Beth Giansiracusa: Hi, guys. [inaudible]

Adams: Were you before?

Giansiracusa: Yes.

Adams: You didn't act like it.

Giansiracusa: Well, I was getting angry.

Adams: Well, don't get angry.

Giansiracusa: I'll do my best. All right. Why is this an emergency? I don't understand why we have this as an emergency?

Adams: Your name.

Giansiracusa: Beth.

Adams: And representing?

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Giansiracusa: The citizens for Portland, Oregon. I know that I work with a large community and send out a lot of things and right now, when I caught the water stuff, like I told you before, I didn't understand why we were covering these reservoirs when there's no real proof and I don't understand why we give testimony to pers and we have a doctor from the Multnomah county switch over everything he says. I don't understand how that happens. I don't understand how it happens that -- that when we're looking at a new government with obama and he hasn't gotten to the epa yet, and when he does finally, i'm hoping that he starts pulling in some of this -- this cookie cutter reservoir stuff and it's all over the country, dealing with different things and here we are having to deal with covering these five reservoirs or doing something with these five reservoirs that stop -- what? -- terrorism? Why can't we hire a colombian drug lord or put a camouflage over our reservoirs if that's what we're worried about? We have all new technologies -- and there's one called the solar b that can tell me you what is in that reservoir. If a bird flies over it and it has avian poop, we know about it. I'm looking at the water bills going up. The sewer bills, the bar bills going up and everything is going to go up. And this is a major income for the city, our water bill. It's like boom. When we're doing two-fers and three-fers and with the money, we have the trees and the concrete guy and he's going to pull out the concrete corners and we'll be able to do the bike thing on our water system.

Adams: So your time is up. I want to give you a 10-second opportunity to summarize the point you want to leave with us.

Giansiracusa: Ok. It's practical that you give us 30 days so that you can hear the citizens talk about what's going on.

Adams: Thank you.

Giansiracusa: We didn't have the time for perb. They just said it was late at night. We didn't have that.

Adams: Thank you very much for your testimony. Appreciate it.

Gilly Burlingham: My name is gilly, and it's been a fascinating morning.

Adams: Day.

Burlingham: I enjoyed every minute. I wanted you to know i'm a champion recycler.

Adams: Yay.

Burlingham: And I do something like green cheese. And i'm not going to wash this sweater.

Adams: You get one of the city's first compost --

Burlingham: I don't need it, because my daughter, the electrical apprentice, gave me the most gorgeous --

Adams: You have raccoons under your kitchen cupboard? Don't answer that.

Burlingham: I have garbage envy. We do have the metro big black things.

Adams: I didn't mean to disrupt you. We'll stop your time and let's get on subject track.

Burlingham: I can explain to -- what the problem is and i'm sorry that I went to that meeting where I sat next to a lady who told me a horror story. I was too stupid to understand the multinational corporations run the world and when I asked why this dumb thing was happening with the reservoirs, she explained what companies were behind it. You're going to hear from the real expert. We'd like to say it seems like a good idea to have a new reservoir, but if we all conserved, if we stopped using water, I have lived oversea where is a hot bath -- I had to go down to calcutta to the y to have a hot bath. I learned how to bathe out of the sink. Which I often do. I'm a tremendous activist and hardly have time for anything. Much as I respect randy and fond of all of you very much, I really agree that the perb meeting, they got an earful and I have to thank amanda because she was the only person who had a representative there. If you could have heard them, I think you might begin to change your mind. I don't need to name the companies. Which I could. But I won't. Ok and I want to thank you for an incredible morning. I love the -- the problem being an activist, you don't get the time to go to cultural things, but I snuck off to a beggar's opera, which has a ding in there about a certain commissioner whose name I won't mention, like randy.

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Adams: Ding as in a bell of acclamation?

Leonard: No.

Burlingham: You're not experts in the field of sanitary --

Adams: You have no idea.

Burlingham: I'm sure you've worked your heads off about it, but I tell you, I don't think you're hearing the right things.

Adams: I appreciate you hanging in there all day.

Burlingham: It's been fun.

Adams: Ms. Jones.

Floy Jones: I'm with friends of the reservoirs, a grassroots organization who have worked with since 2002 to protect our bull run system, Portland water and ratepayer pocketbooks. As we advised in our January 17th letter, the city must follow the lead of another large utility who is making great efforts to retain their open reservoir and require that the Portland water bureau compile a data report utilizing the already publicly financed research that was conducted between May of 2008 and 2009. But demonstrates clearly we do not need to treat the open reservoirs for cryptosporidia. If you're not clear, the requirement is considered a treatment technique. Either covering or additionally treating the reservoirs are to the contaminant. It's nothing more than that. And we have the data available to make this point. It just needs to be put into a report that is submittable and I've provided you with communications that the water bureau received that support both EPA and -- the other utility, our legal counsel agree that the variance is -- our legal counsel agree, that the variance is available. When we went to Salem with the state drinking water program, that's what we sought. That's what we made sure was put into the Oregon law was the regulation that within -- was in line with the safe drinking water act. And it was made clear to the legislature that we would be seeking the available treatment technique variance. And EPA will say, we eliminated the mitigation option. So you can't prove that your reservoirs are any more contaminated than buried -- scientific data is a provable method -- you have the city's official statement, the water bonds statement, and clearly states in this what the rule requires and what is going to happen to our water rates as a result of doing this. What's already happened to our debt. We've spent \$67 million on consultants over the last five years. This contract brought today is one of about 13 already, including the flexible service contracts that are not brought to council. Those are awarded outside of the city council process directly by the Portland water bureau. This very corporation was the corporation that the Portland water bureau brought to the EPA to negotiate the rule and also sat on the EPA science advisory board drinking water board when it was negotiated. It's now with CH2M Hill and that's why you see the contracts going to CH2M Hill. The Powell Butte two. They've announced they're going to award the U.V. radiation. And there are options and finally, I presented you with a graph that clearly states, the EPA scientific documented any health problems with open reservoirs? They have not. But in the white papers, they outline the deaths with buried and covered storage. EPA has not documented a single unique public health risk. About cancer-causing nitrogenification, they acknowledged we failed to take into account in chlorinated systems, that is what Portland's is, we have color nation facilities at both Mount Tabor and Washington Park and they acknowledge they made a mistake. Failed to take into account, there's a new risk. I'm not going to -- it's a new risk. Anyone who does a cursory look knows that there are risks. Why would we want to create new risks and degrade what everyone has continually stated we have the best drinking water in the world. As Randy Leonard coined the phrase, from forest to faucet.

Adams: I gave you more time because of the work you put into this. Is there anything you would like to say by way of summary?

Jones: This isn't an emergency. It's an artificial emergency. You do, as the city council, according to the negotiated document with the EPA, you have the authority to set back that schedule and put

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your efforts and energy into creating this scientific data report from the data we've collected and then push forward with the help of senator merkley, the city attorney, and follow the lead of the other utility whose -- who's done a excellent job.

Fritz: I have a question.

Adams: Yes.

Fritz: Thank you for the input you've given us. I didn't quite catch what you said with regard to nwh america's inc. S is there a problem with that particular company, do you think?

Jones: I don't think there was a problem when that corporation was brought there by past water bureau to negotiate the rule and at the same time, sat on the epa science advisory board providing quality control over the rule and then now there's a beneficiary of the regulation. You can check in seattle where they buried some reservoirs. Where is that company? They can't find them now that there's problems from the covering of the --

Fritz: It's a clarification.

Adams: Thank you, appreciate it. Enjoy your composting.

Giansiracusa: Thank you all.

*****: [inaudible]

Adams: Good, it will be good for you then. Sue, wow: How are you?

Parsons: We have six more on the list, if they're still here.

Adams: I want to thank you for your perseverance.

Fritz: Thank you.

Adams: Sometimes the days conspire and the agenda's conspire to make people wait. And we really appreciate it. Who would like to go first?

Brad Yazzolion: I will I guess. I'm brad yazzolion, an independent film maker, speaking for myself. This building, Portland city hall, was first opened on January 2nd, 1895. That same day, Portland received its first water from the bull run system. At that time, drinking water was free to every city tax payer. In 1948 city council approved the first test logging of huge old growth timber within the bull run watershed. That destructive logging went on for thirty years or so until almost 25% of our watershed was logged. It was stopped by citizen activism. That logging sediment contributes greatly to why we can't draw as much water for city use during the mid-summer. That led to our yearly need for mixing our bull run drinking water with lower quality Columbia well water. Otherwise our over a 110 year old water system, an endlessly sustainable one, with proper maintenance. It would be a service to the world to preserve it, to illustrate for all eyes to see that as valuable buildings, old is the new green. The most sustainable building is the old one, with the right energy improvements. What Portland has is an eternal city water system not now under corporate control, with the water bureau's debt load, the city council will be likely to be seen by history as opening the door to that endless expense. Please don't allow Portland to be manipulated into destroying it as the water industry wants. Portland's present open reservoir system is time-tested to be safe, and the unscientific industry serving it2 law has no relevancy regarding this. The city council gave these contracts to other greedy water industry giants, doesn't move the system one step closer to privatization, but that doesn't, and then mean that you are not wrong about that. Portland is trying to present itself as one of the greenest and most progressive cities on the planet, and that's commendable. Yet, it's ridiculous that our city council is throwing the greenest, most sustainable, it's ridiculous the city council is throwing the greenest, most sustainable part of Portland, "under the bus," and doing it at a huge expense to generations of future water rate payers. Portland should demand a variance from the epa, risk the so-called phantom fines, and in short, do the right thing and actively defend our water system instead of saddling Portlanders with ever rising water rates in a part of the country we're plentiful water rules the ecosystem.

Adams: Go ahead.

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Mary Saunders: I'm next, I am mary saunders, and I participate where citizens for Portland's water covering. Our orientation at that organization is that the city should work for a waiver. For us, we have passed out many post cards to people as we walk around mount tabor. Most people that we encounter believe this was already over, and that the city council would work for us, and for our wish to have an affordable and energy efficient water system that we can see. And I opposed this plan as an emergency. Many of the people in our group, our group is the kind of group, it is totally not hierarchical. The person has to facilitate who goes down less far in their chair. That's sort of how it works. This is a diverse group. I would not presume to, to represent all of them because, because they are very well able to represent their own unique outlooks on this, and I think that, that they have put so much time into this and so much heart into it, that it would be respectful of that to allow extra time, not an emergency, 30 days, so they can, perhaps, have more time to respond. I spent last night, quite a bit of time trying to read through 35 pages, and I can tell you a few concerns that I have from a quick reading. One is that, that if you look at the topography of Portland, which I spent a great deal of the morning doing right above us here. You could see that the high places would be places we're ancient people may have met many, many years ago. We know that, that about council crest. Rocky butte is now covered with hardscape, part of Kelly and Powell buttes are excavated or covered now. We need to be time to be certain. I paid attention this morning to, to talk about our cultural resources. We need to spend time to make sure that, that we will know and, and carefully preserve our cultural resources there. I tried to reach Judy this morning, and I couldn't, I couldn't reach her. But, I just would like to know how much contact there was with the tribe and how involved they will be in this process, and I also would like -- I have a question. Why is this an emergency? Thank you.

Adams: Thank you again for waiting. Hi.

Antonia Giedwojn: Hi. I am Anna. Clearly, this is not an emergency, despite the language that, that has been used to make this seem like it is. I'm speaking as a concerned citizen, voter, taxpayer, and a former journalist who spent a lot of my own time researching local drinking water safety issues. I speak not only for myself, but for numerous neighbors, colleagues, and friends who are not able to attend this meeting today because they have to work. I speak for all of us when I say that we are against the reservoir burial project, and we asked the city council to stop approving contracts and prepare a document in support of a variance. There is no scientific data supporting the burial. I repeat, there is no data that supports varying the water, which has served us without incident for over 100 years, and in fact, the science shows that it is buried underground drinking water that cause says numerous health and safety problems. For instance, radon, which causes cancer, accumulates in buried water supplies, does not accumulate in open air reservoirs. A word on the u.v. Plant, which would be used to treat our water, the Portland water bureau u.v. Pilot plan has a history of u.v. bulb breakage and sleeve breakage. These contain mercury and mercury is toxic to humans. Especially to children. U.v. Light from the sun, on the other hand, is not associated with any health risks, and it's free. Two weeks ago, I attended a Portland utility review board meeting during which time a room full of a cross-section of Portland residents unanimously opposed the burial project. During this meeting Dr. Gary Oxman, health officer for Multnomah, Clackamas and Washington counties, testified that there is no evidence of any need to bury the reservoirs. Yet, yesterday, I found out that, that Dr. Oxman suddenly and without citing any evidence to support his new decision, changed his stance and is now in favor of reservoir burial. To say that his sudden change of opinion and all too convenient support of reservoir burial is highly suspect would be a gross understatement. To quote unsightly modified Shakespeare's something is rotten in the city of Portland. If you consider yourself a rational person, if you consider yourself an ethical person, or strive to be, it's not too late, then if you believe what you are doing is right and in serving the best interest of Portland citizens, you will stop approving contracts and prepare a document in support of a variance. Thank you.

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Adams: Thank you. You hit the time really well. So, why -- what reason did dr. Oxman give? And did you ask him we're he changed his mind?

Giedwoyn: I have tried to contact him. I have e-mailed him right before this meeting. I haven't heard anything, any response yet. I believe that he was probably pressured to change his mind.

Adams: By whom?

Giedwoyn: Without getting too much into the politics of the matter, it seems a little too convenient that all of a sudden without citing any evidence, no new evidence has come up overnight to support burying the reservoirs, and he's now come out and said, oh, actually, we do need to bury them. I find that highly strange.

Adams: But you have no evidence.

Yazzolino: We have no evidence except the, the timing of the event in which there is a meeting tomorrow at 4:00.

Adams: Fair enough, that's circumstantial evidence. You don't have any evidence?

Saltzman: I'm interested in what you are saying but I would point out he was a member of the independent review panel. He was part of an independent review panel, and at that time, he supported burying reservoirs.

Giedwoyn: Well, that's what he claims. To clarify that, he, actually, has spoken out in public saying that, as recently as two weeks ago, at the meeting, that there is no data showing any reason to bury the reservoir, either in favor or against burials, meaning, no, no data showing that we need to cover them or bury them.

Adams: But in 2004, he was part of the panel and you don't know how he voted? I'm asking commissioner Saltzman.

Saltzman: He was part of the independent review panel and was one of the members that voted for burying the reservoir.

Adams: Thank you very much. I appreciate it. That sounds like new information to some of you. Sue who is next?

Adams: Hi, Sarah.

Sarah Adams: Hi there, Sam. That's my brother's name.

Adams: Really? Does he get teased a lot, too?

Sarah Adams: He does, about the beer.

Adams: Beer a lot.

Sarah Adams: He drinks the beer so, you know.

Adams: Who would like to go first?

Aleksandra Giedwoyn: I may. Hello, I am Alexandria, and I am speaking out as a citizen. I've been practicing medicine for over a decade now, and I take pride in my profession partly because it has been moving from, from opinion or an expert opinion in formulating guidelines to evidence-based medicine. Here in this city, I would like to see Portland do the same and not follow the EPA's ruling, which seems not to be based on objective evidence for what they are requiring in our specific situation. I also want to touch base on, on financial interests. There is pressure from pharmaceutical companies, trying to influence national guidelines and individual practicing, too, to choose a more expensive brand name medication rather than a generic when they both give the same outcome. So, I would ask that we don't blindly follow the EPA's recommendations. They don't seem to apply to Portland. It's going to incur a cost to follow them, and I do not see any objective evidence in support, and I also was at the meeting last month, and Dr. Oxman at that point, very clearly stated that there is some reasons to have it covered, but there is also some reasons and benefits to have it not covered. And there weren't enough arguments on either side to say that one was better over the other. So, as a result of that, I asked, why are we choosing to do something that's going to cost money, and there is no clear benefit for it. Thank you.

Adams: Thanks for your testimony and thanks for waiting. Sir.

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Jenzy Giedwoyn: Thank you, I am [inaudible], and I arrived in Portland in 1969, and i'm drinking the tap water here. I'm still healthy. Not a big surprising after what I heard how the water is obtained and transported here. I'm quite impressed. This meeting, actually, I have to say, I am very impressed with how you worked the other problem. [laughter] What's interesting to me, it's very difficult, and it's so different from my previous experience. I came from communist poland, we're meetings like that also took place, so the public was invited to give input, and before they could open their mouth, they were told what they were supposed to do by those who never make mistakes. And if somebody disagreed, then he usually changed his mind a few days later, because his job was on the line, and on the job's provider was the government. So, it's worked very well. So, back to our problem here. You know, like the other speaker mentioned before, what we are about to do is, is like providing water. Water is not much different from giving medication to a patient. That's what I am doing for the last 40 some years as a practicing cardiologist here. I would be called in front of the board, and deprived of a license, if I would base my decision of direct treatment on facts, like burying the reservoirs. I would have to prove that's what I am doing is beneficial, and the risk is much smaller than the benefit. I have to know the side effect, otherwise, I cannot practice. So, I think that we should use here a similar standard. If this project proves itself for a hundred years, so we need to better approve? That's a fact. Everything else is pure speculation. And at the large cost and possibly undesirable side effect.

Adams: Thanks for your testimony.

Sarah Adams: I am sarah Adams, and i'm representing myself, and many of my friends who are working today and couldn't be here. And also, in support of the reservoir, and, um, I just really, really -- I don't think that this is an emergency. I think the fact that, that the testing has been done and they found zero infectious bacteria, or corpus [inaudible] to be specific, is evidence that our water is safe in open reservoir systems and that we really don't need to cover the reservoirs, and, and, um, and also, I wanted to, to just remind you that this is citing the january 17, 2010 letter that the city council does have the power to, to, um, to, to fight the epa's decision, and I will just read you some key points here. First, I want to say that i'm concerned about the health risks of nitrification in the systems like Portland, that floyd talked about, definitely, cancer-causing, definitely a possibility. Also, the radon gas, not having a chance to vent, especially in homes in north Portland, that would be receiving the water with high concentrations of radon, which is very concerning to me. And so these are my personal reasons for wanting to keep the reservoirs open. Here are some points, um, that the reservoir advises. Stop approving consultant contracts, the plan filed with the epa in march of 2009 gives you, city council, the power to alter the plan or the pace at which it is implemented, as noted in the fine print, the burial plan is contingent upon city council approval of individual projects. It can be renegotiated with the epa if the city council does not approve the current schedule for any project within .2, require the Portland water bureau to prepare a report documenting relevant scientific data in support of a reservoir variance. Seek an extension or deferral from the epa from the burial projects, and community stakeholders have long recommended this action for both the open reservoirs and the source water requirement. And .4, engage the assistance of the city attorney and/or outside council. Seek assistance from jeff merkley who demonstrated his support for retention of the open reservoirs. .6, submit the data to the epa or state of Oregon, if it assumes [inaudible] for the regulation in 2006, the state legislature unanimously approved and the governor signed into a provision for variances with the full knowledge that Portland would be seeking such a variance for the open reservoir. So, I don't know if that's -- that's my time but do not rule out legislation, the opportunity for further congressional intervention is not only possible but also likely in light of the acknowledged flaws with the epa's source water variance plan. So, in closing, I would just encourage you to, to make a sincere effort to secure a variance to keep the reservoirs open to save us money and help the people, the quality of life in Portland. The health risk. Thank you very much for listening to me today.

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Adams: Thank you for your testimony, well done, I appreciate it. Shall we bring staff back up? Commissioner Fritz?

Fritz: Why is this an emergency.

Shaff: I was trying to cut things short. And we have a schedule that we agreed to. It is an enforceable schedule, and we have to coordinate the completion of the various projects that we have, and minimize the impacts on our customers, and we did identify it as an emergency ordinance, excuse me, because we have a tight schedule, and if we switch this back to an, a non emergency ordinance we push it out about six weeks, and that would affect the time when construction begins, and this is a major excavation project, it's like Powell Butte, not quite as big but it's a big one, and we want to take advantage, as much as possible, of dry weather when we do the excavation. And once it starts, it will be year-round for three years, and a delay of six weeks, pushes the starting construction from late spring to midsummer and moves the construction into wet weather. So, we were trying to avoid that. And it has, it has a six-week delay in our ordinance approval, also has a six-month delay effect on sequencing the connection to the live system. Part of this is because we make connections to our conduits during low flow, you know, in the winter when, when demand is as low as possible. And we try and limit those connections so that we're not, we're not trying to, to do those connections during our high-flow peak season, that's what we have got going on at Sandy River. We're trying to connect to the conduits right now. We have got one or two of the conduits down, so that when peak season comes this summer, all of the conduits will be back up. It's the same thing. It's the same thing we'll be doing with Powell Butte and with Kelly. It's not impossible to make this a non emergency ordinance. It's just that that's why we put it together that way.

Fritz: Thank you, in the future since we approved the schedule last year, I would appreciate it if you can get the ordinances so that they are a month early.

Shaff: And this is, actually, an unusual one in that all of the, of the past ones have been normal ordinances that have a first reading, a second reading and go into effect 30 days later.

Fritz: I know that you tried to do that and I appreciate that. It gives me more time to get more citizens on the agenda. And when is the, the board coming to council with their recommendation on covering the reservoirs?

Shaff: Well, tomorrow they are scheduled to vote on the subcommittee's recommendation. I assumed that, that shortly after that, they will submit the results of that to, to the, to the council, but, I don't run that so I don't know what they have in mind. But tomorrow is, is their meeting at which point they will, they will listen to the resolution and, and debate and decide.

Fritz: The mayor and I, when we had the discussion before, the mayor and I had asked them to bring back a recommendation to council so that we can have that discussion. I noticed that the ordinance includes a finding that this is in order to replace the reservoirs and that they will be disconnected, presumably, if we have that hearing and we decide that's not what we want to do, we can then do that.

Shaff: We can stop work and cancel the contract.

Fritz: I want to be clear that I think that we need this storage anyway. I think that it's prudent to have more underground storage, whether we disconnect the reservoir, so I'm in support of continuing on this. I do, um, have questions -- Mary raised the issue of people on Kelly Butte do we have any assessment of whether that's likely?

Saltzman: That is part of the design process. Do you want to add to that?

Elliott: Yes, it is part of the design process. We will look at whether there are any cultural resources that need to be protected. If they are, it affects our land use so we have to address that.

Shaff: If you look at the map of the current tank, it takes up the footprint of what the proposed Kelly Butte tank is, so, we already have a lot of hardscape there.

Fritz: We're going deeper rather than wider.

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Shaff: Deeper and taller.

Fritz: Right.

Elliott: And wider.

Fritz: Okay. And my final -- My final question, there were questions raised about a particular company and whether they had a conflict of interest, if you could address that, please?

Shaff: Montgomery watson is one of -- there is probably a dozen firms. I couldn't have named them five years ago. I probably didn't know any of them five years ago but you could probably name a dozen firms in the country who build large facilities. Montgomery watson is one of them. Brown and caldwell is another, corollo, I had never heard of akon before but they are working with us on powell butte. They were one of the bidders. And montgomery watson has done a lot of work for the Portland water bureau. I don't know in they have done other work for the city of Portland. They are a national firm. The issue that, that is brought up most frequently is, is in that a chief, a former chief engineer of the Portland water bureau left the water bureau and went to work for montgomery watson many years ago, and montgomery watson has gotten a lot of contracts since. That's as far as I can tell you, the connection. And that engineer now works for ch2m hill, which is why a lot of people object to them getting contracts with us.

Fritz: And thank you. That raises another question. I said my previous one was the last one. I noticed that there was a citizen who is on your selection board. That person works for gresham, and have you given any thought to, to the ordinance that we passed requiring somebody from the minority chambers to participate in contracting the selection?

Shaff: And --

Fritz: It doesn't apply specifically because it's a contract and that was not for contract, for construction, rather, but is there any, any greater --

Shaff: Teresa is offering the answers, so we'll let her.

Elliott: Commissioner, yes, we usually get someone from the outside on this project. We started this selection process last summer, and, and actually, did the, chose our committee in the fall, and did our selection in the fall. We've been negotiating our contracts since then, and all our contracts, whether they are pte contracts or, or, actually, all the contracts are, are subject -- all the new ones are subject to this ordinance, and so, we will be having the, the selection committee based on the new ordinance.

Fritz: It might be nice to have a number of the programs. Thanks very much.

Adams: Others? All right. Sue, will you call the vote.

Fritz: As I inferred, I am looking forward to the council hearing on the big question of covering the reservoirs, and I don't believe the way this was on the agenda, was intended to be at all the bigger discussion of that. I appreciate very much the citizens who came and stayed to give us your opinion on that, and the citizens have been remarkably informed throughout this process. And david and your staff are outstanding in terms of getting accurate information on time to us and, and I appreciate that acknowledgement that you usually do like to do non emergency ordinances, and this is a contract for design and for community involvement. And those are good things, which I think that we should do sooner rather than later. As I stated, I think its prudent to spend money on more storage, especially in this time we're the construction contracts are coming in lower than bid. I am pleased to support this ordinance. Aye.

Fish: Aye.

Saltzman: I also want to thank everybody for their patience and sticking around. Certainly, it's a testament to, to your perseverance on these issues as I well know, and I also, you know, I do question when we attach emergency clauses to ordinances, because I think we have got, we have gotten cavalier about that in the time i've been in the city government, so I think you made a good case for it. But in general, you know, the emergency clause should be a real emergency. So, but I think you made the case and I will support this, aye.

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Leonard: Well in fact, I have worked with senator merkley on, on efforts to get a legislative exemption for having to cover the reservoirs and to have a treatment system. I wrote a letter in december saying that, that in spite of his efforts, the chair of the committee that the bill would go to would not have a hearing and would not entertain a hearing and would pose any effort legislatively to, to do anything but what It-2 requires, and then asked senator merkley do what he could to pressure the epa to agree to is a variance, or be clear to us as to what the criteria for a variance for the treatment system. The second in command for the epa here, at senator merkley's request, and, and I felt like we had a productive meeting. Subsequent to that meeting with us here, sent us a letter in december saying that, that the city did not qualify to apply for a variance for covering the reservoirs, but is working with us on the criteria for, for applying for a variance for the, for the treatment system. I feel like we have a good shot at getting a variance for the treatment system. But, it's going to be a tough, tough road to hoe, but I think that we have a lot of arguments in our favor. So, I appreciate the work of the water bureau staff. It is not easy. Aye.

Adams: So just to, to speak to the underlying suspicion that we're not trying hard enough on to, to, to, to avoid additional regulation of our water system, or that we don't, um, we don't really understand the value of what we have, we do, and we are fighting it in every way that we can, and we've been fighting it for, well, i've been at it five years, and i've been able to see commissioner Leonard's efforts, as well. At the same time, we were fighting the epa, a different department of the epa over similar efforts on, on the city's sewer system. And we won that. But, as we were fighting them, we also prepared for the possibility of losing. We prepared in a way that, that would not be a fiscal loss, would not be a, sort of a fiscal cul-de-sac of spending money that therefore, if we won, would know have any value. And I think that this does have value to the city as commissioner Fritz pointed out, and, and when I hope that we are successful with the epa. And, and I think that this does have a value and provides the brazilliance the city needs in providing basic necessities. I think that, that it's, it's, it's continued to push and continued to advocate, and I think that that's useful, and, and we're going to, as well. But, I think that this has value even if we are successful. That's why I vote aye. All right. That's it, right? We're adjourned. We're recessed until tomorrow, sorry. [gavel pounded]

At 3:05 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

MARCH 18, 2010 **2:00 PM**

Adams: Welcome to the city council chambers. I'm sam, your mayor, and how many you of you have been to city council meeting before? You've been to city council meeting before? Ok. Great. A couple of things up front so that we all can be part of making sure that this is a good deliberation. Undoubtedly there will be people speaking today whose views might not match your own. This is an issue of great passion. Because we foster dialogue, and we want to foster different points of view, for this particular issue if you like something, you can wave your hands. And that way we know. But no clapping, no cheering for this particular issue. The signs are fine to have in front of your chest, but if you block someone behind you, then security gets a little concerned, so you're doing a great job, just keep them on your lap, or like yours on your chest, perfect. We just want to make sure that everyone has a sight line. If you signed up and we just go by the order in which people sign up, all we need to do is -- all you need to do is just give us your first and last name. On t.v. You often see people giving their address. We don't want your address. So just your first and last name. And the clock in front in that big sort of hunk of wood, that will actually count down from three. So that will go -- it will start at three and count down to zero and everyone will have three minutes. The mikes are the best technology from 1983, and so you have to get really close to the mike in order to be heard adequately. And this is Karla, the clerk. If you have anything to pass out, you just hand it to Karla and she in turn hands it to us. So those are a few of the rules. If you want to sign up to testify, the sign-up sheets are still out front. She'll collect them and if you decide later in the meeting you want to testify, Karla will have them at her desk. Good afternoon, Karla, house are you?

Moore-Love: I'm fine, thank you.

Adams: Can you please call -- . [gavel pounded] today is thursday, march 18th, it's 2:00 p.m. The Portland city council is in session. Karla, please call the roll.
[roll call]

Adams: We have only one item. That is time certain at the 2:00 p.m., item. An emergency ordinance, item number 385. Please read the title.

Item 385.

Adams: Commissioner Leonard.

Leonard: Thank you, mayor Adams. Colleagues and assembled guests, i've been on the council since 2002, and in that time I have had the opportunity to work on a number of issues, to be involved in a number of community events, and to experience as most Portlanders have, a number of tragedies that have happened in our community. I'm not here today and I hope nobody else is here today to rehash those tragedies, but rather to look to the future and fix the problems of the past. So for me, the best way to do that is to change the rules that govern our city, and specifically in this case, change the rules that govern our police force. I think i've reached the point beginning last september with the release of finally after three years the police bureau's report on james chasse where I think the current rules are not strong enough to provide police oversight and police transparency. For anybody who is not the convinced by either the james chasse case or the aaron campbell case that that oversight is needed, I want to remind you of a couple less highly profiled cases that have happened since I have been on the council that have concerned me greatly

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regarding the lack of police oversight and transparency and accountability. On June 9th, 1973, a woman who was blind in one eye, had a glass eye, had accumulated junk in her front yard. The city was in the process of removing that junk, when she went out into the yard with her 91-year-old mother to look for an item. Because she was interfering with the folks working on her property, they called the police. When the police arrived, they found Miss Crowder to be not cooperating with them. So instead of these two young police officers each grabbing her by an arm and asking her to calm down, they pulled out tasers and tasered this 71-year-old woman who fell to the ground, her eye popped out, and the city settled ultimately for \$145,000 with Ms. Crowder, and there was no discipline to the police officers involved because they were found to have worked within police bureau policy on the use of tasers. On May 29th, 2005, a woman by the name of Barbara Wich was pulled over on the east side of the Hawthorne bridge. She was given a warning for not having insurance for her vehicle. As she left, she used what is recognized as a universal symbol of disrespect to the police officer with her left hand out the driver's window, whereupon the officer pulled her over again. She refused to get out of the car. He blackened her eye, pulled her through the window, breaking her arm. That cost the city \$150,000. The officer involved received no discipline. I could go on. I have a number of cases here to read, but here's the point. Everybody should have reached the point by now in the Portland community that something is wrong and broken at the police bureau. And what that is effective oversight, transparency, and most importantly to this former firefighter, accountability. And that means to me that you follow the rules that you expect other people to follow. That you behave the way you expect other people to behave, and you always treat everybody with respect. That is why I brought the -- I have brought forward the ordinance that the council is considering today. So I want to give a brief overview of what the ordinance does, and I'm going to ask the auditor to come forward with the IPR director and the assistant director to get more specifics. But very briefly, this is what the ordinance accomplishes if the council adopts this ordinance today. It gives the IPR director expanded authority to initiate, conduct, and review investigations into policeman conduct, including subpoena power. Currently the IPR director does not have subpoena power and currently the IPR director is limited as to what kind of cases can be investigated. This ordinance removes all those barriers. IPR as I've said, if the IPR director is having coffee and overhears another table having a discussion about something that might even hint of police misconduct, based on that information, that information alone, she can initiate an investigation. Second, it eliminates barriers to the IPR oversight by giving them oversight over all police misconduct cases regardless of how they were initiated. This is a very important point that I don't want to gloss over. Currently the bureau has taken the position that the IPR has no authority to investigate cases where the police bureau itself has initiated a complaint and not a citizen. That has led to serious consequences, including the threatening of having the IPR staff excluded from one of the police's review board hearings dealing with an officer who is making unwanted sexual advances to underage women. That cannot be tolerated that the police bureau will tell the IPR what they can and can't investigate. Third, the new ordinance gives the IPR director unobstructed access to all police data and data systems allowed by law. Currently when the IPR director asked for information, she gets a report. What the IPR director wants is the source of that data. We'll make our own reports. Thank you very much. We'll conclude ourselves what the data suggests, not have the police bureau interpret for us what data suggests. We want the raw data. Fourth, it formally establishes the police review board in city code and installs the IPR director as a voting member and the city council appoints citizen members rather than the chief. In the current dynamic, the IPR director is only an observer in the room and only is allowed in the room in cases other than initiated cases, citizen initiated cases at the courtesy of the police bureau. We should no longer allow the police bureau to tell the IPR director what authority it has or doesn't have but rather the law should direct what it is that the IPR director is empowered to do. Second, I think it's an inappropriate to have the police chief appoint citizen members of force review boards. The -- this

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ordinance, the auditor would appoint the citizen members and the city council what -- would approve them. Fifth, we give the ipr director and the police review board members the ability to compel review of cases involving police misconduct. For example, the woman whose arm was broken and eye blackened was not subject to ipr overreview or review and the new ordinance, if an example like that happens again, the ipr director on her own initiative can initiate a process that would lead to discipline of the police officer involved if the chief decided not to take such action. And finally, the new ordinance will require publication of the disposition of cases reviewed by the police review board at least twice per year. That increases transparency, improves consistency due to the awareness that their Deliberations will be recorded and published, and improve communication with officers with expectations. Some have said, why, randy, file this ordinance, and distribute it publicly just a week before you vote on it? And I want to be -- if i'm asking others to be transparent, I need to do the same thing. And I think if you read just today's online edition of "willamette week," you'll find out exactly why I didn't want this out as long as it would take for the opponents of this ordinance to try to undermine it. My experience with the police bureau is that they are resisting the efforts of a very watered down ipr ordinance to do its job and that they will fight tooth and nail to implement an actual empowered ipr at every turn possible, including today suggesting that the ipr ordinance can't be implemented because it requires collective bargaining with the union. That is not true, folks. That is not true. [gavel pounded]

Adams: There is no clapping.

Leonard: We've crafted this in consultation with labor attorneys and have artily drafted an ordinance that respects and complies with any collective bargaining agreement, any obligations under the public employee collective bargaining act to make sure once this ordinance passes and is implemented, it will be effective and unchallengeable. People may want to fight it, and they may resist it, but we've written in a way so it will Stand up in front of an arbitrator and a court. So without further ado, i'd like to invite the auditor and the ipr director and the assistant ipr director to come forward to explain in more detail what the ordinance accomplishes. Thank you, mayor Adams and council.

Adams: Thank you, commissioner Leonard. Welcome. Welcome back.

Leonard: I wonder, I have a couple amendments to move that i'd like to make sure we get on the table. This should not be controversial. One amendment is that we had a number of requests from the community to include an -- a process for strengthening the ipr's oversight by establishing a stakeholder committee charged -- that would be charged under this amendment with developing additional changes to the ipr system and proposing to the council within the 30 -- 90 days. I did distribute this amendment to the council offices on tuesday, and the groups that would be part of this oversight body would be the the albina ministerial alliance, the citizen review committee, Oregon action, the Portland police bureau, human rights commission, office of independent police review, national alliance on mental illness, national lawyers guild, the league of women voters, the aclu, cop watch, office of commissioner in charge of police, and the city attorney. I move the amendment.

Adams: It's been moved. Is there a second?

Fish: Second.

Adams: Moved and seconded. Any council discussion regarding the amendment?

Saltzman: I appreciate this amendment and will support it. However, I think that rather than just the person who is the police commissioner serving on this committee, I think each council office should have a representative on the committee.

Leonard: I consider that a friendly amendment.

Saltzman: Ok.

Adams: And then who leads the committee? Is that referenced to an earlier item?

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Leonard: That came up in a meeting I had today, and I think that especially on the heels of commissioner Saltzman's recommendation, I would recommend that my office chair the committee and set the meeting dates and staff it.

Adams: Ok.

Fritz: It would be your office rather than the auditor?

Leonard: That was the discussion we had today with the auditor present.

Fritz: Ok. Thank you.

Adams: So you'll consider that a friendly amendment as well?

Leonard: I would.

Adams: And the second considers that a friendly amendment? All right. Karla, can you please call the vote on the amendment.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded]

Leonard: Thank you, mayor Adams. The second amendment are amendments to exhibits n.c. These are auditor -- these are amendments the auditor has put together based on recommendations from the crc to clarify and strengthen the code language. The amendments affect exhibits a and c and were distributed to council offices yesterday. They are not substantive changes. I move the amendment.

Fish: Second.

Adams: Moved and seconded to approve the amendments contained in the exhibit in front of us, underlined -- yellow is insertions, and strikeout deletions. It's been moved and seconded. Karla, please call the roll.

Fritz: I haven't had an opportunity to review the amendments. I'm willing to put them -- amend the ordinance as proposed for the discussion today. Aye.

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded]

LaVonne Griffin-Valade, City of Portland Auditor: We are here to discuss an ordinance that sets out to do three basic things to improve the responsiveness and the effectiveness of the auditor's independent police review division known as ipr. Commissioner Leonard has already given you some detail about these three different basic things that we're trying to do, and I want to just reiterate very briefly. We propose to strengthen ipr's ability to do independent investigations to strengthen ipr's authority in cases investigate the by the Portland police bureau. Replace the current performance review and use of force board with a single more transparent police review board with ipr as a voting member. If I may say a few words before I turn it over to your questions and comments. I'm sure members of council know this, but the public may not. One of the charter appointed duties of the city auditor is to deliver the oath of office to new and promoted members of the police bureau. I view that responsibility as an honor, and I very much appreciate its significance. It allows the auditor to momentarily connect with each member of the police bureau when they pledge to faithfully, honestly, and ethically perform their duties. In other words, when they agree to represent their profession honorably, to be mindful of the community they serve, and to use appropriate judgment as they carry out their work. As someone who audits government, I've learned that every public organization, including mine, by the way, is at risk of meeting its goals. Is it risk -- is at risk of major systematic -- that's why accountability and independent oversight are so crucial. I have great respect for chief rosie sizer and the Hundreds of responsible and professional police bureau members who show upper die perform their difficult work. The changes we seek through the ordinance before you are about protecting and strengthening civilian oversight authority, enhancing police accountability, and improving community policing efforts. We've come to understand the we can necessities of the current police review system. Gain tremendous insight from the work and advice of the citizen review committee and heard the voice of the public. Many

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of whom are here today to speak to you, to speak to us, and to speak to their neighbors. The opportunity to make some needed corrections to the existing civilian oversight process has come at a critical juncture for our community. The crisis of confidence in the police bureau and in the city's leadership of police oversight efforts is acute. If the proposed changes are accepted by council, the role and significance of ipr and the crc will be expanded to everyone's benefit, including the police bureau's. Finally, I want to acknowledge the obvious -- this is council's decision, and that is your appropriate role and responsibility. My role and responsibility as the independently elected city auditor, is to push for change and improvement where it's needed, and in this case, that means advocating for increased oversight of arguably the most important service the City provides to its residents. I would like to introduce director mary beth baptista and assistant director constantine severe, and would I like to open the floor for questions and comments.

Mary Beth Baptista, Director, Independent Police Review: I began this work two years ago --
Adams: Your name, for the record?

Baptista: I'm mary beth baptista, the director of the independent police review division. I began this work two years ago and shortly thereafter I sat in front of council and the questions from council were, how do you explain the job and complaints? Isn't that because people have lost faith in ipr? Isn't that because you haven't done outreach to the community? Isn't that because they don't trust you to do anything? And I set off to my work, to see whether or not that was actually true. Where the answers lie. And I know one thing. We've certainly done some outreach to the community. And we've listened to them. And what we've heard is overwhelming community concern regarding accountability issues at the Portland police, and ipr's ability to do anything about it. Portland wants real oversight. And to the community, real oversight isn't ipr watching the police police themselves. It's about actively participating in the system. And it's about strengthening our independence. This ordinance is about having council give ipr their authority, not having that Authority come from the bureau. We ask you to consider this ordinance that strengthens our ability to do independent investigations, strengthens our ability and our role in internal investigation, and strengthens the process in our role in it for holding the bureau accountable. Thank you.

Constantin Severe, Assistant Director, Independent Police Review: Good afternoon, my name is constantine severe, the assistant director of ipr. Formerly I was criminal defense attorney and I had the opportunity to cross examine many officers, and one of the things i've experienced is that the Portland police bureau is a very fine institution with very competent, intelligent young men and women who are dedicated to serving the city and protecting it. As part of my job at ipr i've gone around the city and i've talked to different community members, and there is a profound and distressing lack of trust in us, and in the police bureau, because folks don't have the opportunity to see what is actually going on in the oversight system. They don't have the confidence in when they file a complaint that we will actually take it seriously, and when it goes to the bureau that the bureau will discipline it. We'll take -- will take charge of the incidence and implement the disciplinary system that's required. This ordinance as written would provide -- I believe a first step in asserting I believe council's rightful role in establishing the lead in What is supposed to happen in the city. I'm a recent resident of the city of Portland, i've lived here seven years, I love this city. And everybody that I know who knows about my job and knows about me, they ask, you know, why are you working for ipr? Isn't it a joke? And it's one of those things where it does hurt me, because when I wake up my job is the first thing I think about, and when I ride my bike to work, i'm excited to work for mary beth because they care about it, and the officers I talk to on a daily basis, they care about protecting the city. And it's important for us, all of us who have a role in this system, to not let the citizen who's here today and not let officers who are -- who work all the way from forest park and all the way down to 162nd and division on the edge of the city, it's really important that we stand up and do something that's been needing to be done for a very long time. Thank you.

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Adams: Question for either of you. How would you like us and the community to judge the success of these changes? And I know they aren't necessarily the beginning and end of changes, but just sort of your own thoughts on what are some of the outcomes that we can look to, or is that something that is to be developed?

Griffin-Valade: The outcomes are basically pretty much what I mentioned. And with more detail below that To strengthen ipr's ability to do independent investigations, and --

Adams: So the output -- I get all those, but in terms of six months from now, a year from now, we look back, what are the positive kinds of changes you hope to see, you expect to see from the police bureau, law enforcement, the -- what the scope of this reform is intended to cover? The actual results?

Griffin-Valade: More responsiveness from our office and from the bureau, to the concerns of the public. Taking action swiftly, and listening to the advice not only of when another -- one another in the bureau, and one another here, but in the case of the bureau, listening to the expertise that mary beth and constantine and pete sandrock bring to the table, taking that seriously. And in terms of what I see -- hope to see for sus that we are much faster, much more responsive, that we improve our -- not only our effectiveness, but the view of the -- the -- improve how the community views us, and that we see more -- we are seen more positive, more responsive, and knowing as I sit here that we won't always make each individual who makes a complaint happy, but we now have tools to do our job much -- if this ordinance is approved. To do our job more effectively. One of the things that i've already committed to is to hire an outside consultant expert to come in within a year -- 12 months after we have implemented these changes and assess the System. And it's just as hard for the auditor to be reviewed and audited as it is anyone else. But you have to trust me when I say I take that very seriously, and I think that whatever recommendations, as long as they were feasible for us, we would immediately turn around and implement. We're also committed to coming back to the table with the community and the community groups that are represented here today, and would be represented in this ordinance -- excuse me, the amendment that was presented to you, and listening to them and taking their concerns very seriously. We already do, but we don't necessarily have the authority to do much about it. And hopefully we'll get there. This is a good place to start.

Baptista: If I may, I got the benefit of having that question asked to me yes, so i've had a full 24 hours to actually think about real performance. So -- because I was -- let me think about that. And one --

Adams: It's always a very hard question to answer. All these policy issues.

Baptista: Well, I think some of the concrete areas that we can see improvement, we can see it quickly is case handling and the timeliness of case handling. When I came to ipr, I got the benefit of being able to hire an assistant director. Without constantine to share the case load with me, I think it would be -- I can see where cases got backed up prior to my taking the director position at Ipr, because as one person, it's really difficult to handle the case load. But what I think a real measure of success of this would be was that we were able to handle cases more efficiently and more effectively. We have -- we have put in measures to make sure that investigations are done in a more timely fashion, it will be up to -- I think one of the measures of success will be if we're able to meet those goals and measures. We have cases that the citizen review committee has heard appeals recently that are years old. Years old. That cannot happen again. We have to put that as a priority, and we hope this new ordinance will help strengthen that case handling timeliness. We also hope one of the main things that we've heard from the community is that they want us to do independent investigation. We currently right now have authority to do independent investigations. But we never have, and frankly, there's no provisions or ability -- there's nothing spelled out of when we do them, there's nothing spelled out of how we do them, and I think a real measure of success would be that especially with this amendment, with its 90-day period of listening to stakeholders, I think we

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need to fine tune and have that be an actual authority that we could exercise. And we could exercise it effectively, and we could exercise it with minimal effects. To the bureau as well as to our own inner workings. So those would be the two goals. Timeliness, that with could easily measure, timeliness, and strengthening the criteria to do independent investigations.

Leonard: I'd like to add something to that. I come from a background and a profession where you don't measure success by how many fires you go to every year, you measure success by how many fires you prevent from ever happening. And it's been my approach with this. My way of measuring success would be not showing the community how the auditor's office and the ipr investigate a case of abuse, but in showing that abuse cases or police misconduct cases actually have dropped all together. Didn't happen in the first place. And that dynamic I think is a very real dynamic when you have an ordinance like this pass. If, for instance, the officer that pulled the woman over on the hawthorne bridge knew that notwithstanding his actions that there was an independent review board that would have read about that case in the paper and could have launched an independent investigation and initiated its own disciplinary process by calling together the police review board and asking that the case be heard, there's a great possibility that officer would not have done that. And my hope is that future instances like that where there are questions of judgment involved on the part of the Police officers, they begin including the ability of these folks in front of you to ask question and follow up with real consequences to police misconduct behavior. So for me, this is a very small part of what the community has identified a large problem, but it can be very effective and not just what it brings transparently to the community to see, but what it prevents from happening in the first place. By changing the culture of the Portland police bureau.

Griffin-Valade: Absolutely.

Adams: So you'd see high levels of trust with the police bureau from the community, and fewer complaints.

Leonard: Frankly, at first it's going to be hard. The police bureau does not want to change. I will - - that's a perspective I have. It's comfortable doing what it does now, it will not be pleasant for a while. But I will tell that you have you been -- having been through this kind of thing and bureaus i've been assigned to, I believe that at the end of the reacquaintance of the new empowered ipr and the police bureau, you will find a much healthier, happier, and productive police bureau and a much more trusting and satisfied citizenry when officers are behaving according to how this community expects them to behave.

Griffin-Valade: I made a comment this morning, one of the local publications about how this program has brought me more Heartburn than any other over the last almost year. And that is no reflection on mary beth or constantine or any of the other staff, I want to make that clear. But how I got here is in late december -- first of all, to back up a bit, we had had ongoing discussions about how we were going to improve -- approach making the changes to increase our authority and increase our oversight ability. And then there were multiple articles in the press and then late december there was one that was so compelling, that I said I can no longer say this didn't happen on my watch. It happened three years ago, four years ago, whatever, but what I can say is it's not going to happen again. To the degree possible, it will not happen again.

Adams: And under this approach, it is still one of the scenarios is that you have more independence and more access, but to what degree is the police bureau compelled to do to act on your findings? Can you just -- can you clarify that?

Baptista: Well, I think that's an important piece, because i'm sure one of the main concerns of the bureau is the strengthening of the ability to do independent investigations. But the counter to that is, the independent investigation that ipr would do would have to go through the same accountability process as an investigation done by iad. So it's not the case that we would do the investigation and I Would sit in my office and say, oh, yes this, is sustained, and he should be disciplined. That's not the authority, that's not independent. That's not what we seek. If we're

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going to do an independent investigation, it has to go through the same checks and balances as any other. So if yes to do one, it would -- we would have the investigation be completed and it would go through the same channels as one done by the internal affairs department, and would it go to the reporting unit manager for a finding, and then go through the accountability board process. Does that answer your question?

Adams: It's helpful, but let me try to put a finer point. I like this ordinance, I just want to make sure I understand it and that the public sort of understands it. If -- that was helpful, but what if at the end of that process you see a pattern conversely that the bureau is not pursuing or implementing your recommendations? A year from now, that was one of the scenarios, don't know what would happen, how do you see that playing out?

Baptista: On a policy standpoint or discipline standpoint?

Adams: If you could summarize both, that would be great.

Baptista: Right now what would it look like, under the new ordinance, you would have the performance review board and use of force board would collapse to the police review board. This board would review whatever the incident was, review the Policies in place, and that review board would make a recommendation to the chief about findings and discipline. And the good piece of this ordinance that's different than what exists would that would be reported. Not officers' names, and we would protect confidentiality. However, we would be able to see transparently, ok, the board found 4-1 that this should be sustained. The board found 5-0, this should be sustained. And if we see this pattern of the board making a recommendation and the chief not following that recommendation, it will not only be pans apparent to us, but to you, and to the community. So I think that's a key piece. Regarding patterns and policies, we already have that authority now. We did specifically write we could do -- specifically write in part of that review policy is regarding discipline, but again, we're not trying to disrupt the union contract of naming names, that's not what we're about. It's more about patterns of conduct. And so what we're looking -- we can still look in determine whether or not we did it recently with the force policy. Earlier in the year, where we reviewed the force policy that was nut in place a year ago, to see how the officers were doing, see how the bureau is doing, and they were doing well on that. And they were implementing the policies and the recommendations That were given. So we have the same authority to do that now that we did then.

Adams: I thank the council for allowing me time to get my questions asked and answered. Commissioner Fish?

Fish: I have a question about the potential cost of implementation. I don't know that we've had that discussion, but since it's the budget season, it's probably good to put a marker down and just have some general discussion. Should this council adopt the amended ordinance, what do you guesstimate are the additional resources that you may need to do the job?

Baptista: Before -- the auditor will give you numbers, because that's not my strength. But I do want to -- i'm glad you asked that, because as i've been talking to people recently, they think that we're going to expand our staff, and we're going to have all these new people walking in our door and one of my investigators think she's going to get a car. [laughter]

Adams: Uh-oh.

Baptista: The reality is that this ordinance for ipr, it really codifies a lot of things that were already doing. And so it really -- as much as I love to come here and ask you for another body, you know, I think what we're doing is enough. But we don't need any more staff at ipr to handle the workload. We're capable from where we r. I think the only cost would be we suggest that someone besides ipr or a member of the bureau Facilitate the new force review board, and that's the the numbers that perhaps she can give.

Griffin-Valade: You the perceive the only cost associated with this change is the cost of that moderator. The review boards currently meet every other wednesday, and those sessions last

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usually around three hours, so this is an estimate. We try to determine a figure, and we think it's probably going to be no more than 10,000. A year.

Adams: Thank you. Other questions? Commissioner Saltzman.

Saltzman: You envision the moderator not being a full-time employee of the city.

Griffin-Valade: No. This would be the contract employee or contractor, probably an expert facilitator, maybe even an administrative law judge.

Fritz: You'd look at 9012 months, that would come out of your budget?

Griffin-Valade: That would come out of my budget.

Adams: Further discussion, initial discussion on council? Thank you very much for answering our questions and your presentation. We appreciate it. Do we have invited guests or right to the sign-up sheet?

Leonard: I think we go right to the sign-up sheet.

Adams: Ok. So if you're upstairs, we're going to call three names. Those are the names that are coming up to the big table here, and then we'll call three names beyond that in case you happen to be up there, that gives you time to walk down and stand to the side here. For those of you that arrived late, because of the nature of this particular issue, there's no clapping. If you like something, you can wave your hands like this. And we're glad you're here. Three minutes first and last name only, no address. The clock at the hunk of wood will help you count down your three minutes.

Reverend Dr. Leroy Haynes: I am reverend doctor leroy haines. Chairperson of the albina ministerial coalition for justice and police reform. To our esteemed mayor, extinguish and land use truss members of the Portland city council, the time is known to fix the problems, in the Portland police bureau that led to the death of kendra james, jose poot, james chasse, and now aaron campbell. The community with a diversified voice is saying to our elected officials and those in authority, enough is enough. As the late dr. Martin luther king jr. Said, we are confronted with the fierce urgency of the known. The hope for our beloved city, to bring justice, proudness and reconciliation partially rests on this city council, demonstrating strong leadership to urgently address the critical issue of police balance in our city. Your actions and willingness will move us further along in creating a just and beloved community almost set us further back. Therefore we called upon the mayor and the other commissioners to be courageous and fixing the problem of excessive force and deadly force in our police department. Not only for the victims of the violence, but for the city at large. And for all the officers that wear the Portland police uniform and do a professional job every day. Hence, we support the courageous -- that has been initiate bide commissioner Leonard as a major first step to help solving the problem of police balance -- violence in our city. And we call upon the city council to support the other five points of the albina ministry alliance coalition that we believe will bring true accountability and enhance police community relations. If not known when, if not us, then who? Thank you very much.

Adams: Thank you, reverend. Mr. Mundy?

Marcus Mundy: Yes. My name is marcus mundy, president the and ceo of the urban league of Portland. I'm here today to speak to my commitment of the urban league and our community to the resolution of this issue and similar issues to follow some of these issues we pointed out in our own report, the state fair black Oregon, but they have recurred too much in our community. What I am also here to say is that i'm heartened to see if you look in the gallery behind us, every folk of every color, every Person of every color representing the city of Portland, and although most of the victims that pastor haines and others will speak about were african-americans, they weren't the only victims, and the entire community suffers when this happens in our community. I support the efforts of the albina ministerial alliance as they are a group of moral men and women who are leading this effort in our city for this kind of police, and I don't care if you call it police oversight, police reform, police review, what they're doing is getting us to look at our systems and that is a

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very important task on their plate and on the plate of this council right now. We can all agree that change is overdue on this issue, but that it must be sustainable, a very Portland word, but very true in this case. And I don't know if a strength in ipr is the only answer or the best answer, but it is a good start and it is necessary. It is a fundamental change. When I look at what needs to change fundamentally, if I look at my car and the engine isn't running, I don't put a new paint job on, I don't put spinners on, I work on the engine. So whatever happens, from this council from this group from our work, who is on the ipr and sometimes it may be as important as what the new rules say what the new ordinance supports, what is called out. So we need to look at who comprises the ipr, or whatever body comes out of this, and we need to look at that Transformation. I'm not so presumption to believe as I know how to tell any Portland police officer how to do the specifics of their job, but I am John Q. Public, and I can say that -- I can't read my own writing. I can say that I like input on how to evolve it into a higher level, both as part of this body and part of the community. So to close, I am committed to continuing to help through the urban league and through our community the work of the city, the Albina Ministerial Alliance, and the Coalition for Justice, and I am anxious to get to the resolution of this issue. Thank you for your time.

Adams: Thanks. Appreciate it. Pastor.

Reverend Alcena Boozer: Yes. Thank you, and good afternoon, Mr. Mayor and commissioners. I am the receive rent all Athena, director of -- the deacon at Episcopal Church, member of the coalition, and also a member of Ecumenical Ministries of Oregon board of directors and the past president. So as a lifelong Portlander, I have witnessed changes in the relationships between those charged to protect and defend us, and members of the community. When I was a little girl, and I admit that's a long, long time ago, we looked up to the police. When we were playing in the streets, office warriors get out of their cars and toss around a football or a baseball with the neighborhood kids. Over the years, that relationship has changed. Two days ago I talked with a friend who lives in northeast Portland. Who told me she had not had any sleep the night before. Because some people were outside of her window engaged in a furiously violent confrontation. I said y. Didn't you call the police? She said, "I'm afraid to call them. I don't want anybody to be killed. I don't want that on my conscience." Now that may be a case of perception more than reality. But it is her reality. And I don't think she's an isolated case. Clearly things have to change. And I commend Commissioner Leonard expt auditor and the director for what they have brought forth in terms of this ordinance. It's a good start toward building a structure that will enable the people of this community and the men and women sworn to protect and defend us to find common ground where the concerns of all may be addressed. Wayne Ellis when you talk about common ground, people will say, why do we need an ordinance? We need an ordinance because when we think of the relationship between the police department and the citizens, we're all expected to abide by rules and laws. We have a right to expect our police officers to do the same thing. And that happens, and there's more motivation to do that when there is an ordinance. So this is a good start. Our best work as a community happens when we are willing to sit down together, to reason together, and as the amended ordinance states, to take that second look. When we come to the table and dig out what has been done well, what still needs to be changed, deleted, or added. We implore you as a council to pass this ordinance, and as a result, all the citizens of this community will feel more comfortable to call the police, to protect and defend. And the sworn officers, I want to underscore this point, need to know they are respected and supported for discharging their duties in a manner that respects all persons in the community. Thank you.

Adams: Thank you, pastor. Commissioner Fish had a quick question.

Fish: For Dr. Haines. Thank you for your testimony. You referred to some additional points of concern that you had raised. I just want to make clear, those would be set forth in your March 18th letter to the -- to each commissioner?

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Haynes: Thank you, commissioner. I think in terms of, this -- one, the mayor and commissioner Saltzman with the justice department investigation, we also -- beyond that yes calling for a federal audit to take place on the Portland police bureau. Secondly, we wanted to -- along with chief rosie sizer and the city commissioner, to call for a Full review of the the assessive force and deadly force policies and training with a diverse citizen participation. Not just a police officers, but a diverse citizen participation to make recommendations to the council for changes. And then we ask for your support and the state legislature, the change the stature to make it a stature that is more accountable of the police officers in using a -- in the use of deadly force. And then of course we also are calling upon an independent prosecutor that will be able to prosecute excessive force and deadly force cases.

Fish: Thank you. I also would like to acknowledge that we've received an additional letter from you and the ama outlining some proposed changes to the ordinance you'd like us to consider. And you've noted where they've been incorporated into the amendments we adopted today, and where there are additional things you want us to consider, they're set forth in your letter.

Haynes: Certainly. We considered it to be a first major step in holding officers accountable for their action as citizens are held accountable. But we also know working with this issue for the last 40 years, that the ordinance alone is not going to stop completely deadly force, so there are many other aspects, so we want to strengthen the ordinance as we go along at the same time deal with those other five points.

Fish: Thank you, sir.

Adams: Thank you all very much for your testimony. Appreciate it. Karla?

Adams: Welcome to the city council chaip beres. We're glad you're here. Ms. Alby?

Ashlee Albies: Good afternoon. My name is ashley alby, i'm the chair of the Portland chapter of the national lawyers guild, which is a progressive bar association made up of attorneys, law students, legal workers, and jail house lawyers all working for social justice. As of recently, we've been assisting complainant appellants through the crc process. So we've borne witness to have a crc works, reviewed ipr investigations. I also want to make clear that we joined that process in terms of giving assistance to complainants not because we believe that the process was legitimate, but there's an opportunity to assist people who needed help in terms of advocates at the appellant level. That gave us greater insight into this process. I want to just remark on what hasn't been clearly stated but has been insinuated, and that is that the police have the power and the authority that is unmatched in our society. Their first responders to reports of crime and crisis, they have the legal authority to detain and arrest citizens, and are granted the authority to take a person's life in certain situations. Because they carry this enormous responsibility, we as members of The community that they serve and protect merely ask for accountability and transparency, where there are allegation ors there may be abuse of this awesome power. A sis at the of -- system of checks is and balance assist all that we ask, what is the fundamental basis of our system of government. As we've heard the director state, Portlanders want real oversight in this process. So we commend the efforts of the auditor, the ipr, commissioner Leonard, in their efforts to enhance oversight and accountability. It is long overdue. We support this ordinance as an initial step in what we hope are many steps to increase transparency and accountability of our citizen oversight systems. We see many positive changes in this ordinance and support those good changes. And with the the amendments of yesterday, we think that the proposed ordinance is much stronger than when we first saw it a week ago. We support the additional power of ipr to have more access to information and hope that that becomes clear as to how that information flow is going to work. We would also like to see that the ordinance explicitly state the ipr has the ability to investigate and/or monitor investigations of shooting and deaths in custody that is not explicit right now, and we think that should be made explicit through this process. We also believe that the ipr and The auditor should be empowered to hive hire outside council which right now they are allowed in consul station with the city attorney and we'd

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like to see that strength yebed. In terms of the police review board, we appreciate the codification of the accountability process here, and we support the ipr's vote on this board. We would like to see the increase up to three citizens on the board to level the playing field. Right now as -- as the proposal is five men's, one of which is a citizen, one of the ipr director, and i'm kindly being told to quiet down. I want to just emphasize we think there should be additional citizen oversight on the the review board. And as to the the 90-day --

Adams: I need you to wrap up, we've got a lot of people signed up.

Albies: We support it.

Fritz: If you could send in what you have, i'll appreciate it.

Albies: I doll that.

Adams: Thank you very much. Ms. Gomez.

Cynthia Gomez: Good afternoon. My name is cynthia gomez, representing the latino network. The latino network provides transformative opportunities, services and advocacy for the education, leadership, and civic engagement of our youth families and communities, our vision of a thriving latino community that is respected and engaged. So it is with this in mind that we are here today. The latino community in Multnomah county is growing, making up 12% of the population. The latino network has worked for the past three years to bridge understanding between police and community members, and an effort to end fear, stereo typing, and prevent racial profiling from occurring. The experiences of many of our participants have been described as transformational and educational. Assists despite changes in the use of force policy, and a decline in use of deadly force by the police, the death of aaron campbell has highlighted serious weaknesses in current police practices for vulnerable people and people of color, and raises questiones about the independent police review scope process and authority. We know that the policy being put forward today is with the highest and best intent for a fair and more equitable review. Yet we're concerned about the lack of community input and the short time line to deliberate these important matters. The auditor's office is is a symbol of transparency and accountability in government. So we appreciate her acknowledgment of about the lack of involvement to the crc. We hope that in the future greater importance is placed in the role of the crc as the official representatives of the community, and the independent review process. Moving forward we ask you and the auditor's office to include the voices of the community in any current and Future policy changes that impact our communities. Additionally, we support the inclusion of an appropriate review period for this policy to assess its impact. Diverse perspectives bring about better policy for all of us. We appreciate your willingness today to step forward with proposed improvements. We hope for a permanent seat at the table. Thank you.

Adams: Thank you very much for your testimony. Mr. Handleman.

Dan Handelman: Good afternoon mayor Adams, commissioners. The proposals for you to strengthen -- dan handleman with Portland cop watch. The propose yap to strengthen the independent police review division are a good start but do not go far enough. We are willing to support these first step changes so long as the amendment requiring council to further -- consider further insight changes is also adopted. So now we're hoping the whole thing will be adopt as package. Not everybody knows the history of civilian oversight in Portland. In 982 after city council passed an ordinance creating what was called the police internal investigations auditing committee, the police union forced that ordinance on to the ballot and outspent the proponents of civilian view 5-1 but still passed by a narrow margin. In the late 1990s after city council which wases hearing appeals at that time after 13 member citizen varietery board Had voted, the recommended sustained complaints three times to the police chief who then refused to accept the findings. Which that led to the creation of a mayor's work group in the year 2000, which I sat on and several other people you're hearing from today sat on that work group. We create add majority report that called for a fully independent review board that handled civilian complaints against

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police without necessarily turning them over to police internal affairs. One of the most frequent concerns we here about the review system. Then auditor gary blackmer took those recommendation and stripped the majority reports, creating ipr. After community outcry caused by the death of jose me ha poot -- which led to the the outside expert park reports. When the ordinance passed in june 2001, council promised the community to revisit the system within year to see fit was working. The resisting did not come for 6½ years. She called for the ipr to do independent investigations that was two years ago. And now it's nine years since the creation of the ipr, and we're finally seeing positive changes. I have to tell you it's a very big change from when auditor blackmer was here running the show. Unfortunately 15 these changes are made they do not address all the concerns from the community. And most significantly it leaves in place the underlying structure of the police investigating police in most cases. You file your complaint with this independent office, they turn it over to internal affairs, and 90% of the cases unless the ipr decides to do investigation. We acknowledge the ipr's being given the authority in the case of the union -- police union contract is modified they will be able to compel officer testimony when they do their independent investigation which is a huge step in the right direction. That contract is occurring -- is up for review the council needs to ensure not only they can compel testimony but be able to investigate and review shooting and deaths in custody cases which is currently prohibited in the union contract. Yes pleased that it's going to codify the ipr's authority to review any complaint involving police citizen interactions, that they're giving ipr subpoena power, but you really need to take the money that's being paid for the internal affairs investigators now other than cases that are just police complain ball game other police, take that money and give it to the ipr so they can hire their own investigators.

Adams: Thank you. Thank you all for your testimony.

Adams: Just a time check so everyone has appropriate level of expectations, given the number of people that have signed up, it looks like Testimony will go for about three hours. If you're at the bottom of the list, I want you to know what we're looking at the for time sequence.

Jo Ann Bowman: Mayor, city council members, for the record jo ann bowman, executive director of the -- coalition for justice and police reform. I want to start with a story. I heard a story at the crc community meeting on sunday that I want to share with you. Hillsboro police were called out to a home, there was a gentleman that they encountered that was in full military gear, and had a molotov cocktail that he threw at the officers. The officers backed up to avoid being hit by that cocktail. The gentleman went into the barn and grabbed another one. The two police officers were able to get control of the situation, hold on to the individual, and take him to the veterans administration for treatment. They are trained to understand how to identify people with mental health illness, and they respond accordingly. And that's in hillsboro. Now to my written testimony. I told you who I was. I want to applaud the leadership of commissioner randy Leonard in presenting today asyrians as well as the amendments that have been presented today. I appreciate the thoughtfulness of commissioner Leonard to the ipr director and the auditor to begin to address the concerns of the community as it relates to police oversight. As i've paid attention to the Media coverage over the last week, that there have been several sessions to delay the vote today on this ordinance. Would I like to address why today is the day to pass this ordinance. And why delay is not an option. Chief sidesser is out of town. While it is true that chief sizer is out of town, the police chief has had many opportunities to offers suggestion and input on holding Portland police officers accountable for their behavior, yet she has failed to do so. Delay in implementation to hear from the chief is unnecessary since the ordinance creates an oversight committee that will take testimony and report back to this full body within 90 days. More public input. The scowfn and the Portland police bureau have for years received public input that has made recommendations for fundamental changes throughout the Portland police bureau. The human relations -- this ordinance is one small piece of the institutional change that needs to take place at the Portland police bureau. The human relations committee is not recognized as an organization that is seeking justice for the

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community and in fact the immunity and police relation subcommittee has gone out of his way to ensure that police are comfortable on the committee, not the public.

Adams: Would you like to summarize?

Bowman: I'd like to summarize by saying over 2500 community members have been on the street over the last month, the community is paying attention, the community wants us to pass this now. And I want to also be clear that this is not the end, this is the beginning. We have to revise how community complaints are collected and analyzed, we need to revise the union contracts to make sure that annual evaluations, drug testing, and other issues are addressed. And we need to revise the police bureau's use of force directives to ensure that deadly force is only used as a last resort. Thank you.

Debbie Aiona: I'm Debbie, representing the league of women voters of Portland. The league has taken a keen interest in the city's police oversight system for nearly 30 years. An effective oversight system can increase public understanding of police policies and procedures, discourage misconducts for retaining and discipline, and improve police procedures by recommending policy changes. The proposal submitted by the auditor and commissioner Leonard includes a number of important improvements but much more needs to be done. The league supports creation of the police review board and the addition of the IPR director as a voting member. We especially welcome the requirement for regular public reports summarizing the board's statements of findings and concerns about training and investigations, but encourage the addition of policy recommendations to the report. Setting firm deadlines for investigations of alleged misconduct and adhering to them should increase community satisfaction. We are pleased to see that the IPR will have authority over cases involving community members regardless of whether the bureau initiates the complaint. There are, however, areas where the revision should have gone further and we outline those in our written comments. For example, the 2008 IPR performance review points out that although IPR has the authority to conduct independent investigations, it never has. That fact has not changed since the report was issued. Many community members do not trust the police to investigate their complaints. The IPR performance review recommended that specific types of cases be investigated routinely by IPR. An area of particular interest to the league is greater transparency and public participation in policy development. The proposed ordinance incorporates elements that increase public access to information and we applaud those additions. How individual police officers act in specific circumstances is guided by policy. The public should have a more active role in policy development. This can be accomplished in a number of ways, including opening police bureau IPR task force meetings to public attendance, and allowing public input on police directives. Bureau policy should reflect not only good policing techniques, but community values as well. The league encourages council to look upon enactment of this proposal as a first step. We support the amendment creating a stakeholder group responsible for recommending additional improvements to the system, including correcting problems identified in this proposal. Thank you for considering our views.

Fish: Can I clarify something? We got a letter from you today, a four-page letter with -- and this contains league of women voters' proposed changes going forward. These are things you want us to consider.

Aiona: Exactly.

Fish: To strengthen this proposed ordinance.

Aiona: Right.

Fish: Thank you.

Robin Wisner: Mayor, and city council, commissioners, I'm going to do it different than what -- as a pastor, you're always told to keep your notes in front of you, but today I'm going to do this from my heart. I want to thank you again for considering this vote today. And it is something that's needed now. I want to speak from my experience. When I moved to the city of Portland I was

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excited about Moving here. One incident that took place in northeast Portland was where that the city police came out into northeast Portland, it was shut down due to -- there was a situation where that -- there was a party that was supposed to be taking place. At that time, I live on the corner of prescott. And martin luther king. When I came outside my house to see what was going on, the community was full with police. Chief moose was the officer -- chief at the time. As we walked outside, citizens, and senior citizens to see what was going on outside our door, I walked to the corner, and then we heard an officer say "clear the sidewalk." as we were beginning to move off the sidewalk and walk back toward our home, what wound up happening, two gentlemen came around the corner that did not hear the command, at that time an officer was startled, turned around, and shot with his beanbag. At that time another officer turned and pointed a rifle at the me. I did not know it was a beanbag. And he began to point, and get ready to shoot myself. At that time I began to scream out loud "how dare bring guns into our community when we're trying to get them out." I was afraid at that point for my life. But i'd like to say again to speak to those who do not come today, those who are not here today, and let you know that this is a reason why a vote must be done today. This is why it must take place today. I crossed martin luther king on the corner of sixth and prescott and think of could it have been my memorial. How is it that an officer can look through a rifle, pull a trigger, and not think about my friends or my family? The people that I love? It would have been the end of my life if he had pulled that trigger. So this is why we need something to happen today. This is not something that needs to be delayed. This is an urgent matter today. I want to thank you.

Adams: Thank you. Thank you all of you for your testimony.

Andrea Meyer: Andrea meyer, legislative director for the aclu of Oregon. Here today in support of the efforts that are being put forward by commissioner randy Leonard and the auditor, we join others in support of -- that this is a good start and a that there are change that still need to come. Particularly we commend the testimony of the league of women voters and the details they've set up. We know that this is a difficult subject but we also hope this is the beginning of an ongoing effort by city council to strengthen and empower the ipr process with preference towards cod identifying requirements and ordinance to strengthen the authority of the citizens review committee, and look forward to council and community participation and crc subcommittee recommendations.

And to continue on an ongoing basis in evaluation of all the moving parts, the ipr, crc, iad. Police bureau policy and procedures directives, to ordinances as well as protocols and procedures, to ensure meaningful and effective civilian oversight. The most effective oversight will meet the following goals. It will increase the public's confidence that law enforcement is professional and responsive to the concerns of the public safety and justice, it provides a readily accessible responsive independent process for pursuing complaints that are fair to both the complainants and police officers. And a continuously identifies reviews and make recommendations on police bureau policies and practices that should be an open transparent process. In some cases the crc and ipr have lacked the authority to implement these goals, and inner on other cases that authority has not been used. Council must remain active in ensuring the powers used, and it's not -- if not council needs to demand accountability and make appropriate new changes. A few specifics that we want to point out and hopefully will continue as part of the work group. Investigations in the issue of civil liability. We support immediate action on a complaint or community concern complaint initiated investigation, regardless of whether or not there is exposure to civil liability or ago civil case. We believe the authority is there, we want to make sure it's clear in the ordinance. On an expeditious investigation, exhibit b of the ordinance talks about not taking more than 24 months to initiate an investigation. I believe the intention is to not have that more, but that more quicker action should be taken if a complaint is instigated in the first month. And hopefully language that would instigate a 30-day or some other quick action. Not to exceed 24 months, but to have some good language. The definition of standard review, we support that, changing it from reasonable

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person to preponderance of evidence. One thing I want to temper on, I hope have you enough time, I want to try to identify this issue. Is the sections b and c on page 4 of exhibit c talk about council accessing data and records. And it -- ipr shall have direct access to original database source as permitted by federal law and statute. This language is unclear and I want to make sure that council knows when the the state law or federal laws would be invoked, and what problems that might arise for the ipr getting that information and what steps you might need to take to make sure that information will flow. It's unclear from -- and I think you need to know what that is.

Leonard: I know her time is expired, but i've -- this conversation with her and i'd like her to finish. I think her comments are helpful.

Meyer: Thank you. I will be brief. I also want to make sure enough time is taken to look at the subpoena power and immunity issues and make sure whatever council does is constitutional. And withstands any challenges. That's critical. The community concern addition is important, allowing investigations to be instigated by the ipr for community concern. We would hope that you would add, and i've set them forth in my testimony, the list of examples that would not be exhaustive list, but it's important to include the list of high-profile shooting deaths, racial profiling and so on as a definition of community concern. Right now your ordinance doesn't define that term. And then again we would join the efforts of the composition of the police review board there. Are 13 members, eight advisory, all city employees. And only one in nonforce as a resident community member. And we would encourage -- we look forward to the opportunity to discuss this further and making them better improvements. Thank you.

Adams: If you could submit your testimony --

Meyer: I did. You should have received it. A copy of my testimony.

Adams: We will very shortly.

Meyer: Hopefully that's documented.

Fish: Does the testimony track all the points you've raised?

Meyer: It does.

Fish: Thank you very much.

Bishop AA Wells: My name is bishop wells, mayor Adams and members of the council, I want to thank you for this opportunity to address you with respect to this pending ordinance and this passage. The ipr has been a long concern of citizens in this community because it has been seen as somewhat of a buffer between the them and undesirable law enforcement where abuse has occurred.

This particular initiative I want to appreciate commissioner Leonard for taking the initiative to put this forth at this time. That's because any number of shootings going way back from Kendra James and their sets, to a person it is said it should not have happened. Yet nothing is evident to keep it from happening again. And while we recognize that the city council is only one of those institutions and one of those fronts that impact upon the conduct of officers today, they must not pass bite opportunity that you now have to speak to this. We realize the legislation needs to do something, the bureau itself, the police bureau, but your vote today says to the citizen that walks the street, and fears for his life when the police drive up beside him, it says that you care and you're concerned about his life and you're concerned about his well-being. So we ask you to consider taking this action today. It's because that without you speaking, you've not had -- there's not been before you such an audience -- ordinance or an initiative over the last number of years. Dan Handleman testified to that. But you have a chance today to say to that citizen, we care, and we're concerned. Now, I know there's discussion about whether we delay this. I trust you do not delay it.

We've looked over these conditions. And nothing is going to change them a week from now, two weeks from now, nothing in this proposed change and ordinance that should not happen. Whether it happens today, next week, or next month. And what we've had to tolerate as a community in terms of the behavior that has been outlined very well, should not be allowed to continue even one day beyond that. I encourage you to take the immediate action on the bill. Thank you.

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Adams: Ms. Anderson.

Ursula Anderson: Ursula anderson, i'm a citizen, i'm here because I vote for you guys. And I want to believe that the people that I vote for actually care not simply about me, but about the community at large. We believe in you as our elected officials, and excessive use of force in Portland is not a new issue. There has been a lot of pain throughout the community. I read about it before I even moved here, but I believed in the city and its leadership. The ordinance is designed to safeguard the public from the police force that is clearly overstressed, something is wrong there. And citizens are being harmed unnecessarily. Commissioner Fish, you brought up, this is the time of the budget and asked, how much will it cost to implement this ordinance? Think about the cost of the settlement for excessive use of force. It pales in comparison to that. So their budget actually could get a bit bigger. So what i'm asking, and many people before you today, whether you are a first-time elected official, stand by your community. Whether you're a seasoned politician, stand with your community. We need to hear your voice saying you hear the pain of the mothers, the fathers, the cousins, all the people that have been struck by this issue. And again, it is cross cultural, this has been an issue that has brought us together as a community. So please, safeguard every life that is part of your citizenry, part of your responsibility, safeguard our public funds because budgets are tough, we're all living with them too. From these excessive settlements that are very unnecessary, you have the power to make a decision today. You have the authority to do so. We gave it to you because we voted for you. Take action today. Let us know that you believe in Us as well. Thank you.

Adams: Thank you for your testimony. Thank you all. Appreciate it.

Veronica Clark: Thank you very much. My name is Veronica Clark. I've been a long term resident of the Portland area since 1982. Prior to the first gang related shooting and so I've had opportunity over the years to look at different law enforcement processes that have been applied in Portland. I could be here all year telling you stories of police abuse but I want to be able to tell a story of positive change. I'm using my voice today to add to our united front you can see behind me. But I want my voice to really be heard for the voices that cannot be heard today, because they're silent -- to hands of Portland police. The people are sick and tired of waiting for change. Some folks have been waiting and working this struggle longer than most of us have been alive. We have expectations and we're not going to go away. As matriarch of a -- of a biracial family, that this city can provide. Along with others regardless of what race or class, but they're alienated. As sons whose fathers served in desert storm, this breaks my heart. They're beautiful, and want to contribute. We need a police force that is chivalrous, not methodically abusive. It would be a good step for the community and Portland police and I would like to finish and say, nothing will ever be enough, but, you know, we'll take what we can get. Thank you, council.

Adams: Thank you.

Sally Jouchin: Sally jockin. As we know, police killings, like the one that happened this year, don't just happen in a vacuum. They happen if there's a climate of violence in your police force. And so i'm going to go back six years ago to a story of something that I think contributes to the kind of climate that ends up in more serious police brutality. Six years ago, my son and his wife and three grandchildren were attending a peaceful political demonstration here in Portland, and for some reason, the police were very nervous about it. And when my son wanted to leave and asked a nearby police officer how to get out because they were kind of blockaded in, the police officer pepper-sprayed the whole family, including the young children in their parents' arms. They did go to the independent police review board but that body was not now or able to really pursue what would have held the police accountable and while they were interested in trying to change the pepper spray policy. So they sued the city with the help of a national lawyers' guild and couldn't get a policy change so they did take the money offered. \$150,000, which the city could well use for other things. I don't see any reason to wait beyond today. I'm thinking if that kind of thing was

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happening six years ago and if this kind of ordinance had been put in place at the time, maybe many other unjustified uses of force wouldn't have happened. And the police were wearing riot gear that day and after they had been helped by other people in the crowd and kind of recovered from the pepper spray, as they were leaving the young boy, I think he was four or five, said, "those guys back there were trying to get us. We should call the police." and I wish we could go back to a time when that would be possible. You would see the police as your helpers and not be afraid of them. Thank you.

Adams: Thank you very much. Mr. Bigham.

Michael Bigham, Citizens Review Committee: I'm the chair of the review committee. This is just a start. There's more to do. The crc has two workgroups considering specific recommendations, for changes in the police bureau. One is a structure review workgroup. In 2008, the lun firebaugh issued a report and we've reviewed that document and will probably come before you in may with recommendations. And the other is the park report which looks at shootings and deaths in custody and I would hope that the city auditor and the ipr will be as diligent looking at that as this bill now. What I think the current bill lacks, last sunday, the crc held a community forum on. And the common theme, the system takes too long. James chasse. We heard a frank waterhouse case where we challenged the bureau's findings and haven't heard back whether they're going to accept that challenge or not and I think there needs to be definite timelines for the ipr and the internal affairs and bureau on how they handle cases. Somebody mentioned the rules of shootings and deaths in custody. I think that we've reached a point where we need to have oversight of those investigations. Oversight a ipr. In denver, they rolled out with the detectives when there's a shooting and death in custody and I think that ipr should be able to monitor those investigations from day one. Rather than hire a consultant later. I don't think that's productive anymore. In conclusion, like I said, I hope you consider our proposals later on. I was one of the initial people who said you need to listen to rosie sizer. You need her in the room. Looking around the room, I don't see anybody from the police bureau except the police association people.

Adams: They're up there.

Bigham: I'm sorry. They're up there. That's it. Thank you.

Adams: I have a couple of questions. You've come before us, I think in both work session and formal session. And i've -- i've found you to be thoughtful and you work hard to be informed and balanced and fair. Why aren't deaths -- so this would be a next phase. But what is the substantive reason given for why the ipr process is excluded from investigates deaths in custody. What's the substantive reason why it would be excluded?

Bigham: I'm not sure I can answer that. I think at the time it was a political decision by the auditor who put that bill together. In terms of being able to examine those departments in an atmosphere that wasn't politically charged and he set it up so that all the tort claims would have been finished before they started taking a look at those. So all the cases they look at, are like two or three years old.

Adams: And this question is probably more appropriate for the auditor and ipr staff but do you have an observation why this process wasn't activated with the limited authority it did have to investigate?

Bigham: I guess you have to be more specific.

Adams: So it had the ability to review cases, individual cases.

Bigham: Right.

Adams: Why didn't it.

Bigham: You're talking about shootings and deaths in custody? I think there was a decision by the ipr director at the time. And the auditor at the time. I think there's been a definite shift. I've worked with both. A definite shift in how the auditor and the ipr perceive their roles and they're more assertive than in the past.

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Leonard: We have representative lou frederick in chambers and --

Adams: Representative fredericks. We're happy to extend you the courtesy of the house. Please come forward. Welcome to the city council chambers.

Representative Lew Frederickson: Hello, mr. Mayor. Hello, city council. Good to see you. Although this is not a situation I like coming forward for but I want to say a couple of boards. We are in the process of -- a couple of words. We're in the process of making real substantial steps toward changes the kind of atmosphere that we have in the community. And it is a -- it is an atmosphere that has been described by many as a -- as an atmosphere where the community feels as though it's under siege. It's, in fact, looking at an occupied force in the community. I hope we're able to change that. I think, again, these are real steps, I think, are possible and this ordinance is one of those efforts that might do that. There's a sense of fear when you have an occupying force both the people in the community and the occupying force feel fear all the time and fear doesn't help in terms of community. There's also a sense of militarism within that occupying force and the language of militarism that shows up there and also does not help with the community working together. We have been for a long time, and i've watched this over the years, an attempt to really bring community policing to our city, and we've seem some successes with that. I attended a meeting yesterday with the metropolitan human relations commission which was great. I enjoyed that, watching the city -- the groups do that. They gave a presentation on community policing that I found fascinating. 20 different examples of community policing in Portland. What I found very interesting about that was that there was a basic concept of what I could call paternalism within the appropriate to community policing we saw there. There was a sense that there was a one-way direction there. The police were deigning to get involved with the community and this is something they were being part of but there was not a sense from any of the presentation that I got that there was a belief there was expertise in the community that the police could learn from. They could only teach everyone else. That has to change. And that particular approach and that atmosphere is something that I think we need to begin to understand because mutual respect is what is going to be needed. Whether that's going to be part of this particular -- your ordinance, your resolution or not, that is the goal that I think we're going to start to see. And I know that there are police officers, because they come to me on a regular basis to say this is the kind of thing they want it see happen. This is not a everyone on the police force saying this is the way we want to continue doing things. But we need to see a change and i'm hoping that you will be working heart hard at that. I plan on doing that at the legislative level. You can expect to see things, which you folks get a chance to meet every week and we won't be meeting again for a while. I thank you for letting me come and speak with you.

Adams: Thank you for taking the time to testify with us and thank you for your leadership and many -- on many issues in salem.

Leonard: Thank you.

Adams: All right.

Adams: Welcome to city council. We're glad you're here. Mr. Denny.

Matthew Denney: Me? Hi my name is matthew denny, a citizen of Portland and a graduating senior in the community development program at Portland state. I just wanted to say I strongly support this move to strengthen the independent police review board. I think it's a important step in reforming the police in Portland. I have a couple of personal anecdotes why i'm interested in this issue. First, my father is actually a juvenile corrections officer and he works in the front part of the juvenile corrections facility with people when they first come in and definitely dealt with youth before. And I think that it -- as far as I know, my father has never used a bean bag gun or pulled the hair of any of the people coming in and I think it's reprehensible that a Portland police officer can do that and get away with it without any reprimand. I live off west burnside for about four years, and as somebody who lived downtown or near downtown, i've had to live with mental health issues,

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confronting people with mental health issues fairly often and as anybody who's been downtown knows and I cannot give the impression that I have more experience than the average Portland police officer. So I have a few recommendation that would further strengthen the police reform beyond this legislation. First, community policing is essential. 09% of Portland police officers live outside of the city. And I think that's a number this that needs to be lower and we officers with specialized mental health treatment. And finally, I support -- finally, provisions for drug testing and steroid testing that are not in this bill currently but hope would be put in place later.

Adams: Thank you very much for your testimony. Go ahead.

Ron Peterson: Mayor, commissioners, thank you for having me here. My name is ron peterson. Sorry about that, commissioner Fish. Anyway, I haven't had a full opportunity to review everything in the amendment, but I do know from what I did understand there are certain provisions I would disagree with. I, myself, have had plenty of run-ins with the Portland police and neglected to have anything seriously bad happen to me and I know under certain circumstances, the african american community has not been as open as could be with the Portland police. I remember a time when I was driving taxi and the old columbia villa, there was a lot of Portland police officers who were afraid to go in there because there was a good probability they'd be injured or dead. I would encourage the black community, just like the lady stated earlier, she was afraid to call. She needed -- she didn't have the reassurances which I think is more p.r., necessarily, than having another review board. I'm -- I guess i'm kind of losing my point here, aren't i? I think in defense of the police, because I know the stresses that many of the officers are under, and I know i've never really been badly treated myself, they've had their own review board and if you open up too many doors it's going to be disadvantageous. I don't want the police to feel like they have -- they have enough feelings of adversarial because of just society as it is in general. There's a lot of things in society that need to change. I don't see this review board as being a positive thing. I was sorry I didn't see chief sizer here because I think she could have promoted her position a lot better than I could. So I thank you for the time.

Adams: Thanks for your testimony. Mr. Nolan.

Patrick Nolen: My -- for the record, i'm patrick nolan. A concerned citizen here in Portland. I came -- i've come to speak about the ipr, of course. First of all, i'd like to -- the ipr. Anybody who's been pull over for looking different or kicked awake by the Portland police are probably going to be happy about this happening. What we need to talk about with the ipr, it needs to be independent. No police dictated terms. An elected oversight group, not largely city employees. Having a different set of lawyers than the Portland police bureau use. Having real teeth as far as having some well, this is wrong and we need that that change. I'd also like to see them having control over police officers here in the city of Portland. The city of Portland pays for private security downtown, currently, has no oversight. This is something that should be a part of this. We have officers through tri-met and other programs. Psu has security officers there that do largely police functions. They should also be controlled on this. Because I mean, if you're in the psu area, the chances are you will talk to them at some point. Beyond that, there are other things we can ask for our police to look at. Our police contract is coming up. Drug testing, including steroids is something that cities across the nation should be doing. Boston, new york city, l.a. Are all doing this. The entire state of massachusetts, their state police are drug tested. Review of our lethal force and effective -- lethal force and excessive force policy. In addition, I have to agree with the people before. We have a police force that doesn't live in our community. Doesn't have any -- if we're going to create community, we have to have people who live in our community and part of our community. Thank you for your time.

Adams: Thank you for your time. Thank you all for your testimony.

*****: Gary clay.

*****: I'm ray culbert.

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Adams: Welcome, glad you're here. Mr. Clay, why don't you begin?

Gary Clay: My name is Gary Clay. I've come here, a man that's full of pain. And a man that really is sick of being -- sick and tired of what's going on here in Portland. When it comes to the African American, the brown and the mental, and the poor, it's a new game in town and it's wearing blue and a badge with PPD on it. I really do. There's a lot of things I can't -- I don't understand what's going on. How things are happening in the city. You know, such as Officer Murphy and the killing of James Chasse. Why was he on the street that shoot a 12-year-old girl with a bean bag gun? There's no excuse for it. And it was a slap to the African American community. After this happened, for the police association, to march with shirts on talking about their Officer Murphy. How could they get away with that? How can you let them get away with that, Dan? Tell me. You have to understand, you come out to the community churches now, with your soldiers, but you're coming after a death. I rather see it doing a birth, than a death. Yes, I'm mad, you're damn right I'm mad. Each and every day, if one of my kids end up being dead, part of this what we call the "killing field" that's popping up each and every day in Portland. So tell me, what is the solution? It can't be money? How are you going to value someone's life? I killed your son, I killed your daughter. A few thousand dollars. That's not the solution. Sam, you remember a few years ago right here, at a police reform meeting, when an official stood up and said after so many years, thinking that we still owe an apology for the killing of Kendra James. You said yourself, you were raised up to be prejudice, but when you got to a certain age, you decided not to be -- to be prejudiced. You decided to do the right thing. I just don't know. I feel like I'm living in a city where mothers against drunk drivers, when I need to be live in a city with mothers against murdered sons. I feel like there should be a committee on a federal level to investigate these shootings. That's all I got to say.

Adams: Thank you for your testimony. Mr. Culbert.

Ray Colbert: Hi, Sam Adams. I'm a citizen of the community and a mental health patient. Just like the Aaron Campbell shooting, I found myself almost in the same position. I think there needs to be better training in how police officers view people like myself. I cried not only for myself, but for the many times that we as mental health patients, especially African Americans who are mental health patients, that we're looked at as criminals even though we have illnesses that are beyond our control. And I've had tasers pulled on me and named being called at me. I've had things blown out of proportion on me. But first and foremost, Sam, I'm a member of this community. I'm a very valued asset to this community, as well as anyone else sitting in this room and beyond Portland, Oregon itself. And I'm a citizen and this is -- I want to feel a part of this community. But in order to feel part, I need the police to view me as a citizen and in the a statistic. Not as another crazy lunatic, which I'm not. I have a different set of issues more than others and need to be trained how to deal with them so we don't need these taser shootings and people losing their sons and daughters. I'd be losing myself and the people crying over me because they leave ever love me as a citizen because of a misunderstanding of how the police deal with me and how they respond. I think they need better training on the issues. I'm not crying tears because I want people to feel sorry for me. I'm not only speaking on behalf of myself, I'm speaking on behalf of many people who have these issues and don't have a voice. But this is our chance to have a voice with this, and I think we really need to take heed for that, especially the people like me, living with mental illnesses and issues. We don't feel threatened and fear and can't deal with the police as we should and respect each other as we should. I'm tired of this fighting and of not being able to communicate to each other like we should. We all live in this world together and we're all God's children no matter where we come from and no matter where we're born or how we're looked at, we're still one community and that's the way the good Lord made us. We need to uphold that. The law structures, we need to separate what's law and criminal and what is a different set of issues. And with that, I just say this is a good thing.

Adams: Thank you, sir, for your testimony.

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Chani Geigle-Teller: Good afternoon, commissioners and mayor. I'm Channie and one of the newer members of Sisters of the Road. I'm going to be brief. I feel like our allies and partners have said everything perfectly. But for the record, I'll say that I think it's great that we share our experiences with you, but to clarify that as allies in the community, I think -- as an ally in the community, we need to make sure that people in places of privilege, white people, I can't sit here and tell my partners in the community and the African American community how they should react to certain experiences. Just wanted to clarify based on the last testimony. I heard. I'm a community organizer for Sisters of the Road. We're here to stand up with the community and our allies and tired of being afraid of those charged with helping to keep our community safe. We feel that real community-led police accountability is overdue and this issue is heavy on our radar because as Sisters we're working to find humane and dignified solutions to the problems of homelessness and possible guidelines for camping. There would be a new dialogue between people living outside and the police and for us to be able to trust, we need to see -- to be able to trust, we need to see real accountability. We're not alone in the room, all sorts of people in the room with no stake in the bargaining process. I want to say that's part of the problem. Poor communities and communities of color and communities historically targeted by Portland police need to be seen as stakeholders, not just the other people we have to deal with after the media gets ahold of an instance of police abuse of force. Portland belongs to all of us. Not just the businesses and the police union. All of us live here. We deserve the right to be able to walk down the street and not be afraid of law enforcement. And if we have a concern, it will be addressed in a meaningful and transparent way. Commissioner Fish says that -- Sisters of the Road is here with our allies, the Albina Ministerial Alliance and Cop Watch and we can acknowledge these reforms is a good step forward toward accountability but there's still more work to do in order to heal the wounds and mistrust and we look forward to working with you and our partners to achieve true transparency and accountability in the Portland Police Bureau.

Adams: Thank you for your testimony. Appreciate it.

Adams: Who's up? Who's up for now?

Adams: Pastor, Reverend.

Mark Knutson: I apologize for missing the earlier call. I was in court with a young adult and his family and could not leave him. Mayor Adams and commissioners, thank you for having this hearing today. I'm senior pastor of a church here in Portland and a member of the Albina Ministerial Alliance and want to say on behalf of David Leslie, the executive director -- he's on his way to Washington D.C. But wanted to make sure that Ecumenical Ministries is in the record as being supportive of these reforms and a letter will be coming from him in the near future. I want to thank Commissioner Saltzman for being out in the future, getting around to various meetings and the funeral and I know you want to do the right thing as a commissioner. And also to the Council, again, and Commissioner Leonard, who is not in the room at the moment, but I want to thank him for his efforts with the IPR Director and City Auditor and their staffs around this step of reform. As a member of Albina Ministerial Alliance, you've heard this action you're considering is one in a listening series of reforms needed in the city and I hope this is seen only as a first step. As a -- only as a first step. As a pastor of a large multinational, multicultural congregation, I pray we can overcome a day when it's such a tragedy, that young people from the major ethnic communities, African American, Latino, Asian and others, feel fearful, including my own son. I can tell you how the conversations go. Especially when they read about sharpshooters getting to the scene before mental health experts. And to be assaulted in that way and yet she's convicted in court of a crime, just over a week ago. I could go on with the list. But I do want to say, I think we're at a time in the city when we know there are many police officers who are exemplary in the city, but there are many who are not cut out for it. But the issue goes deeper. Every institution has a culture and purpose. Beginning with this action, subsequent ones in the coming months, it is essential we address the

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issues of fear, both in our community, and in the police force. Real and substantial fear and distrust of those charged with assisting citizens is not the way to carry out police work. To make decisions around the use of force, whether it be deadly force or any force based on fear for one's self is not the way to run a police force in this city. The culture must change. For those who are in public service and that goes to deep-seated reforms and this is one step in that direction. The use of deadly force is serious. The use of training is serious. The use of who is recruited to be police officers. I would pray that courage, communication and civic engagement would supersede the watchwords of fear and force in the community and begin moving this ordinance forward as a first step toward major reform, the beginning of healing in our community and renewal of trust among the citizens and those asked to serve the community in the police force. To do anything less would be a disservice. We're in this together. No one is an island. No one stands alone. We're all part of the main. I hope you continue this work, especially in the next 90 days and in the months to come. Thank you.

Adams: Thank you, very much, pastor.

Kayse Jama: Good afternoon, mayor Sam Adams and commissioners. I want to thank commissioner Leonard for putting forward this proposal in front of us today. And also I applaud all of you as city leaders, taking this very issue and I understand that this is a very, very challenging issue in our community. Before I start my testimony, I want to share with you a quick history of a woman I work with. About a year and a half ago, I got a call from a Somali woman, her son was in jail. I was out of town and when she called me, my cellphone was not -- you know, I wasn't able to access my cellphone. There were many, many messages in my cellphone and I immediately called back. I asked her what was going on with her life and she told me basically her son has mental issues. Early in the morning, he was starting to have episodes. She immediately called the police and mind you, this woman has a fairly limited English-speaking ability. She called the police and the son was in the bathroom. They entered the house and tasered the son and immediately put him in handcuffs while naked and put him in jail. She didn't know what was going on. She said I called her to help me -- called them to help my son. So that's the situation in the community that we're dealing with, and again, I want to emphasize, we're not trying to [inaudible] our police force. What we want is a fair policy between law enforcement -- law enforcement and community policing. Sam Adams, you've been asked a question: What is the success to IPR. And I want to tackle that question. First, all of those in management positions, we know if -- two points of view. One, is this [inaudible] quantitative-wise we need. So qualitative and quantitative wise. Those are the two points of views. So the real work begins, when we evaluate the proposal and the only way, where it has a fair -- caseload, it's all the community and the police sees as a fair -- has an outcome. I want to quickly mention that organizations proposed to be stakeholders. I want to quickly ask the county -- the commissioners, to put also an amendment to make sure that there's representation for -- [inaudible] thank you very much.

Adams: Thank you, appreciate it.

Walt Nichols: I'm Walt Nickels. I left my campaign stuff in the car --

Fish: I'll welcome you in any capacity.

Nichols: I don't want that to be an issue. Don't think of this as a political move. As a chair of the neighborhood association and an active member in East Precinct and with the East Precinct community meetings that happen every month, we really need to do things to restore the trust in the police. I had one person that said to me, the way the crime stats look down is because people are not calling the police. That's a big concern. We need to implement this today. I know Amanda wants to stall, but somebody said to me maybe she's stalling because she wants to get rid of Nick and Dan, and I said, I don't think that's the case. [laughter]

Saltzman: I hadn't thought of that. We should wait until next summer?

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Nichols No, we really need to get this passed and the thing is, dan, rosy put ronald freshhour -- and you get slapped in the face with somebody who has a questionable situation, I know it's tough, you don't know what to do with him. But it destroys everything. And we need to fund community policing and budgets are tight, but there's a lot of things that wouldn't be happening if we had the one-on-one relations and there's a few officers that can sour the whole bucket. It's important that this gets addressed.

Adams: Thank you for your testimony. Karla, how many do we have left?

Moore-Love: About 24.

Adams: 24 left.

Adams: In place of?

Adams: Thanks for your patience.

Norman Porter: My name is norman porter and I have some concerns. I'm a concerned citizen. And when we have meetings like this, is it -- are you really concerned about what we're concerned about? Or are you in your chambers, already made a decision before coming here and having us, are you really concerned about our concerns? And these kind of things that I look at. You know, and -- and when you see police officers getting vacation, a police officer getting a vacation, I won't mention names because there's no time to go through all of that, after shooting someone, then they get a paid vacation out of that? You know, and then you find -- and then you find another officer, you know, a decision has been made that he's going back to work after shooting aaron campbell of everyone going to the chambers and making decisions before coming to these kind of sessions. You know, and -- and I heard -- I can't remember who said it, but i've heard that it was said that we consider the proposal that went up. Is that considered decision or is it a decision that's already been made? Before coming here, knowing what you're already going to do. I don't believe that nothing said, you know, until it happens. Actions speaks louder than words and i've heard many words being said and nothing being done and i'm a citizen and i'm tired of policemen murdering people and getting away with it. And officers that do the shooting, they are back on the job the next day. You know, and i'm saying is that this needs to stop. You know, and -- and our elected officials, you know, are being paid by tax dollars, from the people that are being forced out of them, to pay your salaries and we're being treated like animals. Aaron campbell was left there to bleed for 30 minutes. You know, and then handcuffed and then a dog went and bit him. You know, a dog -- an animal is treated better than what aaron campbell, how he got treated. And aaron campbell's mother and the others, they're not able to go home and see their children. You know, like some of you guys have children that you can come home to each and every day. Thank you.

Adams: Thank you for your testimony. Mr. Atkinson.

Will Aitchison: Thank you. My name is will atkinson. A Portland resident, here in a different capacity. I'm the attorney for the Portland police association and in the interests of full disclosure, I represent the association in collect I have bargaining that's ongoing with all five of you. And i'm here primarily to talk about process. I'm not here to talk about the collect I bargaining process. Although what you are considering would be one of the most fundamental breaches of the collective bargain law that one could countenance. I'm not here -- it's clearly unconstitutional in two measures and contradictory in others. I'm not here to talk about the Legislative process, although I could ask questions of you, questions such as where are ordinances like this in use elsewhere? What has been the experience in those communities? Are there other forms of oversight that are more or less effective than what's being proposed? What does this cost? Those seem to be to be all legitimate questions that arrive out of your function as legislators. Instead, I want it talk about something else. The process of you dealing with your employees. In the last few weeks, we've seen numerous proposals coming from various of you, not all of you. Various of you. That impact the Portland police bureau and its police officers. Those proposals include major change in the civilian oversight process. Major change in the disciplinary process. Changes in how officers

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who've been involved in critical incidents are treated. Even a proposal to arm water bureau employees. We've seen for the first time ever the city take the position that a grand jury transcript should be released to the public and seen for the first time ever, you take the position that you will not talk to us in collective bargaining negotiations unless those sessions are public. There's a common thread through all of those and that thread is that not one of those actions was preceded by dialogue with your employees. With the Portland police association. We can recall a city government. I've represented the association 31 years. We can recall a city government that valued input from its employees, that treated them as stakeholders in a process. We can recall your bureau of human resources saying that what the city values most are its employees and values their input. We hope those aren't things in the past. Working together, we have made major changes in the police bureau. The --

Adams: I need you to summarize.

Aitchison: Well, that's a little difficult. But what we're asking, mayor, is that you involve us in this process before you move down a road that is precipitous. You're the leaders of the whole community and you're the leaders of your workforce.

Adams: Thank you for your testimony.

Leonard: Just to clarify one point. Will testified to a lot of points in labor lot. I have a lot of respect for will. I've worked with will for close to 30 years, but factually, I did meet with the president of the police association as I was crafting this ordinance. We talked for over an hour. And in developing what his concerns were and me telling him what my concerns were and that was reflected in what this ordinance looks like finally. I do agree a major failure is if we don't include employees in discussions and I did do that. Second point, the later issue of the wrap sheet does nothing to encourage those discussions when the official publication characterizes the ipr as the gestapo. And did nothing to encourage me to want to have further discussions. Having said that, I talked to the union president after that was published and he told me that was not something he authorized and he apologized. Which I accept. But I think the communications are a two-way street. Responsibility is a two-way street.

Aitchison: May I respond, mayor?

Adams: Please.

Aitchison: Thank you, commissioner. We did not see a copy of this ordinance until it was released to the public.

Leonard: That's different than not having talked to --

Aitchison: This is a complicated piece of legislation that has a lot of moving parts. I would like to think that you would think that the input of 900 men and women on the Portland police bureau would matter on this issue in the process of crafting the legislation. And with respect to the wrap sheet, we publish a newspaper, and occasionally people will say something in a newspaper or a blog that they regret. And we certainly regret that comment.

Leonard: Thank you.

Adams: And I would say that in 2005, as a newly elected member of the Portland city council, I proposed as a legislative priority in the State legislature, that we support a bill that in officer-involved shootings, that a transcript is taken and made public at the end of those proceedings and I was unable to get support at the time to make it a council priority but I did go down myself and testify. And during my endorsement of the -- introduce with the Portland police association, I believe we discussed that issue and reiterated my support for it. I wanted to note that for the record. Pastor Hardy.

Dr. W.G. Hardy: Thank you, mayor Sam Adams, commissioners, I want to commend commissioner Randy Leonard for his championing of this ordinance. As we take a look at what we're talking about here today, talking about the urgency of the matter. Voting on this today. I'm trusting that each of you are listening to the testimony before deciding what you're going to vote.

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That's what you proposed when you came to the community and asked for our support to get you in office. What I hear today with some of the opposition, 31 years of representing and not including the employees, we're talking about in order. A way of doing business that involves communicating.

But unfortunately, we've put order over justice. Sometimes, in order to do justice, one has to do things out of order. We have to step in, make decisions. Yes, you can wait for more time, get more information so we can make sure we're proceeding in order. But the time is now to do something. The police department, they have attorneys to defend them, they have a union to represent them, they have a badge to stand behind. And they have a gun to protect them. The citizens will only have this ordinance that has some subpoena power, some bite. I say to you here and now, no one should be intimidated by the truth and if the independent police review board does its investigation, the only thing they can come up with is the truth. And if it matches the truth that the internal investigation has done, then it's collaboration. But if things are disclosed, then we can collaboratively address them. So I plead with you, please, today, be courageous, do the right thing on behalf of the citizens and again, the police department in the long run. Vote for this ordinance. Thank you.

Adams: Pastor, thank you. Thank you all for your testimony.

Fritz: That I ask you a question?

Hardy: Yes, ma'am.

Fritz: I saw this ordinance when it came to the public. And last week I asked mayor Adams to defer voting on his \$20 million for stormwater facilities for a bike plan so I could look that over more carefully. Don't you think I should look over this closely. That it's more important than bicycle funding?

Hardy: I think it's very important. This is a long standing thing that happened in the community long before you took office. And you said you'd listen to the citizens. We're here today. For every voice standing here, there are hundreds in the community. I'm asking you today to believe in the community that's coming here. If we had more time, you would only hear more of this, but more time only gives the opposition an opportunity to build a defense.

Fritz: You have a council, who are all very committed to reform. You heard from two groups. You feel they haven't been adequately represented. The latino network and african american communities. When I am in meetings, it's who is not here. I recognize that you're here. It's hugely important to me and that we do something and do it right and defensible and that is implementable. And that's the only question I have. Is this implementable? And I want specifically to know from later testifiers what's in it. What do you like, what do you not like? Because to me, this is hugely important.

Hardy: Can I respond to that?

Adams: Yes.

Hardy: Thank you. When I helped to engineer the light rail system, we asked the same question. When that train is rolling down on the east side, what happens if a customer still wants to get on and you see one on the platform and the instructions were to keep the train moving because another one is coming right behind? I believe if you vote for this, in favor of this, we're still going to be looking at this, looking at this and critiquing it. But to give it more time and wait for more representation, I think is a waste.

Adams: Thank you all for your testimony. Really appreciate it. Thank you, mr. Porter.

Adams: Welcome to the city council. Glad you're here. Mr. O'callaghan.

Mike O'Callaghan: Thank you. Michael o'callaghan. I applaud your efforts. Boy, you got them, brother. I appreciate, sam, your comments about what this leads to. Basically what you're doing is empowering the ipr to report to a board that can cannot follow whatever the recommendations are. So basically, it's toothless. Now, from my perspective, i'm -- i've testified to you before a number of times. There's a war going on. I was voluntarily homeless for a few days. Actually months. My

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first 13 days on the streets, I had is of contacts with the officers. In the bar, one side has clubs and guns. Tasers. The other side just has their bodies. Ok if and they're being swept every night and woken up with no authority of law. Anyway, I took an issue I had to ipr and that's what this package is that I gave to you. And I just do this stuff for entertainment for me. Ok? Now, the ipr gave me a letter on the 21st. In which they cited the camping code. Wasn't cited for violating the camping code. The letter didn't identify the officers that they'd investigated which I found a great shortcoming and it was factually incorrect in all things except the date, the Portland police department, and I went four times with meetings at ipr and finally after sending a letter to the city auditor, I got a response. From ipr on January 6th. Again the facts were incorrect, except the date and the Portland police department. And I found that process to be a shortcoming. Also, they gave me no notice of my appeal rights which they're supposed to do. I think the independent police review should be fired. I think every one should be fired if they can't even get the facts right in an investigation, how can they do an investigation? And I support your efforts to expand their powers but they need to be removed because they don't have an adequate capacity to investigate a very minor incident. So -- and I -- a if you things I would like to see. I would like to see the number of police that were military. The number of police that were in combat in the military. Like to see the number of police in combat in the military that are involved in shootings. We have serious PTSD people out there. And the union isn't willing to weed them out. I doubt there will be substantive change in what I encounter on the streets and I certainly thank you for the efforts and the community behind me for coming forward and saying this.

Adams: Thank you, Mr. O'Callaghan. Sir?

Leo Rhodes: I would like to thank you for having me speak today. And I would like to say this is a great start. It's long in time needed. There's too many detectives out there and violence out there. I talked to you before about the profiling done upon me and my friends out there. The gun that was pulled while I was sleeping on the maximum. Good thing I woke up. Otherwise I would have been a statistic. The two hours, I talked to a female officer explaining that not all homeless people are criminals. I mean, these are the police out there. Yeah, there are good ones out there, but I run into a lot of this. And when I talk to these individuals, these police officers, I ask them, what's going on here? Why do this? And they all say the same thing. We have to put you all in the same boat. Even though I'm clean and sober, I'm still a druggie and still mentally ill. Even though I'm a native and homeless, I'm still a drunk. That's not right. That's not the way to have a police officer look at you. But that's what happens out there right now. The use of deadly force. I was in the military, I was infantry man. And one of the things is, when we went out there and were going to use that, we were -- we had to recite that we had to learn that. And in the incidents that I see, the use of deadly force, that would have been a court martial, a lot of these things. I feel really -- man, I just can't -- there's no words to put in what -- how I feel about that. The accountability, we need that strong accountability to these things. You're losing a lot of faith in the community by not having this accountability. People going back to the office or sitting behind a desk and then all of a sudden, out on patrol again. One thing, I try to be a law-abiding citizen, but there are still things that like I said, I'm profiled out there. So I'm nervous when I get around police officers. I have no need to be, but yet I still am. And that shouldn't be the way it is. That's the way it is 00 out there and we need to turn this around. Right here, I have this paper and I would like to say that I endorse all of these five things. I'll give you a copy of this, because, you know, this is needed. Training is needed. On the use of deadly force, and also profiling. You got to teach your officers that not everybody is out there to harm them. There are law-abiding citizens that are willing to work with them. But like you heard before, there are people that just don't want to because they're scared. Thank you.

Adams: Thank you for your testimony.

Skipper Osborn: Mayor Adams, commissioner Amanda Fritz, commissioner Leonard. Commissioner Leonard, I want to thank you for --

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Adams: I'm sorry, for the record you have to state --

Osborn: I'm skipper osborne. Former president of wacp and current founder of truth for all, a civil rights organization. I want to commend you for putting this together. Time is of the essence. This ordinance needs to be passed and needs to be passed now. Too often when it comes down to serious things, especially when it deals with prim, people of color and the poor and disenfranchised. It's as put on the back burner. Let's debate it, let's discuss it more. Let us do this with it and that with it. It's time to make a change. I applaud the grand jury for the -- for sending the note in reference to some accountability that the police officer should have been held to. Notwithstanding, whenever they make a decision, it's always a decision in favor the police department. Why could they not have sent that same letter, but in defense of mr. Campbell. And likewise, with this ordinance, in defense of all the blood that has been shed by the people -- aaron campbell, [inaudible] why is this more blood that has to be shed to wait to discuss something that is to vital. I don't want to hear anything about what it's going to cost. Just for the few things that the city has paid \$900,000 in one case. \$150,000 in another. \$140,000 in another. We are over a million dollars. And i.p. -- the board -- can be funded. What is more important? The question is to commissioner nick Fish. What is more important: A human life or the budgetary process and where this money is going to go? It is time for the elected officials to stand behind a commissioner who dare to make a difference. Not for political losses, but for the people. For be, the people, are the community of Portland, Oregon. We, the people, and i've -- of all the handed being raised time and time again, the people have basically said, please vote to all you elected officials, please vote and vote now on this ordinance.

Adams: Thank you, sir.

Fritz: May I just -- mr. Osborne?

Osborne: Yes, ma'am.

Fritz: I want to the clarify the intent of commissioner Fish's question and mine on the cost. It's not that it isn't worth it. We just need to make sure it's in the budget. If it was going to require particular funding, we wanted to make sure it's going into the budget and funded. I agree, the cost of a human life is incalculable.

Osborne: I beg you to put it in the budget.

Adams: Thank you for your testimony. Karla.

Adams: Good afternoon, thanks for waiting. Glad you're here.

*******:** Good afternoon.

Adams: So -- would you call the next name on the list?

Adams: Mr. Bead, would you come forward?

Adams: Thank you for being here. Would you like to begin?

Woody Broadnax: My name is woody broadnax. I want to echo what everyone is saying. Randy is great. I'm going to come interest a different perspective and that's the perspective that involves the union. We recently met with mr. Westerman at the african american breakfast and interest that breakfast, I felt -- from that breakfast, I felt threatened, because he had taken a position and before anyone said anything to him -- "i know you all hate me." and that's not the type of acceptable behavior coming from someone representing a fraternal order such as this union. I personally feel that the union is behind a lot of policies that not only exist today, but were created years ago when african americans had to be off the street at 6:00. A lot of that still goes on and is embedded in the culture of the police union. And I think that the only way that we're going to be able to combat that, is that we follow randy's example and start to produce a spirit that involves you and i, of respect. Responsibility. Accountability. And productivity. If we intend to have peace in this community. Because one of the things that's always said is no justice, no peace. Well, just the opposite of that. This community wants peace, want to be at peace and wants to be able to call upon those officers when there is a need for them, but as is -- has been said, there are people saying I ain't calling the

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police. We need to revisit how we deal with one another. How we communicate with one another. And the only way we can do it is by fostering those principles, not only in the police union, not only in the city council, the community. But the workplace and at school and everywhere else. If we're going to be successful in changing the dynamics of what's going on and will continue to go on. Until we address this very serious issue. Which Randy has created an ordinance, and I would expect and I look at all of you as being respectful, I look at all of you as being responsible and accountable and that is trustworthiness. Accountability is the ability to trust. That something is going to be done. And without that accountability, there can be no productivity. Thank you.

Adams: Thank you, sir. Hi.

Xavier Allen: Good afternoon, mayor, commissioners. I'm going to make this short, sweet and painless. I'm Xavier Allen. Dance around the questions that the people demand satisfactory answers to. We, the people, have many concerns about the direction in which the city of Portland is heading. Now, as cynical as this may sound, some of us did not find it surprising to turn on the television or open up our newspapers and learn about the shooting of four police officers in Tacoma, Washington, last November, by a lone gunman. A gunman, apparently, fed up with the conduct and/or the results of a police investigation that typically ends with an officer receiving a 30-day paid vacation for his or her actions sanctioned by the city at the taxpayers' expense. The mayor, city council and police chiefs in these cities across the nation seem to support and stand behind individuals in blue suits who call themselves law enforcement officers. Perhaps it is because city government is similar to an army, without an army, the general has no power. And just as a general realizes that the power lies in the soldiers, city government must not forget their power lies in the people. We, the people, are your army. We give you power. We want you to use that power to do what's right. Approve this ordinance. Now, I have no crystal ball, nor am I a mind-reader or possess the foresight of a prophet. However, if wearing a blue suit while carrying a gun and badge somehow gives one the right to kill and as punishment, receive a paid vacation, there will soon be more ordinary citizens adopting gang-like activities to arrive at what they call justice. We, the people, who pay the salaries of police officers, politicians and the like, expect them to suit up on a daily basis with the intent on improving community relations and seek justice -- justice, not just us. People who look like me. We want justice for all. Not just for some. Police need to be held accountable. The system is flawed, as we know, and we want changes and transparency within all organizations using taxpayers' dollars. The question is: Are you willing to make that change? Thank you.

Ron Beed: Commissioners, my name is Ron Beed. Excuse me, if I get a little forgetful. I do that when I get nervous. Bear with me.

Adams: No problem.

Beed: First, I'd like to commend Randy Leonard for proposing this ordinance. We members of Oregon Action, met with most of you seven, eight months ago, at one of those meetings with Commissioner Saltzman, we proposed we have an ordinance, and Commissioner Saltzman said, well, Portland Police Bureau will only lawyer up and they'll win. I'm hoping that's not going to be the case. Which is one more reason why we need to pass this today. It's not complicated. It's about accountability and transparency. Power corrupts. You know, there's a saying power corrupts and absolute power corrupts absolutely. Well, unchecked power is power out of control and we have no check on the Portland Police Bureau. I remember when the police officer bean bagged the girl here a few months ago and Commissioner Saltzman -- there was no big deal. He just gave the officer some time off, I think it was. And the people backed the police bureau and had a rally downtown and -- bam, he was right back behind a desk with a gun. So when you all took accountability, which is what I was asking the last time we met, it doesn't seem to have meant anything. An ordinance is what we need. We all know that. It's not a secret. The gentleman that was here, well, the minister that was here, he spoke about fear and force. We don't need officers out there that fear

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us. We need officers that love us because it's our loved ones they're supposed to be here to protect and when they come out -- they set aaron campbell up. He was set up. They called and asked for his rap sheet. Oh, we've got an attempted murderer. Ok. There was no communication, they got a guy with an assault rifle. Aaron campbell comes out on his own and I heard a officer on opb saying, oh, he acted too quickly. How does he act too quickly? They tell him to back down the stairs. He's got his hands behind his head. They can see it.

Adams: Sir, I need you to summarize.

Beed: They can see it. When they shot him with a bean bag for no parent reason, and then because he reacted to the bean bag, he was set up. Thank you. Sam, we need a new day forward.

Adams: Karla.

Adams: Mr. Howard, come on up.

Adams: So we are glad that you're here.

Jenna Frazzini: Thank you. Mayor and council members, my name is gina. I have little voice left. I'm going to keep this short. I'm the executive director of basic rights Oregon. A 20-year resident of the city. In my role, I uphold our mission to ensure that all lesbian, gay, bisexual, experience equality every day and i'm here to support the proposal put forward by commissioner Leonard. Portland's gay and transgendered community is a community of many races and ethnicities and racial identities and we know at times what it means to be fearful of the police. And we support police reform and others, in calling for significant changes in our community and a significant dialogue and believe that this ordinance is a very good step in the right direction and a good start but I know this work has been going on for years. The experience of lgbt people, is a struggle. They're disproportionately impacted by laws and systems that have excused crimes against us in the belief we're somehow -- that our -- excuse me, our identity is somehow posing a threat or less worthy of due process. The outcomes of our actions today and in our work moving forward will shape how our communities and police and how we can keep ourselves and loved ones safe. So I encourage you to take the vote today to approve the ordinance. There's much more work to be done and what I understand was in the discussion around this ordinance is that there's an opportunity to review and a process for doing so as it moves forward. And certainly, that is the commitment of the community. As I understand it. And basic rights Oregon is committed to working as an ally in partnership with the african american community and many others in a long-term and sustained effort to engage the community in the dialogue and building trust, which I think is clear that that work needs to be done. And in making necessary policy changes to create lasting change and really bring true justice to our community. Thank you for your time.

Adams: Thank you very much. Mr. Garren.

Ed Garren: Thank you, edward garren, resident of Portland. Randy, I want to thank you for bringing this ordinance forward. It's long overdue and it's a good first step in a process that also should include reviewing how officers are hired, the evaluation, for example, do we give them the mmpi, some basic psychological tests to see if they have issues they're concealing from themselves or others? And I would suggest in ad to drug testing, you need to do alcohol testing and there are tests available which can tell you if someone has consumed alcohol for seven days prior and you need to look at not just training but the whole idea of collaboration, which is something we hear from the police union. I'm a member of a multiracial family. And part of that family includes law enforcement officers, so I do understand the stresses of the job and decreased funding, it lands right there. But I want to say that I grew up in segregation. In a world where people of color were afraid of the police. Where there were pass laws and covenants and property and legalized and institutional segregation and there was a clear order of who had power and who did not. And we fought that battle 50 years ago in the southeast. And I was very surprised when I moved to Oregon to find that 150 years ago when we became a state, that the even larger vote on the ballot was the exclusion of people from color from the state. That this was a jim crow state until 1953. Now, for

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those of you who have not seen a tyler perry movie, his character says if it like a duck, walks like a duck and quacks like a duck, act black. And i'm here to say as a white person who has some privilege until I tell people i'm queer, and that usually goes out the door, that the unspoken word in this community is racism and it's here and it's big time. And we've all collaborated because one of the things we like to do is if it's unpleasant, we just don't talk about it and hope it goes away. Well, it hasn't. And this region is at least 30 years behind most of alabama, myself and georgia in having -- mississippi and georgia in having dialogue about racism and the other horrific stuff that goes with it. We need to look at this stuff, because it's us here in Portland, Oregon in 2010 and it's inexcusable. Thank you.

Adams: Thank you, mr. Garren. Mr. Howard.

Kevin Howard: My name is kevin howard. That's funny, man. You need --

*******:** You need a little humor to discuss these things, you know.

Howard: First, randy, I got a chance to meet you for the first time. Never met you before, but I like what you're doing. When a woman is pregnant, it -- it -- from i'm told, it's a very painful transition. Change is a very painful transition. There's a man up here who said he's been on the bureau and working with the police department for 31 years and said that no change. It's got worse instead of better. I have two beautiful granddaughters. I would love to see them be able to run up and down the street and not worry not so much of gang members, but the policeman is going to shoot my granddaughter because she might make a wrong move. I encourage you to make that decision because it's important. We elected you guys and put you in office. You know, i'm a taxpayer, a businessman also. And i'm very concerned -- see, when I looked and first came in here, it was a building full of people. Not just african american. But it was all cultures sitting behind me. And the police department represent those people. I come from a family, my dad was a police officer. He walked the beat. So he knew the kids and the youngsters on his beat. Instead of pulling out his pistol, he would take that kid, if he got in trouble and take him to his parents. That was in the old days, but today, it feels like it's a police state or a police community and why should that be? Why should we pay our money for that kind of situation, which makes us uncomfortable, like fearful. Something has to be done. You know, tomorrow is a new day, but if tomorrow comes, and another person gets shot, then what? Will it be the same situation over and over again? We've got to come back here and sit and talk to you, nobody is concerned, but it's really about the people. You represent people. You represent a community. And it's going to take guts for you to stand up and do what you know is right. Not by constituency or agency. It's about doing right by the people. We need to have something to feel comfortable that you guys is representing us properly. And that's what is important to us. We don't want more killing and we want to get along with the police. We want to know our police officer that comes in our community. That's important to us. But we want to know if we're being protected. Not being killed. Thank you.

Adams: Thank you, mr. Garren -- mr. Howard. Thank you very much. How many more?

Moore-Love: Nine more.

Adams: Nine more.

Adams: Mr. Jones, welcome.

Willie Jones: Thank you, mayor.

Adams: Please begin.

Jones: My name is willy jones. A lot of you guys are in my community and you know me. My concern is we're settling down for the long haul on this thing and changing a lot of rules that we don't need to change. We should enforce the rules already on the books. Safe ourselves some time. There's certain things that are cut and dried. Done deal. This kid didn't have a weapon. Didn't have to die. You know? Just talking about this particular case. You know, these things don't have to happen. We can do something about this right now, without implementing all of these

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instructions and waiting all of the time down the road to get this done. And I think, well, we're being conditioned to settle for the long haul. I'm done.

Adams: Thank you, mr. Jones.

David Regan: That's a hard act to follow. I'm david regan. Some people suggested that randy Leonard is getting even by insisting on a vote today. He doesn't like dan, doesn't like nick. But he does know police and he's correct that they are going to mount a big defense and get you in back rooms and dan, you need to kick ass. And until you hand it over to the mayor or somebody else takes from you, you have a duty, part of your sworn oath of office to protect the constitutional rights of the citizens and i'm also done.

Sylvia Zingesser: Hi, my name is sylvia, and i'm a member of the national alliance for mental illness for Multnomah and a son who is mentally ill and the Portland police were called in and he was ultimately beat up and I see you overnight because I thought he had a hematoma on the brain and that's how I came to -- I contacted nami, the acronym is for national alliance for mental illness and it was suggested I join the crisis intervention advisory board flew the Portland police and i've been on the board for a long time. About six years, and I watched all of these things happen and things seem to keep getting worse instead of better. We haven't solved the problem. I don't understand how when these things happen, that the officers work under a situation of being correct, having acted correctly 100% of the time. And I don't know of any business or any organization such as airlines, transportation, manufacturing I work in the medical field, we're all held accountable when we mess up or screw up or make a bad decision or we made a decision that we had to make at the last minute. And we used our discretion and we're still held accountable. The only way I know to help the Portland police department is to offer them a quality assurance program where they can actually measure the output of what they do. The outcome of the work they do. So that when they go back and look at what they're doing, they can see they're outliers and unfortunately, they're outliers in this days are people who die. So I wish that chief sizer were here, she's not. I would like to see you go ahead and vote for this. I know that -- i'm afraid if you wait, there will be longer time before we can imagine to get another vote and make something happen. And I know that you're going to be able to add to this, and review it and -- and hone it down. Improve it. The ordinance. What can I say? We need your support.

Adams: Thanks for your testimony.

Zingesser: You're welcome.

Adams: Appreciate it.

Adams: Mr. Smith, welcome.

Joe Smith: The race is not to the strong neither the swift but he who endures to the end.

Adams: Thanks for your patience. Thanks for your patience all of you. Appreciate it.

Smith: I'm Joe Smith. Once upon a time I was a district attorney of an Oregon county. And I take proud pride in having been viewed by the police of my county as a cops DA. What that meant was when they brought a well investigated case, they knew we would pursue it. I had an interesting way to know a police report because when I ran for a different office, there were a number of them who unsolicited, contributed to my campaign. And that was a very heartwarming experience. There's -- their support also meant they knew they could count on my office to treat the public with respect. Because -- both in preventing crime, which is our most important task, and the responding to crimes committed absolutely requires and depends upon community support. Today's hearing demonstrates better than anything I can say there are real problems with public support. In important parts of our community in Portland. This ordinance is a step, an important step today rodrigues that reality. It recognizes what might be called a natural law. Where performance is measured, performance improves simply the act of the measure tends to improve performance. But to be effective, Multnomah must be prompt, it must be accurate, it must be dependable and it must

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be meaningful. There's a strong sense the current measurement process is not any of those things. This ordinance is a good step in the right direction.

Adams: Thank you, mr. Smith. Welcome.

Marcia Meyers: My name is marsha meyers, and I am representing myself as a citizen and the real wealth of Portland, which is a project of the first unitarian church. And I want to point out that we are part of the albina ministry alliance coalition. And that is quite a coalition. I've never been in one that is as passionate and as diverse, and I am a full-time activist, and a teacher. And I wasn't going to speak, but as a teacher, I had to take this teaching moment and this learning moment that we're all in as a community. The real wealth of Portlands as I think you know, is about making the invisible visible, and acknowledging our real wealth, which is relationships. Which are relationships among all of us. We're not alone in this. Although I want to point out, and this is the teaching part, that we the people was very limited when our constitution was written. And when we the the people became the united states of america. Many of us have had to struggle for years and years to be acknowledged as people. This is called a patriarchal society. It was white male landowners, and as you all know through history, we have little by little, not because of the soldier police force or the legal system, become more inclusive, but because we the people have demanded it. As far as who is behind this coalition, this room today was Just full of people that weren't just representing themselves, but they were representing many, many organizations and people that have quite often through our history not had a voice. We're in a transformational time, this is an opportunity to make a transformational -- a very meaningful step in the right direction by passing this ordinance. It will give a lot of people hope that haven't had hope, it will be acknowledging that you're hearing voices that quite often haven't been heard, and that there is something besides the legal system, and there is something besides the good old boys system that's in place here. So I wanted to say these things, I want to commend you all for listening to all of us, and I can't say enough about how important it is to acknowledge the voices you've heard today and acknowledge this very first step in the right direction. It's been long in coming, and it's time. Thank you so much.

Adams: Mr. Cramer.

Mark Kramer: Good afternoon. Last but not least I hope. I'm a member of the national lawyers guild Portland chapter, also member of the ama coalition. I've been practicing since 1981, and have litigated several cases against the Portland police bureau on cases of excessive force from police misconduct. It is my hope that I will never have to file such a case again, and I think commissioner Leonard's ordinance is a good first step toward that. I would hope that while you are reviewing this as well as the improvements that have been suggested you take into account what I think are the preeminent values, which is a credible process, one we don't have now a. Transparent process with which we don't have now, and an effective process, which we don't have now. And secondly, that the effect of the ordinance is to deter police misconduct so civil rights lawyers can work on other things other than suing the city of Portland. I want to make one clarification and a few brief points of improvement. Mr. Archson said he noted two unconstitutional provisions in the ordinance. I see new orleans but the national lawyers' guild is at your disposal to stion you and assist the city attorney in addressing the points, whatever they are. Specifically we have research thed the issue of compelling an officer to submit to a subpoena and so long as it's a condition of employment, that is constitutional again, we committee our efforts to assist you on that. With respect to the review, I know that there is an amendment for a stakeholder participation over the next 90 days to look at further improvements in the process. I applaud that. I would hope that the commissioner Leonard's office acts as a facilitator and convenier, but allows the committee or the stakeholder committee to do its work. I think it's critical that this council look at this measure six or nine months from enactment. This is not the 90-day review period this, the tos to see what's is hang at six or nine months to see if the values are being implemented. With respect to the guts of

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the measure, I think to have a credible process for me not to file a lawsuit, you can go through ipr, the police review board needs to have three citizen members. Three citizen members, three law enforcement members, and ipr, that would be credible and transparent, that would be effective. With respect to deadly force incidents, right now under the union contract which I have in front of me, under paragraph 62.1.3, it says, the parties recognize ipr has no authority or responsibility relating to deadly force incidents. So in the union contract which is about to be negotiated, that needs to be changed as well as the particular ordinance. If you look at exhibited c, one part of the ordinance says the ipr can initiate investigations of public concern, another part of the ordinance says we can only hire someone to do -- look at closed investigations. It is critical that ipr have the power to initiate and review deadly force incidents if this measure is to have any credibility. And finally, I would hope that the expeditious investigations portion of that could be clarified so that those investigations don't last forever. Thank you very much.

Fish: Do you have written testimony?

Kramer: I don't, but I will submit to the council the testimony regarding these particular --

Fish: The highlights.

Kramer: Yes.

Fish: Thank you.

Adams: Thank you all for your testimony. Yes going to -- it is now 5:10, and for humanitarian reasons, we're going to take a quick five-minute recess and come back and complete our deliberations here. So we'll see you at 5:15 promptly. We're in recess. [gavel pounded] [recess]

At 5:10 p.m., Council recessed.

At 5:16 p.m., Council reconvened.

Adams: We're back from recess.

Leonard: Amanda, do you want to move the addition of those groups?

Adams: City council will come back from recess. Commissioner Saltzman, if you can hear my voice in the building, then you'll know that voice is not just in your head. [laughter] his chief of staff wonders where he is. Is he on his way? All right. We need a p.a. System. We have our attorney back. Yes actually waiting for commissioner Saltzman. [applause]

Fish: Dan is used to that when he enters the room.

Saltzman: I thought I heard the voice of the lord.

Adams: No, just me. All right. City council will come back to order from recess. We'll begin council deliberations.

Leonard: Thank you mayor Adams. Commissioner Fritz would like to offer an amendment that I consider a friendly amendment at a couple more groups on to the oversight work group. Commissioner Fritz.

Fritz: Thank you. I move that we add a representative from one each of the latino network, the central for intercultural organizing and a native american representative on to the stakeholder committee.

Leonard: Second.

Adams: Moved and seconded. Any discussion? Karla, please call the vote on the amendment.

Fritz: Thank you for adding these important voices. Aye.

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded]

Leonard: Mayor Adams --

Adams: If I could have a further friendly amendment, the sexual minorities community, but why don't we just grant you the administrative authority to add representatives as you see fit.

Leonard: Ok. That sounds -- that's excellent.

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Adams: That's my amendment. We've got to do these things officially. Is there a second.

Fritz: Second.

Adams: It's been moved and seconded to grant commissioner Leonard the administrative authority to make sure that this committee is well represented of the community as a whole. Including sexual minorities. Aye. I'm not allowed to vote yes. Can you please call the vote, Karla.

Fritz: We want to make this better and better. Aye.

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded] thank you.

Leonard: It is important to me that to the extent possible there be unanimity on this ordinance. Because I think that for a variety of reasons, this council needs to be united around what I would call a brand-new road that we're getting ready to trail. As some of you may have observed over the last few years, I don't always get along with everybody as well as I probably could. Up here. But I try very hard to do that, and I wake upper morning and try to be as positive and as helpful as I can be. And I would also say that the current group of commissioners and the mayor that I work with, I have no question about their hearts, their goals, and their ass inspirations for our community which reflect the same values that I have. I believe everybody here support the -- if not every word of this ordinance, absolutely the intent. So it is more important to me that we be on this issue more than any other that i've worked on as united as possible. And in that effort, I want to make sure that for every member Of the council, that every group that they want to make sure has their voice is heard so that they're comfortable voting for this. And I want to help get us there. So to that end, I want to make sure that the human rights commission has its opportunity to weigh in on this issue. I want to respect that, and I want to support that, because I think that will end up in the end leading to a stronger front from this city council as various parts of this ordinance are potentially challenged. So to that end, i'm going to move that we continue this hearing to wednesday, march 31st, at 6:00 p.m. At which time it will be the -- the ordinance will be voted on.

Fritz: Second.

Adams: This is -- unless there's council objection, this hearing will be continued to the time and date just mentioned by commissioner Leonard, and I -- before I bang the gavel, we'll have comments from anyone that wants to make them.

Fish: I just want to make sure I clarify one point, commissioner. The emergency clause would remain open the ordinance. Correct?

Leonard: I'm glad you brought that up. Because the other option would be to remove the emergency clause. We have a first reading tonight. It gets over for a second reading, which is next week, and if we vote on it then, under the laws of the city of Portland, it doesn't bear camp road effective for 30 days. By leaving the emergency clause on it now and voting on it two weeks from tonight, it becomes effective two weeks from tonight. So it's still effect five a lot quicker than if we did the traditional have a hearing, have a second hearing, and then it's implemented 30 days later. It's implemented two weeks from now. I would in the best of all worlds have it take effect this evening, but again, we need to have a united as we go forward and i'm willing to support having it voted on two weeks from now because I believe in the long run it will be better for the community.

Adams: Commissioner Fritz.

Fritz: To be clear, it's a continued hearing. So I received emails from folks who couldn't be here today, could not take time off work and wanted to weigh in on this issue. Mostly in support, but they want their opportunity to weigh in. And so it's very important to me to have an evening hearing so everybody can have their voices. I thought testimony was compelling. But even more so to hear it from each one of you telling me why it matters to you in your own words, and in person, and frankly, I want to hear from more folks about that. And I want chief sizer to be here, because it really brings it home. It makes it even more real. As to why it matters. I am going to

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need to ask the human rights commission to Convene before the regular scheduled meeting. I had previously been hoping to have the next hearing in april, in response to the testimony of the urgency of this matter. I support the -- suggest -- to have 90 two weeks and i'm confident that the volunteers on the human rights commission will put in yet more time to get their recommendation to me as the commissioner liaison to that independent body.

Adams: Commissioner Fish?

Fish: Mayor, as someone who practiced civil rights law for over 20 years before he had the honor of being elected to this body, it was central to my work that we assured that everybody in every proceeding received the same process. And since most of my clients did not have the power, it was especially important that people without power receive the same process as people with power. I believe that what commissioner Leonard has proposed is an act of statesmanship. To bring the council together as I have no doubt it will be brought, to come behind this reform package which I support, and to speak with one voice. And I would say to my friends who have very eloquently testified tonight about the fierce urgency of the now, in the need to act with dispatch, that please do not confuse the efforts of a council to maintain good process and order with the lack of resolve or disrespect about the issue. I frankly have never been proud of my colleague and appreciate again the statesman like motion that he's made, because I know That he is among at those up here, the most committed to having this matter resolved this evening. But I believe that the additional two weeks and the chance for more voices to be heard will not only bring the council together around this, but will ensure that this work is even stronger. So I thank my friend randy Leonard and I thank the auditor for the extraordinary work they have done together to bring this matter to us, and I look forward to joining with them in two weeks to finish the task.

Adams: All right. So unless there are objections, the hearing is continued. [gavel pounded] we are adjourned.

At 5:27 p.m., Council adjourned.