



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8<sup>TH</sup> DAY OF JANUARY, 2014** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Novick and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, Chief Deputy City Attorney; and Jim Wood, Sergeant at Arms.

Item Nos. 29, 34 and 37 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 11:12 a.m. and reconvened at 11:20 a.m.

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>19</b>	Request of Lisa Fay to address Council regarding Right 2 Dream Too (Communication)	<b>PLACED ON FILE</b>
<b>20</b>	Request of Sophia Kihnath to address Council regarding R2D Too (Communication)	<b>PLACED ON FILE</b>
<b>21</b>	Request of Trillium Shannon to address Council regarding Right 2 Dream Too (Communication)	<b>PLACED ON FILE</b>
<b>22</b>	Request of Barry Joe Stull to address Council regarding the moral profile of a leader (Communication)	<b>PLACED ON FILE</b>
<b>23</b>	Request of Crystal Elinski to address Council regarding vigil to remember those who have gone before (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>24</b>	<b>TIME CERTAIN: 9:30 AM</b> – Office of Equity and Human Rights Annual Report (Report introduced by Mayor Hales) 45 minutes requested  <b>Motion to accept report:</b> Moved by Commissioner Fish and seconded by Saltzman.  (Y-4)	<b>ACCEPTED</b>

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<p>25 <b>TIME CERTAIN: 10:15 AM</b> – Authorize the Commissioner of Public Works to enter into an agreement with the Citizen’s Utility Board of Oregon for a term of five years to provide an independent review of City utility bureaus on behalf of residential ratepayers (Resolution introduced by Commissioners Fish and Novick) 30 minutes requested  (Y-4)</p>	<p><b>37051</b></p>
<p style="text-align: center;"><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p style="text-align: center;"><b>Mayor Charlie Hales</b></p>	
<p>26 Appoint Tom Kelly to the Portland Development Commission Board for a term to expire July 9, 2014 (Report) (Y-4)</p>	<p><b>CONFIRMED</b></p>
<p>27 Adopt the Budget Calendar for FY 2014-15 (Resolution) (Y-4)</p>	<p><b>37049</b></p>
<p style="text-align: center;"><b>Office of Management and Finance</b></p>	
<p>28 Accept bid of Dirt &amp; Aggregate Interchange, Inc. for the SE 136th Ave from SE Holgate Blvd to SE Powell Blvd Sidewalk Infill for \$737,777 (Procurement Report – Bid No. 116125)  (Y-4)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p>*29 Pay claim of Lisa Beasley in the sum of \$24,423 involving the Portland Police Bureau (Ordinance)  <b>Continued to January 8, 2014 at 2:00 p.m.</b>  (Y-4)</p>	<p><b>186414</b></p>
<p>*30 Pay claim of Sanchindra Nath in the sum of \$6,899 involving the Portland Police Bureau (Ordinance)  (Y-4)</p>	<p><b>186406</b></p>
<p style="text-align: center;"><b>Commissioner Amanda Fritz</b> <b>Position No. 1</b> <b>Portland Parks &amp; Recreation</b></p>	
<p>*31 Accept and appropriate a grant in the amount of \$20,000 from the East Multnomah Soil and Water Conservation District's Partners in Conservation Grant program in support of the pipeline of Greenspaces Restoration &amp; Urban Naturalist Team programs (Ordinance)  (Y-4)</p>	<p><b>186407</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b></p>	
<p>*32 Return ownership and control of a parcel of real property located at SW McDonnell Terrace and SW Council Crest Dr to the Bureau of Environmental Services (Ordinance; repeal Ordinance No. 183123)</p>	<p><b>186408</b></p>

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<p><b>*33</b> Authorize application to East Multnomah Soil and Water Conservation District for a grant in the amount of \$60,000 for Crystal Springs Culverts Removal and Habitat Restoration (Ordinance)</p>	<p><b>186409</b></p>
<p><b>34</b> Authorize a contract for construction of the Rose City Park Sewer Rehabilitation Project E10345 for \$6,410,000 (Ordinance) <b>Continued to January 8, 2014 at 2:00 p.m.</b></p>	<p><b>PASSED TO SECOND READING JANUARY 15, 2014 AT 9:30 AM</b></p>
<p><b>35</b> Authorize a cost share agreement with BNSF Railway Company for \$185,483 Project E09017 (Ordinance)</p>	<p><b>PASSED TO SECOND READING JANUARY 15, 2014 AT 9:30 AM</b></p>
<p><b>36</b> Amend contract with Brown and Caldwell, Inc. for additional work and compensation for the Fanno Basin System Improvements Project E09051 and E10317 for \$164,634 (Ordinance; amend Contract No. 30002215)</p>	<p><b>PASSED TO SECOND READING JANUARY 15, 2014 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman Position No. 3 Portland Fire &amp; Rescue</b></p> <p><b>*37</b> Accept and appropriate a grant in the amount of \$4,554,394 from the Federal Emergency Management Agency for the 2013 Staffing for Adequate Fire and Emergency Response Grant (Ordinance) <b>Continued to January 8, 2014 at 2:00 p.m.</b> (Y-4)</p>	
<p style="text-align: center;"><b>Portland Housing Bureau</b></p> <p><b>38</b> Establish annual sales price cap for the Homebuyer Opportunity Limited Tax Exemption Program (Resolution) (Y-4)</p>	
<p><b>*39</b> Authorize an Intergovernmental Agreement with the City of Gresham for \$907,385 for the HOME Investment Partnership Program and provide for payment (Ordinance) (Y-4)</p>	<p><b>186410</b></p>
<p style="text-align: center;"><b>Commissioner Steve Novick Position No. 4 Bureau of Transportation</b></p> <p><b>*40</b> Amend Intergovernmental Agreement with Oregon Department of Transportation for the North Portland Road and Columbia Boulevard Intersection Development Project (Ordinance; amend Contract No. 30002040) (Y-4)</p>	

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<b>REGULAR AGENDA</b>		
<b>Mayor Charlie Hales</b>		
<b>41</b>	Bob Miller Day (Proclamation introduced by Mayor Hales)	<b>PLACED ON FILE</b>
<b>Bureau of Police</b>		
<b>*42</b>	Accept a grant in the amount of \$45,000 from the Oregon Department of Transportation, Transportation Safety Division and appropriate \$30,000 for FY 2013-14 for the 2014 Safety Belt Overtime Enforcement Grant for sworn personnel overtime (Ordinance) 10 minutes requested  (Y-4)	<b>186412</b>
<b>*43</b>	Accept and appropriate a grant in the amount of \$15,000 from the Oregon Department of Transportation, Transportation Safety Division for the 2014 Speed Multi-Unit Traffic Enforcement Grant Program for sworn personnel overtime (Ordinance) 10 minutes requested  (Y-4)	<b>186413</b>
<b>Commissioner Steve Novick</b>		
<b>Position No. 4</b>		
<b>Bureau of Transportation</b>		
<b>44</b>	Authorize the Bureau of Transportation to issue a quitclaim deed, bill of sale, and two assignments to TriMet for two portions of the Willamette Shore Line railroad right of way and related assets (Ordinance)	<b>PASSED TO SECOND READING JANUARY 15, 2014 AT 9:30 AM</b>
<b>45</b>	Amend Transportation Policy - Encroachments in the Public Right-of-Way based upon recommendations of Encroachments in the Public Right-of-Way workgroup (Previous Agenda 13; amend TRN 8.01)  <b>Continued to January 8, 2014 at 2:00 p.m.</b>  (Y-4)	<b>37052</b>

At 12:38 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **8TH DAY OF JANUARY, 2014** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Novick and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Chief Deputy City Attorney; and Jim Paolazzi, Sergeant at Arms.

		<b>Disposition:</b>
<b>46</b>	<b>TIME CERTAIN: 2:00 PM</b> – Portland Suzhou Sister City Association report (Report introduced by Mayor Hales) 1 hour requested <b>Motion to accept report:</b> Moved by Commissioner Fish and seconded by Novick. (Y-3; Saltzman absent)	<b>ACCEPTED</b>
<b>47</b>	<b>TIME CERTAIN: 3:00 PM</b> – Authorize City Auditor Independent Police Review Division to directly question Portland Police Bureau employees, change Police Review Board public reporting requirements and other Police Accountability Reforms (Ordinance introduced by Auditor Griffin-Valade; Second Reading Agenda 1209; amend Code Section 3.20.140 and Chapter 3.21) (Y-4)	<b>186416</b> AS AMENDED

At 3:50 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **9TH DAY OF JANUARY, 2014** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fritz and Novick  
3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ian  
Leitheiser, Deputy City Attorney; and Wayne Dykes, Sergeant at Arms.

<p><b>48</b>    <b>TIME CERTAIN: 2:00 PM</b> – Appeal of D. Paul Stanford, William Appel and Michael Bachara against Portland Parks &amp; Recreation decision to deny a permit application to hold the Portland Hempstalk Festival at Waterfront Park in September 2014 (Hearing introduced by Auditor Griffin-Valade) 1.5 hours requested</p> <p><b>Motion to deny the appeal:</b> Moved by Fritz and seconded by Novick. (Y-3)</p>	<p><b>Disposition:</b></p> <p><b>APPEAL DENIED</b></p>
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At 4:25 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.

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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 and should not be considered a verbatim transcript.

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

**JANUARY 8, 2014                      9:30 AM**

**Hales:** Good morning, everyone, welcome to the January 8th meeting of the Portland City Council. Karla, please call the roll.

**Fish:** Here. **Saltzman:** Here. **Novick:** Here. **Hales:** Here.

**Hales:** We have a couple of proclamations up front, and with the council's indulgence, we're going to take item 41 out of order and ask Mr. Bob Miller to come up and join us. While he's getting ready, I'll get this proclamation ready. So, many of you know this man's voice. You might not have seen as much of him as we have heard from him over the last several decades. Yes. But, let me start by reading this proclamation, and welcome, Bob, here to the council meeting this morning.

Whereas, Bob Miller has been part of Portlander's daily lives for 43 years; and whereas, the Bob Miller show and operation Santa Claus have raised more than \$1.1 million for the families of deployed and returning U.S. troops; and whereas, Bob Miller is responsible for the gift of sight for thousands of young children through his charitable causes; and whereas, Bob Miller has educated Portlanders on the importance of motor scooter safety; and whereas, Bob Miller has honorary acceptance into the Royal Rosarians as Sir Knight Bob Miller guardian of the Lagerfeld rose, and Bob Miller has been given a Bob Miller day by Huntington, West Virginia where he got his start in broadcasting; and whereas, Bob Miller is the reigning dean of Portland radio; now, therefore, I, Charlie Hales, Mayor of the City of Portland, Oregon, the city of roses, do hereby proclaim January 8, 2014 to be Bob Miller day in Portland and encourage all citizens to observe this day and to thank Bob for being the voice of Portland for so many years. Thank you, Bob.

**Bob Miller:** Thank you, Mr. Mayor. Thank you very much. [applause] It's a wonderful town to live in. I came here in 1979, and I was intimidated because I came from a very small town. And all these big buildings and ribbons of highways and all of that. And I was so intimidated, and I checked into my room in the Hilton. And the first thing I saw on television was Portland wrestling. And I thought well, maybe it ain't so all-fired cosmopolitan after all. [laughter] But, it's been a pleasure to entertain people on the air here. I think Connie McCready was the Mayor when I started. And I have had a nice relationship with Bud Clark, and lots of folks. I think one of my favorite people on the council over the years was Mildred Schwab who sat next to me at a dinner and kept dumping ashes in my food. Thank you very much. I am honored. I am humbled by this.

**Hales:** When we remodeled the chambers, I think that there was extra expense because of all the smoke damage from Mildred.

**Miller:** Yes, I am sure that's true.

**Hales:** We appreciate your service, and we wish you well, and in your next chapter, and we would love to take a photo with you, if we can, with this proclamation.

**Miller:** Sure. [applause]

**Hales:** That's great. All right, we have another informal item this morning. We have another proclamation from Commissioner Novick and Commissioner Fish. I think Commissioner Fish will lead off.

**Fish:** Thank you, Mayor. We are very pleased to introduce a proclamation this morning with my friend, Commissioner Novick. Today we are recognizing take the stairs at work day. This is a new nation-wide initiative just launched last year by USA stair climbing association. Portland is one of

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the first municipalities the issue of proclamation like this, encouraging people to take the stairs when they can. Steve and I were a little late for council because we were taking the stairs to get here. It's just one more way to make healthy, active choices throughout the day, and now I am pleased to turn it over to our commissioner for wellness, Steve Novick.

**Novick:** Whereas, physical inactivity is a major contributor to the development of obesity, cardiovascular disease, diabetes, and other chronic diseases; and whereas, stair climbing burns more calories per minute than most sports and activities, improves cardiovascular fitness and promotes healthy lungs; and whereas, because stair climbing burns calories at a high rate that a brief interval can lead to great benefits; and whereas, stairs are everywhere and many people can engage in stair climbing regardless of their fitness level; and whereas, many people start the New Year with resolutions to improve their health; and whereas, there is a growing national effort to encourage people to make small changes in their lives to improve their health, as much as drinking more water, eating whole fruits and vegetables, and getting enough sleep; and whereas, the city of Portland proclaimed July 17, 2012, stand up for workplace wellness day; and whereas, the city of Portland offers robust wellness programs to ensure that our employees remain fit and healthy; and whereas, the USA stair climbing association launched take the stairs day in 2013 and now communities across the country are joining us in revolving the take the stairs at work today; now, therefore, I, Steve Novick, City Commissioner, on behalf of Charlie Hales, Mayor of the City of Portland, Oregon, the city of roses, do hereby proclaim January 8, 2014, to be take the stairs at work day in Portland, and encourage all residents to make small changes to stay fit and healthy in the New Year.

**Hales:** Hear, hear. Thank you.

**Fish:** Thank you, Steve. And I want to thank Jenny Kalez, who helped to prepare this. And I want to thank Henry Wigglesworth, who is a national activist who came to us with this idea. And I want to thank Steve, in particular, who has reminded us in the last six months we should take the stairs, we should stand at work, and do other things to help us be healthier and reduce our health care costs. So, I am pleased to join with Steve on this.

**Novick:** We should acknowledge that since our offices are on the second floor, taking the stairs are not much of a stretch for us. [laughter] We realize for other people, it's tougher.

**Hales:** Thank you. And one of the things, thinking back to the earlier eras of this building that Bob Miller was referring to, it used to be that the trip on the staircase in City Hall was not a very nice one because they were enclosed. Now, with the atriums opened up again, it's the best way to see the building, as well as stay healthy, so thank you both. Okay, let's move onto the regular calendar starting with communications item number 19.

#### **Item 19.**

**Hales:** Good morning and welcome.

**Lisa Fay:** Good morning, my name is Lisa Fay. As I address you this morning, you need to know how appalling the stepped up sweeps and harassment tactics are in the houseless community here in Portland. Many of us at Right 2 Dream Too and Right 2 Survive and our supporters have received phone calls that your police are doing sweeps, often during freezing cold temperatures or during the recent rain, without having any social service providers present. And we hear you are creating a houseless exclusion zone in southeast Portland. These people have nowhere to go and are cold, wet, tired, and sick to begin with. It is nothing less than cruel to force them to keep moving in this weather. We at Right 2 Survive do under the bridge walks where we talk and listen to an overly common scenario of intimidation, fear, tickets, jail, and loss of all that they have left of value. Yes, clothes and blankets can be replaced, but what about personal keepsake items from the lives they once knew? Or what about medications, IDs, social security cards, and birth certificates? Most all of these cost money to replace, time, and proof of documentation. In which was once again taken. If these items are stored for people to reclaim, how are they to do so when their proof is already in police possession? Cruel. This is cruel. Let's tell it like it is, Mayor Hales. This is cruel. Now, let's



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change gears for a moment and talk about Right 2 Dream Too. They are doing a wonderful job providing a well-organized community of safety for a small percentage of the houseless here in Portland. So, why are you, Mayor Hales, conducting so many meetings without including R2DToo in the discussions about what to do about Right 2 Dream Too? Are you really working and acting in the best interest of Right 2 Dream Too? Or are you coming up with an agenda to rid the city of Right 2 Dream Too? Right 2 Dream Too, in good faith, agreed to a settlement to our lawsuit and agreed to work with you to find a location, if not 4th and Burnside, back in August of 2013. So far, it appears to the people that your interest is with those who have deep pockets controlling your strings. Mayor Hales, show us this isn't true. Meet directly with us. Bring us in in your meetings concerning Right 2 Dream Too. Mayor Hales, help us to continue to keep 100 people off the streets of Portland. Now, I have addressed two very important human rights issues that are of enormous concern to people here in Portland. It is time for you to reduce the police harassment of the houseless, and improve and provide increased social service outreach to people around the downtown and east waterfront. It's also past time for the city to honor negotiations with Right 2 Dream Too and the settlement agreement. Put your best foot forward and stop being bound by the puppet strings controlling you. Thank you.

**Hales:** Thanks. While you are here in the building you might want to stop upstairs and talk to Josh Albert on my staff who is literally spending almost every waking minute working on this issue. So he's here this morning. I just met with him before council. I'd encourage you to go and check in with Josh because he's working really hard to try to get this accomplished.

**Fay:** I will check in with Josh. That still does not address why Right 2 Dream Too has not been involved in the mayor's office meetings.

**Hales:** Well, there is some reasons for that, some of which include letters from a lawyer on behalf of Right 2 Dream Too, and when someone is threatening to sue us, we have to proceed more carefully. But I would recommend you talk with Josh, and he can certainly speak frankly with you as long as the lawyers are not involved. Thanks. [applause]

#### **Item 20.**

**Hales:** Good morning.

**Sophia Kinhnarath:** First of all, I'm not gonna thank you for allowing me to be there, because I should not have to come here to voice my concerns. As leaders in the community, you guys should be doing the right thing without having all of these problems. However, as a community member, I have the right to voice my opinion when I see injustice, hatred, and oppression caused from the city. Through the last couple of weeks, I have seen people getting swept. Two days before Christmas, they got swept, yesterday they got swept. And I am sure that right now, there's some people getting swept. Was that a way for the city to say merry Christmas? Happy New Year, get out of my city? I don't know. Have you thought about where these people are going to go when you sweep them? What are they going to do when you unlawfully destroy their belongings and when you destroy the most important documents that they need to get into housing and employment? It cost more money to replace these, and money they don't have in the first place. How is sweeping people a solution to ending homelessness? Isn't that a way that you are showing that you are being a hypocrite saying that you are working on a solution while causing and being a part of the problem. According to the United Nations declaration of human rights in article 25, everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food, clothing, housing, medical care, and necessary social services, and the right to security and in the event of unemployment, sickness, disability, widowhood, old age, or the lack of livelihood in any circumstances beyond his control. If we, actually, followed and implement this, we would not have a homeless problem. We, as a nation, would be taking care of one another. The city would be working with people and not developers with money to solve issues. And Hales, another issue has come up. I know that you and your friends at the Portland Business Alliance are going to introduce a

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sit-lie back into the legislation again in February. Let me tell you, last year, we didn't see it coming, and it flew through the house with flying colors. And we were not prepared for it. And even not being prepared, we defeated that bill. So, you can bring it back and come at us again, but this time we're prepared, and you can see what will happen to your bill now. Lastly, let me say there are two things that I believe a leader needs, and you guys, I don't believe, have it on the council. And one is the wisdom to understand the problems, and two is to have the courage to stand up for them. But, I still believe that you guys can achieve that, and I believe that there is a solution to everything. So, I'm inviting you guys to the MLK march that we're having on the 17th, and you guys can learn and speak to real leaders of this community that are making a positive change without taking away from other people, and without using a huge amount of money for something that they don't need to be spending it on. So, I have your invitations.

**Hales:** Thank you. [applause] Great. Could you leave one for Amanda? She's out sick this morning. Thanks very much.

**Item 21.**

**Trillium Shannon:** My name is Trillium Shannon, I'm a board member with Right 2 Dream Too and a member of Right 2 Survive. October 3 was the last time that I spoke in front of Commissioners Fritz, Novick and Mayor Hales on behalf of Right 2 Dream Too. The former and current housing commissioners had left early, Fish and Saltzman. October 3 was the same day that another community of houseless people had their camp swept without notice. The confiscation of survival gear resulted in the death of Alvin Smith and a current lawsuit against the Oregon Department of Transportation by several campers at the i-205 site. At the end of the October 3 meeting, Mayor Hales delayed the process for Right 2 Dream Too's move to a PDC-owned site under the Lovejoy off-ramp. At the time Commissioner Fritz stressed that if we were to delay action to move Right 2 Dream Too, it would be essential that Right 2 Dream Too was included in the meetings to come up with an alternative. However, Right 2 Dream Too has been left out of the process of negotiations. During the more than three months that our legal settlement has been halted, Right 2 Dream Too board members were invited to one meeting with representatives from Hales' office, December 3, in which we were pressured to accept a one-year lease on a property on Hoyt Street. The next day, Mayor Hales, you invited members of the press to tour the building saying the Right 2 Dream Too was being offered a 15-month lease. We were left out of the loop, as was Commissioner Fritz and our lawyer, Mark Kramer. We did our homework and we knew that there were issues with the location. Had you invited right to dream too to the table with your staff, Mayor Hales, we would be in a much better position for securing a safe place for our community. Another frustration for me was the empty promises made by Dike Dame during our negotiation process. We did meet with him and other members of the pearl group three times. The pearl group representatives said they were ready to go out and buy better tents to keep the community dry since they were blocking our move to an area sheltered by a bridge. We have received no such donation, only empty promises. We were painted in the press as unreasonable for not taking a building which did not fit our needs or the city zoning concerning mass shelters. We were treated like children, with decisions that directly affect our community in the hands of politicians and developers. The time is overdue to give Right 2 Dream Too a seat at the table. Now, I brought up the October 3rd sweep earlier because Right 2 Dream Too is also working with Right 2 Survive to help people stay alive in the aftermath of sweeps. The sweeps are ongoing. We live in a city where the shortage in shelter beds is well documented. Why are people being robbed of their sleeping bags and tarps, also medicine and identification? Treated as common criminals for joining together in community to try to sleep safely for the night. What is the alternative for the thousands who cannot access shelter in this city? Why can't Portland move swiftly to address the situation while the temperatures are plummeting. We need emergency shelter. That can come in the form of more organized communities and tents, modeled after Right 2 Dream Too, ironically, the same business interests

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that are driving the policies of displacement in human rights abuses, reintroduction of unconstitutional sit-lie laws and a hysterical response to tents as a form of shelter, would actually find themselves in a much better situation if there were more legal places for people to sleep, whether those places be inside or out. Unfortunately, the idea that developers are going to listen to houseless people and use their resources to help solve the problem did not bear fruit. So now, Mr. Mayor, when can we have a seat at the table?

**Hales:** Again, I would recommend you stop up and spend some time with Josh this morning, who literally has been working on this issue every day.

**Shannon:** Is Josh going to notify 00 I mean, he was meeting with the developers twice, calling them twice a day --

**Hales:** Trying to find a building.

**Shannon:** But again, listening to the needs of houseless people, we have a model. That model includes people sleeping in tents. There are many people who are not willing to go inside. People are having their lives saved because they wander upon Right 2 Dream Too. Just the other night, it happens all the time, someone came up, an older gentleman. He was scared, he was confused, he didn't know where to go. And he came upon Right 2 Dream Too, and he was happy to find a safe place to sleep for the night. So, I think that that's part of the problem is we're not being listened to. We have come to -- you know, we were asked to sit down with the developers. We told them, our model is an outdoor model because some people are not going to be able to go inside. We need both. We need indoor and outdoor. We do not want to be turned into a social service as the model of TPI. Right 2 Dream Too is a different thing. We need you to listen to us, and like Sophia said, I should not have to come to a public hearing to tell you these things. Why didn't your office schedule one meeting with us, except to give us information that was different from information you gave to the press the next day? We're not being respected. We're not being kept in the negotiation process. It feels like you are trying to do things behind our backs.

**Hales:** I hear you, but again, I would recommend you spend time with him while you are here in the building because some of -- when we talk about real estate negotiations, we're not going to conduct them in this room.

**Shannon:** Exactly. But the point here today is we've been so open to doing negotiations with you. We've been sitting back and watching --

**Hales:** Then I would recommend that you spend more time with him and not send any more letters from lawyers.

**Shannon:** Our lawyer is there to represent our legal rights. We have a settlement that has been delayed. We have been given these promises, empty promises, to stay at a location where we're at.

**Hales:** I think you will find that the promises aren't empty, but you need to spend some time with him.

**Shannon:** How long are we going to wait, Mayor Hales? Come on. This is not reality. And the other thing is, please stop going to the press and telling them things that aren't true. Because, we've been sitting back --

**Hales:** We have not done that. Let's not conduct this argument here.

**Shannon:** We've been being respectful and now we're asking you to stop going behind our backs to the press.

**Hales:** Thanks.

**Shannon:** And, yeah -- thanks. [applause]

**Item 22.**

**Hales:** Good morning.

**Barry Joe Stull:** Good morning, Mayor. My name is Barry Joe Stull. Go pios, 3.14159265358979323846264338327950. I'm wearing a Portland Pilot shirt. Go pios is the cheer at Lewis & Clark College, and pi was thrown in there because I had some fun. I have a very good

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memory. 35 years ago, and one week ago, 35 years and one week, I was traveling with my friends and returning to the city of Portland. We stopped in Albuquerque, New Mexico, to pick up some reefer if we could find some. We found some youngsters, about our age, and those fellas said they knew a busboy that had some pot for sale, and we hoped to get some for free, but we were flexible, so we went. And the upshot is that the deal fell through, instead of giving my buddy our money back, they decided three against one, they had a tire iron, so they were going to mug 'em. Well, he extricated himself with a broken nose -- not his own. And since we had their license plate number, we called the police. And the responding officer talked about the ins and outs of prosecution says, if I were you I would take care of it myself, and he gave us the address and said it's back that way. So we went to the place. Found a house, car parked in the driveway, and knocked on the door, and greeted by a young lady, about 16, explained who we were, what happened, and we were there for our money back. And she protested that, that it was her mother's car and had been there the whole time. Well, I don't like force and I don't like fraud, so I sent a message to her mother in the form of a piece of concrete through the windshield of the car toward the steering wheel, knowing I would break one and hoping I would break both. Since we have the address -- after we laughed all the way to Arizona, I sent a post-card. The folks had some explaining to do. Who are we, what did we know, how did we find out, and were we coming back? Well, I have had plenty of problems with the Portland police and their use of force and fraud over the years. Starting since I filed my lawsuit about your sidewalk obstruction ordinance being processed against the city charter. Commissioner Saltzman made a telephone vote, Commissioner Leonard wasn't given that opportunity. It's a bogus law. I was arrested starting in August of 2011. August, October, November, December, February, central precinct lobby. Trespassing, not guilty at trial. Then July 14, 17, 17, 19, and 19, second time on the 19th I was waiting for the ambulance when Sergeant Holbrook arrived and said we have your ride here, Mr. Stull. Well, I broke that police car. Then last time I was on the agenda for the moral profile of a leader, as I am today, a workshop I gave to the student leadership conferences. And I didn't get to get in the building. I was served with a trespass exclusion right out here on the plaza. And I was driven around to outside the justice center jail and I asked the officer to turn down the car stereo. I have a serious neuropathic pain condition. He refused. I told him what was going on, invoked the Americans with Disabilities Act, he said he didn't have to, turned it up and got out and started laughing at me with the chief of police Reese. I took care of things myself. By the time we got to the bottom of the ramp, the police car had \$550, not quite, \$545 and some change damage. And he asked me how did you get the headliner tore down when I was in handcuffs. The answer is I'm flexible.

**Hales:** Okay, thanks.

**Stull:** So I have one more thing to share with you, Commissioner. In the Portland police car, when there is an announcement from dispatch that all available officers respond, the command on the computer saying that they are going to the scene is control a space bar a space.

**Hales:** Okay. Thanks. Have a good one.

**Stull:** I have got you all in federal court and I would really like you to stop the civil rights violations that my life is proof of. And if you want to write some police reports with the official misconduct I've experienced, you know how to get a hold of me. See you next month.

**Hales:** Okay, alright.

**Item 23.**

**Hales:** Crystal? No, okay. Let's move on to consent calendar. We have got a request, I think, for one of those items to get pulled off. 29.

**Moore-Love:** Three items. I've got 29, 34, and 37.

**Hales:** Ok. 29, 34, and 37. Any other requests to pull items from consent? If not, then a roll call on the consent calendar.

**Roll on consent calendar.**



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

[gavel pounded]

**Hales:** All right, now we're ready to move to time certain. Item 24.

**Item 24.**

**Hales:** Good morning, Director James. We're very pleased to have you and the team here this morning. Portland is not alone, but I think significantly has made equity a deliberate effort by the community and by city government, and we're very proud of the work that you and your office are doing. And the work that you are doing with our community partners, and we look forward to hearing from you this morning. Thank you.

**Dante James, Director, Office of Equity and Human Rights:** Thank you, Mr. Mayor. Mr. Mayor and city council, I truly am pleased and appreciative to be able to be here this morning and present our annual report. I am not unmindful of the genesis of the office, and the needs and expectations of the community when the office was formulated. So I am pleased to share this report and some snapshots of some of our achievements in the last year, and a bit more than a year. I believe that we have made progress. I believe that we continue to make progress. We are continually challenged as we make this progress, but I believe that we are in a better place than we were a year and a half ago. So, with your permission, I would like to start by stating the mission of the office. The Office of Equity and Human Rights will provide education and technical support to city staff and elected officials leading to the recognition and removal of systemic barriers to fair and just distribution of resources, access, and opportunity, starting with race and disability. Working towards the accomplishment of the very large and important mission has been successful and challenging as the city of Portland takes real and conscious steps towards equity. You have before you our annual report. Before I walk through that work for you, I would like to specifically thank the outstanding work of the staff of the Office of Equity and Human Rights. Every day, their charge is to challenge perceptions and change systemic work. That's not an easy charge. And it is always challenging, difficult. Creating and having difficult conversations. So, I truly want to thank my staff and the staff of the office because without them, this would not have been able to be achieved in the way that it has. I would like to thank the many community organizations that support our work and push us to do better, many of whom are in the audience today. I would like to thank the many city employees who have tirelessly worked to support equity within their bureaus, and the work of this office, even when that may not be the popular viewpoint. I would like to thank the many bureau directors who have supported this office and its work, but also challenge those who are still on the fence to make this a year to engage more. The report you will see reiterates many of the troubling stories and statistics that so many community members brought to you when asking for the creation of this office. I ask you to acquaint yourself again with that information, those troubling statistics of our fellow Portlanders, because they will remind you why equity matters. They will remind you of why we need to start with issues of race and disability. They will remind you why equity matters. They will remind you of the disparities that exist for many residents of the wonderful city, and remind you why equity matters. A quote that we often use in our training is, an organization moves in the direction of the questions they ask. The past reporting period, we have asked a lot of questions. We have asked employees to ask themselves more and different questions. The report explains the program areas created as the office was formed and the achievements in each of those areas based upon the questions that we asked, answers we received, and assistance that we were asked to provide. We have -- I will be showing some slides, and the following slides will help to highlight some of the report. The work has been challenging. We are asked to look at creating change in an institution, an institution that has been in place for a long time. Lack of a central authority makes this work difficult. Getting individuals to understand that this work is about institutional racism and ableism, and not individual, is its own challenge. Getting individuals to understand that accepting responsibility for making the institution better is not the same as accepting blame that there is

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something wrong with it. As we began this work, we had to know what our desired outcomes initially were. And so as I move through the slides, the first slide is a list of our central one-year outcomes that we set as our mark of initial expectations for success. We would increase understanding of the institutional barriers based on race and disability, resulting in changes in the government and the culture of city of Portland's government. And we would expect and ask that all bureaus expect responsibility to reduce disparities within their scope of influence. Establishing a baseline set of metrics, develop equity tools to measure individual bureau successes and evaluate the reduction of disparities in the city of Portland. You can find this in appendix 1 in the back of the report. Additionally, select bureaus would be assisting in developing strategic plans to increase the racial and ethnic diversity of employees in the city of Portland. Select bureaus will be assisting and increasing the number of persons with disabilities as employees in the city of Portland. Increased contracting opportunities for minority and women owned businesses, and improved immigrant and refugee access to city jobs and contracts and services. As I -- I'm trying to look at time here. A couple of our guest speakers have some time constraints. I would like to go through a couple of the slides again that show some of the snapshots of our successes. We created change by creating a budget of equity impact assessment tool for bureaus to use during the budget process, which you will see as appendix 2 in the back of the report. This has been made a requirement for each bureau as they submit their budget reports. Thank you, Mayor Hales. And it will provide an opportunity for each bureau to really consider and think about how their work and how their budgets impact the work from an equity perspective. We created change by coordinating with the city's enterprise business systems team to create an online dashboard of the City's employee demographics to provide greater transparency of our diversity hiring and retention efforts. I will spend a bit of time in a few minutes really showing this to you because it was presented to the bureau directors at a directors' meeting, and they, as a whole, loved this. It is the only place where you can find truly up-to-date, current, real-time information on the demographics of the city. We created change by completing equity training for employees of over half of the city's bureaus. But I want to be clear, that doesn't mean that we trained half of the city employees because we haven't. We have trained employees from over half of the bureaus, but that may be their leadership team, that may be their city equity committee. That's not their entire staff. So, that is something that we are absolutely continuing to work on. We have created a city-wide equity committee, thanks to council, with ten hours per month of approved work time for employees who are addressing equity, who will also be presenting a bit later to you on the equity road map. We influence change, and by influencing the review of HR's policy for using background investigations during the hiring process, because it was being used incorrectly by many bureaus. We influenced changes in the grading process to the Portland Police Bureau's scenario-based training to ensure all of the scenarios are graded. That was as a result of an invitation by the police bureau to come and consult with them as we did that. And we influenced a change in the EO language on city job postings -- if you go back and look at what it was, to what it is, it's significantly different. We influenced the continued funding for the position of the city-wide title two and title six coordinator, which was essentially slated to be eliminated. We influenced change by assisting the creation of the procurements prequalification board to provide greater access and greater equity in the contracting process for minority and women-owned contractors. Much thanks to Christine Moody in procurement and the work that they did in creating that board. We assisted in the review and recommendations on the arts tax -- I will leave that one alone. We assisted in the review and recommendations for licensing of Union Cab, the city's newest cab company. We influenced change by assisting the Bureau of Human Resources on the city's model employer of people with disabilities resolution that was passed by the city last year. We assisted the leadership of the children's levy to change the language in the RFP to add greater depth, breadth, and weight to the questions, using equity as a framework. At this moment, I would pause to

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ask if there is any questions based on the snapshot that we provided here and/or anything you have seen in the report at this point regarding some of the successes that we have achieved at this point.

**Hales:** Not so much a question but we did have Christine Moody in here recently with her team talking about the metrics on minority contracting. It looks like we're making some significant progress there. So, thanks for your cooperation with that. And I think that she's being a good partner, my impression, she and her team are being a good partner --

**James:** Absolutely.

**Hales:** I was at OAME two weeks ago, and the sense in the community is that there is really an excellent opportunity for working with the City now. So, I think that everybody who worked on that, you and your team and Christine and the folks in procurement all should feel good, that's progress we made. So still more to go. But, I think that the community is getting a sense that we're serious about that.

**James:** Right. Very much so. Thank you. I would like to show you the snapshot of the dashboard that we put in place, if I can remember how to do this. This is on our website, and what you will see initially -- well, as part of OHR's efforts to gather equity data related to the city of Portland, the office found that there did not exist a single source to quickly get to the city's workforce demographic information. And after researching how the public sector jurisdiction displayed and reported on this data, OEHR approached the enterprise business systems, EBS team, about setting up a workforce demographic dashboard system. Working with BHR, who had the operational ownership of the workforce data, and the EBS team, OEHR created a dashboard which provides real-time information on the city's workforce broken down by bureau, race and ethnicity, age, and gender. You can look at total workforce demographics or by bureau or by employee status, full-time, part-time, seasonal, managerial, executive, etc. We worked with the EBS team to have this data updated on a monthly basis. It is the most real-time data you can get. OEHR will be looking to add demographic data on city staff who are identified as being a veteran or as having a disability. We'll be working with DEEP, the commission on disabilities, and BHR on the effort, so stay tuned. So many thanks go to Satish Nath the EBS team for developing a great new equity tool for data analysis.

**Fish:** Mr. Director, what's that box on the right you are sliding up and down?

**James:** Yeah, I was going to give a quick show. We'll start with -- if we click on the city's budget office, it will pull it up, specifically. So, what you will see is the information specific to that bureau. So, currently, if you look at this, there are -- this number tells you that there is one city executive who is the executive, this nine regular staff, who are regular staff, one temporary staff, and you can look down in terms of the age of the staff, and also then the ethnicity of the staff. So 81.8.2% are white. 18.8% are Asian. And you can continue to click on these, so if we wanted to remove the executive official, and it changes statistics by what you want. And so it really allows you to get specific data per bureau.

**Fish:** Can you click on housing for a second? Because it's a smaller workforce.

**James:** Bureau of housing. Where did it go? Housing. Okay.

**Fish:** And make it -- can we bring everyone into the mix?

**James:** Everyone in the mix. So, we have the regular housing, two at-will housing, three casual, I'm not sure what that means. And this gives you the demographics of it. Age group of the housing bureau. Ethnicity, 56 white, 1.82 one or more, 12% Hispanic. 14% Black or African American. 9% Asian. And 5% -- 5.5% Indian American or Alaska Native.

**Fish:** At one point, you gave us -- the comparator was the demographics of the population that we served.

**James:** That's not in here. This is purely based upon percentage of the city.

**Fish:** And at some point, will there be a way to correlate this data with benchmarks? Or is it intended to be a snapshot?

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**James:** At this point, it's intended to be a snapshot for use by the bureaus in terms of the looking at their informative action plans, their diversity or equity plans that they have in terms of the hiring, retention, promotion. Because you can break there down and look at it by who is -- what level of bureau is management by gender, by age and ethnicity, so it's very clear.

**Fish:** How often does this get refreshed?

**James:** Monthly.

**Fish:** Okay.

**Hales:** Yeah, that's great. And all bureau managers, I assume, have easy access to this?

**James:** They do. We're working -- last I heard, though, I'm not sure, is it yet able to be looked at on an iPad or a tablet? We're working on that. So, we're a bit behind. You can use your computer but not your tablet.

**Fish:** We have had -- in some of the presentations we have had from communities of color coalition, there's been a debate about some of the categories we use and how inclusive they are. Is that still a work in progress?

**James:** Yes.

**Fish:** Particularly among the Native American community?

**James:** Yes.

**Fish:** And figuring out what happens if people identify more than one protected category?

**James:** Yes. At this point, we just took the categories already in place and plugged them into this format. So, we haven't gone beyond that at this point.

**Fish:** And the reason I flag that is that we have heard a lot of people come before us saying that until we really resolve this question, we're not going to know whether there is a significant -- to the extent of the undercount with the census data. And we have to get our categories and we have to have the data.

**James:** Right, and that debate over what, whether to use census data or another piece is still a debate.

**Fish:** But what you are doing is following the federal categories, at least in this.

**James:** At this point, yes. These come from the EBS, from some SAP. So this is what the city uses in how it describes and categorizes individuals.

**Fish:** Once upon a time we were told it was going to be very hard to pull this data together. So not only have you got the data, but you are presenting it in a way that's understandable and transparent, so I thank you for that.

**James:** Absolutely. Okay. I would like -- just based on time, before we go into the equity road map, I would like to call up a couple of city -- one city director and one senior city staffer to speak on some of the work that they have done as a result of our interactions with them. And so, at this time, I would like to call up Mike Abbaté and Joe Zehnder.

**Hales:** Good morning.

**Mike Abbaté, Director, Portland Parks & Recreation:** Good morning. Thank you, Mayor and Commissioners. I'm Mike Abbaté, Portland Parks & Recreation. I just have to say, in my just shortly more than two years as the Parks director, this issue of our workforce and how we engage the community has been core to our mission, and it's been one of my top priorities. It was for Commissioner Fish, and it remains for Commissioner Fritz. And I have to say, that the timing of bringing Dante and creating the office has benefited us as a bureau very greatly. As one of the bigger bureaus with 430 permanent positions and 3000 part-time positions, the scale of the effort required for us is great. And, Dante and his team, Joe and others, have been amazing resources for us. I'm going to just touch upon a few things that we do that we couldn't have done as well without OEHR's support. We have a mobile playground program that goes out in the summertime and takes parks to places where people don't have parks. And one of the key goals is to engage particularly new Portlanders to parks and recreation physical activity. That conversation with how to better serve



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needs of new Portlanders, sort of began a conversation with frontline supervisors. As you know, the head of that program, Jeff Milkes, and many community representatives. The work that they're doing is applying an equity lens to where do we take the mobile playgrounds? How we allocate resources and how we hire the staff that work on the climbing walls and the other activities. OEHR helped us engage with the community members to find better locations, and to find ways of hiring staff from the very communities that we're trying to serve. What has been accomplished in the program thus far, and in the last two years, is greater than the sum of its parts in providing a foundation and a template for how to broaden the way that we do engagement in communities that maybe traditionally haven't -- we haven't engaged very well. Another thing is, annually, we do an employee survey of all of our employees. And this year, our participation rate jumped by 25%. It was huge. But, one of the concerns that I had heard from staff is that our equity questions in our employee survey were not very robust, very telling, very helpful. And so again, Dante helped us turn basically one question into seven questions that helped us to really drill down into our workforce. We are going to be moving forward with a new position in the bureau, an equity and inclusion manager position, and as that has been in discussions for well over a year, I engaged Dante to help us with sort of best practices. How do you write -- what is the job description, what are the characteristics that we're looking for in our bureau to help advocate. And that's been, that's been extremely helpful. Finally, OEHR has provided consultation, support, training, and advice as we have developed and implemented a new program that we call PREP: Parks, Race, and Ethnicity Project. If we were trying to make sure that we serve all communities in Portland, we need to know who is using our services. And that -- our demographic information to date, to the last couple of years has not been collected. How we collected that information, what questions we asked, how we train our staff, all of that, the Office of Equity and Human Rights has helped advise us. I will say, this has been a change in the way that we do business, and conversations with people over a counter at a community center about race and ethnicity is not something that our staff had been equipped and trained for. And with Dante's help and his staff's help, we have seen amazing progress that we now have data to compare who is using our centers, who is not using our centers, and do our programs meet needs. So, I just want to publicly thank the Office of Equity and Human Rights, thank the city council for creating that and appreciate the resource that it is to parks.

**Hales:** I'm looking forward to seeing that. Actually, it's an interesting juxtaposition as having you two as bureau directors here. Because, your bureau, you know, we have got a lot of new Portlanders and a lot more diversity in the city. Your bureau is a test case on the services side of whether we're able to reach and serve that much more diverse community. And so, it's -- I know it's a subject you care a lot about, but now you have the data to see how we're doing. I'm going to be very interested in seeing that. And I bet the rest of the council is, too, because that's a real -- you are a real indicator of, in terms of the sheer number of people that you serve, the kinds of venues, everything from the community centers to, you know, soccer programs, we're going to know if there are groups and categories of Portlanders that are not -- that are being left out. And that's going to be very useful. And on Joe's side, I'm sure we will hear this from you, you are inviting people to participate. And again, culturally and historically, some of the new Portlanders come here from places where, you know, they had no say in city planning in the country that they came from. And so, are we getting that point across? That yes, you do have access to the process? And are we making that a central connection with the diverse communities that we want involved as citizens, just as you want to serve them as customers, if you will, of the Parks system. So, I think it's an interesting combination of partners that you brought us this morning. Both cases, we really know whether we're succeeding or not.

**Joe Zehnder, Bureau of Planning and Sustainability:** Well, great. Good morning, I'm Joe Zehnder, I'm chief planner with the bureau of planning and sustainability. And I'm really echoing the kind of comment that Mike Abbaté just gave. Reflecting on the value added that we have seen

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from the Office of Equity and Human Rights. The office has worked a lot with the bureau of planning and sustainability over the last year plus. Especially on two major projects that we have going, the comprehensive plan, the next 35 years of the city, as well as the climate action plan, similar time frame but focused on climate change and energy conservation. And the kind of activities that they have helped us with have been extensive, and they range from design of how we do the work, the outreach and getting to people, as well as participation as an equity lens or someone bringing equity considerations to the discussion of the actual policies that come out of the plan. So just on the comprehensive plan, just some examples of how this has worked. At the beginning of that process, early on, we are challenging our planners, our staff, to start to bring equity considerations into their work because that's, you know, the front line of how the things get formulated and discussed with people. And their understanding of how to think in those terms and reason through with that is important. And Dante and Judith Mowry with the office of equity and human rights, designed a training for our comprehensive plan team so that they as a team and a cohort could grapple with the issues together and conducted the training. We start with laying that foundation. And then our main sort of person we've been working with on the comprehensive plan has been Judith Mowry. And Judith helped us recruit for the phase of the project that we call policy expert groups, but it was a big public involvement piece to formulate the plan on different topic areas and we needed to have representation on those groups, and we also needed to know how to even talk in those groups and make sure that we had equity issues on the table. So she helped us with the recruitment, she helped us with the contracting, and actually, the training of the facilitators that we got to run that process. She helped us with the training for the policy group members themselves, so even the citizens we brought in to participate in that group giving them sort of a foundation of how we want to try to start talking about equity considerations in our work. Beyond that, office of equity staff participated in the pegs, and devoted a good deal of time to the development of the comprehensive plan. We had Polo Catalani as a member of the community involvement peg, and Judith was on the economic development peg. So here's an expert, or someone active in working in equity, not economic development, brought into that discussion, but to help stir the pot and keep the equity issues flowing amongst the discussions of what -- of folks who were more expert maybe in the subject matter. At the end of that whole sort of public involvement process, we were getting feedback, too, especially from members who were involved with equity issues, that they were concerned that they were each in their individual topic areas, and enough of the integration across those was not done. So in those choices between types of areas is where they felt a lot of the equity considerations were going to happen. So, Judith, hearing those comments, approached us and organized on her own or with us took the lead in organizing a cross peg group on specifically the topic and issues of equity, and we ran draft recommendations coming out of the plan through that group. So, it was an evaluation in real-time, a discourse around equity considerations for what's coming out of the comprehensive plan. And Judith took the lead on both hearing it, and making sure that we were responsive to that concern. And in the past we have might have just kept rolling because of time pressures. This was judged as important and she helped us do it. There is a similar story to be told about the climate action plan, but I will save that for now on just to reiterate that. On these projects, and in our endeavor as a bureau to try both in terms of how we do our work and what that work is focused on, equity considerations and reductions and disparity, the Office of Equity and Human Rights has added a lot of value. Thank you.

**Hales:** Thanks.

**James:** Thank you, gentlemen. You know, our charge, at least as we see our charge, is truly to focus on policies, practices, and procedures of the city. And how do we adjust those, how do we look at them, what questions do we ask in order to make them more equitable. And so, that is really how we bring this work in asking questions. So, I truly want to thank those particular individuals, but, many of the bureau directors, and many of the employees in the city who are willing to really take a

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different way and a different approach to how they do what they do, because that's what this is all about. You cannot expect something to change, expect a different result if you don't do something differently. And so, we are specifically asking people to do things differently, and that's not easy. We're asking them, asking folks to think about race. That's not easy. To think about disability, that's not easy. Those are not easy conversations. And those are the conversations that we ask people to have every day. And so, many thanks to those who are willing to step out of their comfort zone and have those conversations and look at things differently. At this point, I would like to transition a little bit to some of our city-wide equity committee members who will give a brief explanation and demonstration of the template for the bureau of equity strategic plans or equity the road map. Each bureau, as you know, will be expected to prepare an equity plan for their bureaus that covers a wide range of things, with expectations and with outcomes and specific concrete examples of what they will do. And so, the city-wide equity committee has been working tirelessly. It's amazing what they have done. And as a whole, and that they -- they think that they can get this donning in ten hours a month, which I know is not the case because it's much more. But I think that you will see when they present this tool to you, that it's an amazing tool, that it will be beneficial to all of the bureaus, and the city as a whole. So, at this point, I would like to, you to invite members of the city-wide equity committee to come up. I think that we have Kyle Diesner, Desiree Williams-Rajee, Jennifer Chang, and Daire Elliott. I will move out of the way so Number can sit by the computer.

**Hales:** Good morning, and welcome.

**Jennifer Chang, Portland Housing Bureau:** Good morning, Mayor Hales and Commissioners. I am Jennifer Chang with the Portland housing bureau ending homelessness initiative. The CEC was charged with developing guidance for the bureaus to develop racial equity plans. This is a refresh of the city's former diversity development strategic plan – initiative several years ago. Over the past nine months, we have created what we're calling the racial equity road map. It was developed by city employees from many bureaus, supported by OEHR, and builds on effective local resources, including work from the partnership for racial equity strategy guide, king county, and the city of Seattle, all hands raised, Multnomah county, and the city's own title six and affirmative action planning efforts. The road map specifically address the racial equity in the city of Portland. It goes beyond a simple checklist of dos and don'ts, and provides a tool or a map, if you will, for bureaus to dig deeper into structural issues, such as how we run programs, what policies exist that pose either barriers or provide opportunities for us to promote greater racial equity. The road map will present -- consist of four phases. This is taken straight from the racial equity strategy guide. The first phase is for the bureaus to conduct a baseline assessment, see where the current state is. The second phase is to set goals and actually develop a racial equity plan for the bureau. And the third phase is to implement and the fourth phase is to report and conduct ongoing evaluations. So, it's really meant to be a cyclical process and a tool for bureaus to use year after year. Starting later this month, eight bureaus have volunteered to do a six-week component review, is what we're calling it, of the road map, and this will really provide us the opportunity to get valuable input from these bureaus on how to strengthen the tool before it's finalized. Two other bureaus will perform a full pilot over the next several months, and we can provide a list of the bureaus, if you would like. The CEC members and OEHR staff will be reaching out to each of your offices over the next couple of months to discuss the road map with you in more detail, answer your questions, and also hear your ideas. Once the review process is complete, the draft will be revised in mid-March, and made available to receive additional feedback from bureaus and also community partners. There will be many opportunities for the Commissioners, offices, bureaus, staff, and to provide feedback and form the final version of the road map. We're really excited to give you a very brief preview this morning, but before we get to the actual tool. I would like to pass it onto my colleagues at the bureau of planning and sustainability, Desiree Williams-Rajee and Kyle Diesner. Desiree will talk about the philosophy behind the development of the tool and Kyle will walk us through the actual tool.

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**Desiree Williams-Rajee, Bureau of Planning and Sustainability:** Thank you, commissioners. This baseline assessment is based on the concept of change. Change towards the city government that can better meet the needs of all its residents as a diverse, anti-racist, multi-cultural institution. In order for our bureaus to change, we must know three things. One, where we are starting. Two, where we are headed. And three, how we can get there. In racial equity work, one of the hardest things to envision is what it will look like to achieve our racial equity goals, given that we do not have a moment in our history to pull from where institutional race inequity has not existed. Fortunately, we do have visionary thinkers locally, regionally, and nationally that we have leaned upon to develop this road map. Underlying the assessment is a continuum for organizational development towards racial equity. It's much like you might expect for a child development continuum. Each step along the way shows an evolution towards maturity. This assessment helps you to know where you fall in this continuum in order to have a vision for where your bureau needs to go and how to create an actual plan to get there. This is a journey. The assessment includes statements that show where bureaus can aspire to be. The goal is not to get straight As, but rather to have a better understanding of where we need to grow and how we might target strategies to make meaningful progress. Looking forward to the launch of this process, we see the role for the CEC and OEHR to provide support to bureaus in order to make progress towards these goals. Thank you.

**Kyle Diesner, Bureau of Planning and Sustainability:** Thank you, Mayor and commissioners. I would like to give you a quick tour of the tools, so if we could pull the laptop up. So, this tool has been built to provide all bureaus with the single resource that includes all phases of the road map, and provides guidance and clear direction for how to proceed. The tool will have a five-year life and will show each bureau's progress over that five years. And so, what you see here is the first tab is a dashboard that includes many of the key racial equity metrics that are already required for affirmative action and title six reporting. And we'll break that out and display it for the bureau, and I'm not going to go into a ton of detail here, but you could see that it's graphically represented as the data is entered. The second tab is the assessment that Desiree was talking about that really is based on this continuum. And there's 41 questions that the bureaus would complete for each division within their organization. And the 41 questions all fall into the categories, organizational commitment, leadership and management, workforce, community access and partnership, contracting, data metrics and continuous quality improvement. And as you select these, you select on the scale of zero to five on this continuum. Zero being this isn't relevant, this isn't work that our bureau does, all the way to the other end which says this is something that we do regularly and we model it for others. And the color coding on here helps to show bureaus where they are on that continuum. There is an analysis tab that shows where, throughout the organization, bureaus may need to develop actions to improve based on any of the 41 equity practices. So you can start to see, is this a solitary issue with a single division, or is this a bureau-wide problem that we may need to address. The tool also includes a place to develop your plan where you actually will list out the specific actions that the bureau is going to take over the next five years. You establish objectives, what is the objective of that action, define who is going to be responsible for completing that action, and the timeline and setting progress indicators so we can track our progress over the five years to make sure for each action, we know what the goal is and how we track getting there. The tool also includes progress reports for each of the five years, that pulls over the actions from the plan tab and allows bureaus to respond with the status of their action as well as the progress indicators to-date, challenges and successes that they have had. We also have the opportunity to ask for support from OEHR or the city-wide equity committee. So if every action on the plan, the bureau can say, I really need help getting this done, and we can follow-up with them to help provide some guidance and whatever type of support that they need. All of our bureaus are extremely busy and have limited resources, and at the same time, the work of advancing racial equity is extremely important. The CEC and OEHR will be resources for the bureaus to navigate this process and resolve issues that



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develop. We look forward to supporting each other throughout this process, and we will report annually back to council on the progress that has been made. And with that, I would really like to thank you for this, and we'll bring this back to you after the pilot to show you the final version. I suspect that we'll be able to prove it substantially.

**Hales:** Questions for the team? Nice piece of work. Thank you.

**Diesner:** You're welcome.

**James:** Me again. As you could see, it's truly a phenomenal document that wasn't done in a week. It took a lot of time, a lot of work, and a lot of assistance, and much of it and a good deal was drawn from our community partners. The Urban League, equity strategy guide, the assessment that was put together by All Hands Raised to be used for the school systems in Portland. So, a lot of this comes from other documents that we put together with their permission, and because of the great tools that the community partners have already put together. Some of this didn't have to be reinvented, so it is a wonderful document. I think it will be very useful. It's not designed to be done in a week by the bureaus. There will be a significant time period because they will have to go to the steps to really be considerate and considering and thoughtful about how they respond and answer and create their own guidelines and outcomes expected for this document. As you know, the office was essentially tasked with making changes and oversight of city processes, city policies, practices, and procedures. But not with any exclusion of the community. And if you look in the report on page 11, you will see many of the community groups that we have worked with over the past year and the work that we have done with them. I'm not going to go through these, but at this point, I wanted to bring up a couple community partners who can speak to some of the work that we have done in relation to them, and invite them to come and offer thoughts about the office, given the hard work that the community members put in to get the office created in the first place. So, at this point, I would like to invite Mr. Michael Alexander and Sharon Gary Smith.

**Hales:** Come on up. Good morning.

**Sharon Gary Smith:** Greetings, Mayor and commissioners, and community members. For me, this is quite a powerful, engaging and political moment to sit in front of you when I recall sitting in front of then-Mayor Adams and commissioners and striving to articulate the desire to have a set of measurements and intention on the part of our elected officials to recognize the disparity between what we say is a wonderful community, access opportunity, the elevation of all of us to expect that we are represented, that we can work, that we can contribute, and the reality of Portland, historically, in that moment, in that time, still the inequities and disparities, the racial realities for so many of us were so clear but not evident in the practices. I recall having the push-back from commissioners, who wanted to question the necessity and the benefit of clear, documented equity movement in this city, the major city, in Portland. I recall how it felt to have to fight for being included, having voices raised, and evidence in the city government that we were visible, that we were participants, and that we mattered. So, today, to look at the results of an office that was constructed with purpose and intention to name the issues, to prepare and to provide opportunity for this city government to work better and to work internally at recognizing and elevating an understanding that all of us make up the city of Portland, have skills and opportunities, but barriers that those for whom it works well might not see or have to claim. So, I am excited to not sit here in contentious mode, but to sit here as a fourth generation activist, a civil rights activist, an equity and an advocacy activist, and to be excited at the results of what might have been an experiment to some, but was a real gut check for others about what Portland cared about, what our government wanted to be about, and where all of us in this room and outside it could actually see the evidence of things not seen at that time. Mr. James talked about race and he talked about ability, and disability. And I can tell you from being an African American Oregonian that it is a conversation that happens in Portland. Quietly, even subversively. That it is always on the minds of so many, even in polite society, but to raise it up as a value, to raise ability and opportunity and accessibility and equity, to

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do it deliberately, only improves the government that we the people have voted in and expect to operate for all of us. So, it is exciting to see metrics. It's exciting to see bureaus being challenged and having opportunity to work better at understanding, at expanding their knowledge, and to do the work that serves all of us, includes all of us, and gives each of us an opportunity to bring our skills, our talents, and our treasures forward to make this city work in a way that serves each of us. It is an exciting moment to see what Dante James and this office have done in collaboration, in partnership, with each of us, with organizations that have always been on the line to serve people who are most marginalized, and to elevate and raise the bar for each of us in this city. That has happened, it hasn't happened overnight. The movement towards forward is actually in process, and it is an exciting time to talk about a city that can work, that will work, for cultural understanding. Where race will be talked about, but not as a side show, but as evidence that we get it. And getting it for those who don't have to get it is a more difficult process. But what happened as a result? What can happen when this city begins to show evidence that there is so much more creativity, there is so much more value, and that your investment in being a racially conscious and not racially exclusive city is in the best interest of all of the citizenry. So I am honored to see a sea change and know that the Office of Equity and Human Rights is at the forefront, on the basis of your votes and your leadership, in creating a Portland that has historically been seen for roses and water, and even beer. But a city that doesn't just pretend to talk about equity and opportunity and economic justice and environmental justice, but practices it. And once you practice, as I learned from my mother and all the community members, once you practice, you begin to get better at those things that you never foresaw that you could do. So, I am honored to stand and sit in the city with an equity vision, a mission, and a performance measurement about what it looks like. And I thank you and the office, and I thank you for persevering even if it might not seem possible. Because we are your constituents, and all of us matter.

**Hales:** Thank you. [applause]

**Michael Alexander:** Good morning, and thank you for the opportunity to speak today. I am Mike Alexander, and I am here representing the Urban League of Portland. I traveled back east for the holidays. Because I had moved around frequently over the last 35 years of my career, I always enjoyed getting back to New York City, to the people and the places that were a part of my growing up. But, for the last eight years, unlike those trips back in the earlier times, it was very different for me because for the eight years that I have lived in Portland, I have never been hesitant to leave New York, and to come back to Portland. It's become my home for many reasons, too numerous to mention. But one that I do want to share that makes this a very special city for me. When I am asked why I'm drawn to Portland, I often say, that one of the city's most redeeming qualities is that it's willingness to be bold and to sometimes fail at the right things. I felt that way when the fluoridation ballot measure was in full swing here, and we were strongly supportive of it. I have the same feeling towards the current struggles in this chamber to establish an acceptable standard for the use of force by the Portland public -- the Portland police department, and to grant the needed authority to the IPR to seek redress on behalf of our citizens when that level of force is exceeded. But nothing illustrates this quality of this city advancing down the road less traveled for me more than the creation of the Office of Equity and Human Rights. For the last two years, under the leadership of Commissioner Fritz and now, the Mayor's office, we have set a standard that I believe can challenge us to be a better place to live for all. I recalled the consternation by some, the bemusement on the part of others, and the utter confusion by many in this city as to why Portland was in need of such a department during a budget crisis indefinite period. The past two years, however, have demonstrated that there is much to do here, and this city is not immune from the historical vestiges of policies, practices, and beliefs that are a carryover from a less enlightened and inclusive time in our history. And where we have systems of government that, in some ways, still reflect practices and institutional beliefs that were formed before we decided that all people deserve to be treated not

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only equally, but fairly, and in a manner that acknowledges that past inequities had to be owned and mitigated. And so while many of the people here today both applaud the city for creating the office of equity and human relations, and we are equally mindful that its creation was only the start of its work. Director James and his staff can neither fully represent its impact, nor embody the mission on behalf of the city. Their work is to promote the ownership by all bureaus, not only their core beliefs, but in their operations and their practices. The work of this department and its impact will not be determined by Mr. James and his staff, it will be determined by the work of the bureaus reporting to you and by the support invested in the role that Mr. James occupies by the Mayor's office. Whether that work is being openly embraced by each of the bureaus, quite frankly, is still an open question to many of us who advocated for its creation. And it's our hope that the year ahead will provide clearer evidence of its impact uniformly across all city departments and bureaus. The Urban League was pleased to partner in the work of advancing the creation and the momentum that is being gained by this office. We are proud that our equity strategy guide was one of the modules of information used to build the strategy. And our hope is that going forward, we will continue to see evidence of the commitment that formed the department, and quite frankly, the expertise that leads it. So, I thank you for the opportunity to speak to you today.

**Hales:** Thank you both. Thanks very much. Questions? Thank you both. Well said.

**Smith:** Thank you.

**Alexander:** Thank you very much. [applause]

**James:** Cognizant that I am a little over time as I finish up. Looking ahead on what's on the horizon. The governing for racial equity conference is upcoming. It's a regional and national conference of government entities working in this cutting edge area of bringing greater equity to their constituents. It will be hosted in Portland by our office and by Multnomah County's office of equity and inclusion, March 25 and 26th. It was last year hosted by Seattle's office of civil rights, and had almost 600 participants, some as far away as Maine. We will continue to provide education and training in technical support. The need to continue to explain that increasing diversity is not necessarily increasing equity, that treating people equally is not treating people equitably. That there is still a disconnect between what we do and what we say. That the 49% of children in Portland public schools who are children of color are our future, and our future is here. The joke that Portland is the biggest, whitest city around, belies the fact that one person in four is a person of color and one in five is foreign born. That the city has a long way to go before it actually is a model employer of people with disabilities. Change is inevitable, growth is optional. We are changing and we are continuing to grow. So, I thank the Mayor and the council and members for their continued support of the work of the office, and of equity in general throughout the bureaus. I would ask you to check in with your bureaus and ask what, specifically, they have done to add equity to their work, and an equity lens to their service delivery, or add an equity lens to their internal practices. So, I ask you to accept the report of the Office of Equity and Human Rights for the past year's work, and thank you for your time, and I am happy to take any questions.

**Hales:** A great presentation. Thank you. Other questions for Dante?

**Fish:** We have a lot of people signed up.

**Hales:** We have some folks signed up to speak.

**Moore-Love:** We have four people signed up.

**Novick:** I had a couple of questions and comments for Mr. James. Three things, one is that I have had conversation recently with Director Treat of transportation about whether -- when we do outreach to solicit public input on specific project proposals, how good of a job do we think that we really do in reaching out to people of color, and immigrant and refugee communities? And I was impressed to hear what Joe Zehnder had to say about your involvement with BPS about improving the local outreach, and I hope that you will have the capacity to work with Leah on that issue.

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**James:** She's been a very big supporter of our work in our office, and she and I have had brief conversations, so I have no doubt that we will engage in that more.

**Novick:** Another question I have is, looking at the budget equity assessment tool, you have asked the bureaus the question, will this budget proposal increase, reduce, or eliminate programs vital to or disproportionately needed by communities of color, immigrant or refugee committees, and people living with disability? And what I would like to be sure of is that when bureaus respond to that question, that they are not just saying well, our budget is the same as it was last year, so, no, it does not have much impact. But I would like to see sort of more details discussions of, within big bureaus, which of their programs are more important in terms of from an equity perspective. For example, last year when we were talking about do we eliminate the mounted patrol as opposed to making deeper cuts to the property and crimes investigations unit, etc., I think that it would have been useful to have sort of equity perspectives of those trade-offs within the bureaus. So I hope that, in addition to asking the general question, you will be able to engage with bureaus of those intra-bureau questions.

**James:** I guess I will engage as much as they ask me to engage. This is designed, as a very general tool, because I could have written, or we could have put together a ten-page document. But the idea is to give them the generalities to then begin to ask the deeper questions. And also, to provide you council members with the opportunity to take a look at what they should be considering and engaging in their own bureaus, and ask those questions come budget presentation time. So, a little bit of both. Some bureaus have engaged, and we've engaged. Some haven't. Many haven't. So, you know, playing hopscotch, bureau by bureau asking them is not what we are planning on doing.

**Novick:** Okay. A third thing is, I was wondering if you've taken a recent look at the budget mapping tools that the various bureaus use? Because, I mean, obviously, there's some relationship between geographic distribution of money and the impact on various communities. And the way that the bureaus allocate their money differs by bureau. And not to pick on Mr. Abbaté, but one of the decisions that Parks has made is to say that there are parks of regional significance, like Forest Park, which are not created as neighborhood parks that just -- it's not created as a neighborhood park that just benefits the west side. It's considered an asset but then benefits the entire city. And I can understand the argument for that, but I also kind of suspect that Forest Park is more used by people on the west side than it is people in the outer east. And I was wondering if you got the capacity to sort of take a look at the way the bureaus have done their mapping allocation and maybe offer some suggestions as to how those might be improved.

**James:** The honest answer is no, Commissioner, we have not. Although, it is certainly something that we can delve into, and I can begin to ask those questions and see what comes of that.

**Novick:** Thank you.

**Hales:** That mapping tool was put together with some considerable effort and could, I think, integrate with what you are doing.

**James:** Absolutely.

**Hales:** Other questions? Thank you very much. Let's take public testimony then.

**Moore-Love:** The first three, please come on up.

**Hales:** Are they here? Have others signed up? All right. Go ahead.

**Barry Joe Stull:** Yes, Barry Joe Stull. I already mentioned this morning that the sidewalk management ordinance was passed in violation of the city charter. But nevertheless--

**Hales:** We're here about the equity report.

**Stull:** I said nevertheless, and I appreciate if you don't interrupt me. I do have a disability, and that just makes things more difficult for me. I have a central pain condition. It's a result of a spinal cord injury. But as a person with a disability, I am active on those issues, and I perform as a street performer at the 846 southwest Taylor, I mean, Southwest Park, and the corner of Park and Taylor right by Director Park. And the Regal Cinema there, for years, had theater stanchions that they



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placed on the public sidewalk. And I know how long it's been because I've got some stuff on YouTube, and I extracted a photograph from that. And that had to be before Commissioner Fish had the Occupy Portland encampment evicted, and the Portland police threw out the man, that we can watch on YouTube. So that was since 2011. So, on a daily basis, including up to about six months ago, Regal Cinema was allowed to just put on ADA violations right on the sidewalk. And I know we've heard a little bit this morning already about issues with homeless people and what not. And I know there are pregnant homeless people who have been given sidewalk warnings and tickets. But, here's a business that's putting out an ADA violation on a daily basis with impunity. So we certainly don't have equal enforcement in this community. And I think one of the things that speaks to that louder than I could is the fact that the United States Attorney sued the City of Portland for the Portland police using excessive force for persons with mental illness or perceived to be mentally ill. I'm one of those perceived to be mentally ill because I have the guts and integrity to point out just how hollow these things are that you are always posturing about and it actually sickens me. I hope that we can address these things. I spoke with Commissioner Saltzman today about how my nonprofit affordable housing landlord who evicted me has a five-plex that is vacant right now. How can they get away with that, housing commissioner? I gave you a note December 18th and you didn't even get it? How can we take these things serious if you don't? Thank you for your time. I'm leaving.

**Hales:** Good morning, Mark.

**Mark J. Hofheins, Jr.:** Good morning. Mark J. Hofheins, Jr. with UCARE. First off, I would like to say I'm happy here that they actually have a report on the homeless issue. Only downfall I have as it stands now is -- as it's been addressed currently today, there are being sweeps done again, which I don't comprehend as to why you even continue to allow these sweeps. Simply because some ignoramus is driving in a car, money in his pocket and roof over his head thinks that he is better than somebody. That's incorrect. That's why this equity thing stands. There is a reason for equity. Because those people that are treated lesser need to be raised up and not treated like lesser and treated like criminals simply because they're poor or they are unable to afford housing. Second off, again, I would like to address the fact that if you guys want to meet this 10-year plan, build a shelter. The argument has been simply this, that not everybody use it. Well, guess what? People will. That's what we need to focus on. Who cares who won't use it, because then you can divide them. Then you actually have authority upon the streets. Because those people that actually want to make a change can go into that place and actually get off the street and actually lift themselves up and you can afford them the opportunity. And then, again, like I said prior, you have met your 10-year plan to end homelessness, because you have at least, at minimum, afforded them the opportunity. Thank you.

**Hales:** Thank you. Okay. Anyone else signed up? Let's take a motion to accept the report.

**Fish:** So moved.

**Saltzman:** Second.

**Hales:** Any further discussion? Okay.

**Item 24 Roll.**

**Fish:** I want to begin by thanking Director James and his team. Commissioner Fritz, who is sick, but is no doubt home watching us and grading us as this thing goes forward, so, we wish her well. And Mayor Hales, you, as well, all three of you and your teams for your leadership in bringing us to this day. I was proud to vote to support the creation of the Office of Equity, but as we said at that time, the hard work was to follow. And you're now doing the hard work. A couple of years ago, Deborah Kafoury and I co-chaired the complete count committee, which was set up to bring the community into the conversation about the census. And one of the things I learned from that experience was, because of the categories we use and because of the inadequate resources to do the outreach, we undercount groups. And when we undercount groups, what happens is we get fewer dollars from

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other governments like the federal government, to address community needs and it becomes a self-perpetuating problem. We also lose something else. We lose political clout. We had actually hoped in the last census that we would be able to document enough population growth to earn a new congressional district in the state of Oregon which would magnify our voice in Washington. It did not happen. But we learned a lot about counting and categories, how people identify, and we had wonderful community conversation about doing a better job. So, what's our goal here? It was said so eloquently by one of our speakers, our award-winning speaker, when she said it's about -- it is a challenge about a better place for all. For all. We love the city. And some of us have been here longer than others. But we love this city. But we understand that we need to do better for all. And if it is not for all, then we have fallen short. What does it mean to address inequities and disparities? Let me just give you a concrete example, because it's an example of how the focus and the coalition-building changes things. A year and a half ago, the speaker of our legislature said she would make as her number one priority removing barriers to section 8 voucher holders. Now, that's a big deal. \$50 million coming into our community for section 8. The largest housing program in America, largest housing program in the state of Oregon, largest housing program in the city of Portland, and yet under the law, you could run an ad in the Oregonian saying no section 8 need apply. Well, we took a look at who was applying for those units. And guess what? Disproportionally they were black and brown, older, disabled. Guess what, they were people protected by our civil rights laws, but not protected when it came to finding a place to live. And so, Oregon took a big step last year, and I compliment Speaker Kotek, and the legislature, the governor, coalition, many of you who fought to make this change, and we said no. A section 8 voucher holder henceforth will have the same rights in terms of choosing where to live as any other prospective tenant. And we will not allow a de facto red lining to occur that prevents people from choosing where they live, raise their family, and what schools they send their kids to. Well, we didn't get that right until 2013. So, reminds us this is a constant struggle and we have a lot of work ahead. But we learned in that fight, that if you have strong leadership -- because section 8 reform would not have happened without a speaker saying it was her priority -- and the votes were very close in the senate -- if we have a coalition, if we have a vision, and if we have the will to change things, we can do so. To me, that's our model. That's our ultimate goal. And if we're going to tackle historical inequities and disparities, we better be very focused and we better have a big team that drives that agenda. I thank our friends at the Office of Equity for coming forward today. I thank the community members that have worked so hard to support their work. I thank everyone who testified. This, again, is the beginning, not anywhere near the end of our journey. But you've set out some clear goals and you challenged each of us through our bureaus to achieve those goals. And you set up a vision for a better Portland. And I'm very proud today to accept your report and to do my part to further this vision. Aye.

**Saltzman:** Thank you, Dante and your staff for a great report. And I was very impressed with the dashboard that will be a very useful tool, I think, for all of our bureaus. And I wanted to thank you in particular for your work with the children's levy as they prepare now to issue RFPs for investing some \$10 million a year in proven programs that are going to make a difference in young peoples' lives. You have been helpful to us in dealing with issues around equity and making sure that our dollars are going to reach those young people most in need. I appreciate all of the work that you've done. I know that the initial goals for the office were to deal with racial issues and those with disabilities. I guess at some point, maybe through our budget process, I guess I will be asking the question, is it time to expand the focus of the office on GLBTQ issues, issues of older adults, other issues out there too. I don't know if there's time to expand, but that is a question I will be asking at some point and I'll appreciate your thoughts at those times. Good job. Aye.

**Novick:** I would like to also express my appreciation to everybody who worked so hard to create the Office of Equity and everybody who testified today. And this, for me, has been a reminder that the Office of Equity that has value in and of itself, but also its value is enhanced by our willingness to

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use it. And it's up to us to ensure that our bureaus engage with the office and take full advantage of its capacity to advise us on our budgets, on our outreach, on everything that we do. And I just want to state my commitment that I want to make sure that my bureaus are engaging with the office as we make specific project decisions, policy decisions, and as we draw up the budget. In this year's budget cycle, I want to make sure that we all as a council on all of the bureaus and budget as a whole, are taking advantage of the office's capacity to analyze the impact of the financial decisions that we make. Thank you very, very much for the report, thank everybody for testifying today. Pleased to vote aye.

**Hales:** Great report, great testimony. Thank you for this opportunity for all of us to check in on this important work that we're doing together. I think this discussion has really highlighted the big question of, how do you change a big institution? We hear it here in this room. One, you have to have a clearly stated intention. This is what we need to pay attention to. This is where we want to go. And then secondly, you have to back that up with a commitment both in the heart and in the budget to do the work, and I think we're there. We've done that. We need to maintain that. And then it is a thousand little things that start to show you whether you're making progress or whether there is still more work to do. We got some vignettes of that here this morning. If the Parks bureau is thinking about whether our aquatics programs are culturally suitable for all of the communities that we serve or whether we have a problem there, that's progress. If east precinct is deliberately reaching out to the Somali community because there is a large concentration of Somali new Portlanders in east Portland, and there is certainly every reason for folks that recently immigrated from Somalia to wonder about trusting the police. But the east precinct has been working really hard with Polo's help, and others, of building that kind of dialogue. That's progress. You can also look around at places that we haven't made that kind of progress yet and know how much more work we have to do. So, I'm looking forward to the next chapter of this work as well, not only because I have the privilege of working directly with Dante and his staff, but because I have bureaus that have work to do and more progress to make. I think what you're hearing here on the council -- and it is a shame that Commissioner Fritz is no doubt watching from home, coughing, because it looked like she was not going to make it in today when I saw her yesterday. For her not to be here, she has to be pretty sick. So, Amanda, we wish you well and soon. All of us, including, especially her, are fully committed to continuing this good work. Thank you for the progress thus far. Aye. [gavel pounded]

**Hales:** Let's take a two minute break and then we'll move to our next time certain.

At 11:12 a.m. Council recessed.

At 11:20 a.m. Council reconvened.

**Hales:** Okay, good morning. We'll ask the council to come back to order and we will get ready for the next item. Go ahead.

**Item 25.**

**Hales:** Commissioner Fish is going to lead off.

**Fish:** Thank you, Mayor and colleagues. I will make a few brief remarks and turn it over to Commissioner Novick. And we're going to introduce our distinguished panels. We have two panels today and then we will have a council discussion. I want to begin this morning by acknowledging that here in Portland we have the best quality water of any city in the country. The water comes from the Bull Run watershed, which is a marvel of nature and a treasure that this community has invested in over the last 115 years. We have a bureau of environmental services, which is a national leader in a movement called the green infrastructure movement, which is basically harnessing nature to address our stormwater needs while saving rate payer dollars. Today, Commissioner Novick and I are proposing an unprecedented new partnership with the Citizens' Utility Board, a respected

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statewide advocacy group, to join us and provide outside, independent advocacy for our residential rate payers. CUB has a 30-year track record of standing up for rate payers and saving them money. And they are, as I have learned, highly respected across the spectrum. The action that we're proposing today is consistent with the commitment that this council and I have made to enhancing accountability and transparency and to stabilizing rates. I want to thank my colleague, Steve Novick, for first raising this idea and sharing it with me. There are very few original ideas in government. What we often do is we borrow and we steal and we advocate, and I want to give Steve credit for first championing this idea. For a very brief period of time he was in charge of the water bureau. In fact, for these of you keeping track, I'm the fourth commissioner in charge in the last 13 months. But it was during his brief window that he had a fateful conversation with Mr. Jenks. And I want to say that to the question that sometimes gets raised, you know, why bring CUB in, why now? And the truthful answer to that is, I wish we were having this conversation years ago. The more I've learned about CUB and the way they mobilize rate payers and advocate for the interest of our residential rate payers, the more I've learned about the creative ideas that they bring to the table and how they help particularly, historically, our private utilities do their job better. The more I learned the more confident I am that they can help us do our job better and that after all is our most important task. With that I want to acknowledge and thank Steve and turn it over to him for a few comments.

**Novick:** Thank you, Commissioner. Looking back through my calendar, I find it was on March 5th that Bob Jenks came in to see me about the idea of CUB taking review of our water and sewer rates into their portfolio. And I found that a highly intriguing idea, because CUB has spent -- is it 29 years or 30 years, Bob?

**Bob Jenks:** This fall, 2014, will be our 30th anniversary.

**Novick:** So, nearly 30 years developing a reputation as an effective and highly professional advocate for residential rate payers for the electric and gas utilities. And both parts of that are important. The professional part and the advocate for residential rate payers part. The industrial and commercial big business users of electricity and gas, they and their trade associations can afford to hire lobbyists and lawyers and PR people. No individual residential rate payer is going to do that. CUB has been their voice on the electric and gas rates. And the respected and professional part is also very important. CUB is not just a bunch of, you know, noisy rabble-rousers. They are highly educated, professional, effective rabble-rousers. [laughter] They have gained the respect of the public utility commission, they have gained the somewhat grudging respect probably sometimes of PacifiCorp and PGE and NW Natural because they're professional, they're hard working, they're thoughtful, and they have repeatedly come up with ways for those utilities to save residential rate payers money. When Bob came to me with this idea, I thought the city and its citizens, and particularly the residential rate payers, could only benefit by giving CUB an opportunity to review our expenditures and our rates. So, I was delighted to be able to share that idea with Commissioner Fish when he took over BES and Water, and I'm delighted that he has taken it and run with it and has come forward with this proposal.

**Fish:** Thank you, Steve. It is now my honor to introduce the first of two panels that will be presenting this morning. First panel composed of three distinguished speakers. First, Bob Jenks, who leads the CUB and will give us a general overview of their work and this proposed relationship. Susan Ackerman, who is the chair of the Oregon public utilities commission, who's going to share with us a perspective on CUB's role statewide. And Linda Tomassi, who is the board secretary for CUB who will share with us some thoughts about not only CUB's effectiveness, but its accountability to its members. Welcome all three. And Bob, we'll turn it over to you first.

**Jenks:** Thank you. Good morning. My name is Bob Jenks, I'm the executive director of the Citizens' Utility Board of Oregon. I want to thank Commissioner Fish and Commissioner Novick for bringing this proposal before the city council. I'm also a city of Portland rate payer. On Monday,



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I got my sewer and water bill. And this bill represents, with the exception of my mortgage and my property taxes, this is the highest bill that I get over the course of the year. Even if we break it down and get it into a monthly bill, it would be higher than all my other monthly bills except my mortgage and combined internet, cable, phone bill. And that wasn't the case. When my wife and I moved into the house in southeast Portland 20 years ago, even though it was a quarterly bill, my electric bill was higher, natural gas bill was higher, it was much easier bill to deal with, it was much more affordable. It is the growth in the bills, the growth in these things that have caused citizens over the years to contact us on a regular basis and say you ought to get involved in sewer and water issues. Can you take on city of Portland? Can you do this? We hear it from CUB members and from non-CUB members. When I was walking over here this morning somebody stopped me in the street to say, Bob, I just read about that in the paper. Go do it. Go look into the sewer and water rates and help us out there. So, responding to those requests is where I set up that meeting. I don't have quite the same calendar record as Commissioner Novick, but I guess it was March 5th, to propose the idea that there is a way for us to actually follow up and respond to those questions from citizens. And this is what we're talking about today, responding to those requests. While it is not a perfect analogy, most of us would never go to court without an attorney on our behalf to advocate for us. You need a champion for your cause. Utility investment, utility rate-making, utility contracting has a significant effect on our households. And it is a very complicated technical place. Residential rate payers don't have the resources to hire the lawyers and rate analysts and technical help that they need to be able to fully participate in that activity. But they really do need that, they need that professional advocacy on their side. And that's what we're talking about today. This same bill that I got, we're talking about using this to organize rate payers in a manner that really is an idea that goes back to the 1970s. Later on this year when customers get this, get a bill like this, they will get an insert in that bill. And they can fold up that insert and it will tell them about the work we're doing and invite them to make a contribution. Some low income folks may chip in \$5, others may chip in \$50. But together, we can collectively pool our money and hire the kind of technical expertise and bring back that to bear so that we're able to examine stuff and compare this to other cities and make sure that on every step of the way we are getting the least cost result and affordability an a concern being addressed every step of the way. We're ready to get started. We're ready to post a job listing for a consumer advocate to work for us on this issue by the end of the week. We have been doing this for the electric and gas utilities for almost 30 years. And by that time we have saved customers, by our estimates, really billions of dollars. What it means is examining the cost of providing service from top to bottom. Most of the cost embedded in the sewer and water bills is capital spending. We have to get involved in the capital planning process to be sure that before we launch into things, we are doing the least cost investment, and we are doing prudent investments. We need to look at how we're monitoring that. Are the right cost controls being placed on the contracting and on the projects as they're made? We need to look at the forecast for demand, we need to look at budgets and actuals and how the system cost supporting the rate. We have to look at the customer service provided by the bureaus. We intend to do that and from the perspective of an advocate for the customer. And I think it's important to not, we are not here to be a substitute for the budget advisory committee, for the utility review board, for the city budget office. That is not our role. Our role is something in addition to that, we want to be an independent advocate for our rate payers, for residential customers. And that's the role and we think the work and advocacy that we do will benefit all of those entities. The budget office, the bureau advisory committees, and more importantly this council, since this council is the one who ultimately decides what our rates are going to be. I wanted to address a couple of questions that have arisen since this was announced last week. The first I guess can best be described as a question as, why would you folks listen to us? And for me, I think there are two reasons I think you folks will listen to us. The first is, we do our homework. We try to make sure if we are going to bring a proposal, make a recommendation on a capital spending

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project, on the cost effectiveness, we are going to do a good, serious analysis. And the second reason I think is we represent customers. We are going to organize customers. We will have thousands of customers behind us. Those customers will be getting our news letters and emails and be keeping informed of what is going on. And when Portlanders are informed and organized, they tend to get results. Both of these two reasons -- I don't think that means you're going to accept every recommendation that we make. We will make recommendations that you folks won't look kindly on and will likely reject. To me what is important is that we get a fair hearing. I do think because of our professionalism and we are a membership-based organization we will get a fair hearing. Finally, I want to address the challenge that somehow this is window dressing. NW Natural a recent rate case they came in and asked for a 6.2% increase and in the end they got a 1.2% increase. I don't think they would tell you that our role was window dressing. PacifiCorp last year gave customers a \$17 million credit on their bills in 2013. I don't think PacifiCorp would say that our work in getting that credit was window dressing. For PGE, I don't think they would say we were window dressing when we worked to prevent PGE customers from being saddled with a \$500 million capital investment on the coal plant. I don't think we do window dressing. It's not our intention to add window dressing to the process. It's our intention to come in and try to make a difference. In short, with the proposal before you from our perspective is about organizing rate payers, providing analysis and advocacy on behalf of those rate payers, and ultimately making a difference for those rate payers. Thank you.

**Fish:** Thank you very much.

**Linda Tomassi:** Good morning. My name is Linda Tomassi, and it is my pleasure to serve on the board of directors for the Citizens' Utility Board of Oregon. CUB is a statewide membership organization, and the membership elects its board of directors. We were formed by rate payers in 1984 by an initiative campaign for the purpose of protecting utility rate payers, and we are controlled and funded by rate payers and citizens. To use that word just one more time, all board members are also residential rate payers and we take consumer protection and oversight very seriously. CUB was approached by our members regarding Water Bureau oversight because of our 30-year track record in consumer protection and our reputation for operating with integrity and grit. The board is proud of the CUB staff for their many successes in protecting consumers around the state. Early in 2013, the staff brought to us the issue of possible independent City of Portland Water Bureau oversight. The volunteer board is a policy-making body of the organization, and we are active and engaged. After a number of discussions, our decision was unanimous to sign on to the memorandum of agreement between the City and CUB. We would like to get to work on behalf of the City's water and sewer customers and we hope for a yes vote from you today. And if people want to start getting involved with this issue now, we welcome you to go to our web site, OregonCUB.org. Thank you.

**Fish:** Thank you very much. And we welcome Susan Ackerman. It's a great honor to have you with us today, and thanks for sticking around.

**Susan Ackerman:** Well thank you, Mayor Hales, Commissioners. I'm actually honored to be here. I don't often -- well, I've never been in front of you before, so I'm happy to be here. You know, I -- I'm not a rate payer. I don't live within the city limits of Portland so I'm not a rate payer in your system. And also I don't think in my position as chair of the commission that it is my job to tell you what to do with this topic. What I will tell you, though, is that I have been in the industry in various capacities for almost 30 years. One thing the public utility commission does is we've got three electric utilities, three natural gas utilities, about 400 telecommunication companies of various stripes, and 80 small water companies that we regulate. We've got a book of statutes from the Oregon legislature that is about an inch thick, single spaced, double sided, about same amount of administrative rules. And then this body of law, a 100-year body of common law built up about how you apply policies and regulate rates on behalf of consumers. So, in this context, we make about 4000 decisions a year. They're not all obviously very big impactful or noticeable decisions, but every

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once in a while we get a big one. Three or four a year of what I would consider really big decisions. And what is helpful when you are making decisions about utility services and utility rates is you are going to get a lot of consumers come to you and say lower my bill. And that is important. I don't want to dissuade that, because when you have a lot of customers coming and saying things are out of control, that is a barometer and you need to pay attention to that. What is really helpful is when someone comes to you and says don't improve this increase because. Or, do this instead. Or yes, do that. Then there is the back-up, and what you really need is hard data, you need to know what is in the books, what were the investment decisions. Are they cost effective? Are they necessary? Are they used for utility service? There are all of these questions that need to be answered. If you don't have the "do this, don't do this because" part of the public comment thing, you really don't get a lot of help. One thing that CUB has always done for us as a utility commission is that they have given us a lot of help with that and answer the question because why. They will always tell you why. They are a serious organization. They are a credible organization. They understand the business. And it's an amazing thing when you have a group that is that knowledgeable, and substantive, and they can be creative within the four corners of the statutes and the law and everything else you deal with when you try to regulate utilities services. So, I am very high on CUB as a consumer advocate. I think that they will help you. I can agree with Bob that we don't always adopt everything that Bob asks us to do. But we never miss anything when CUB is at the table either. And, so, that concludes my remarks.

**Hales:** Thank you very much.

**Fish:** Question from our colleagues?

**Hales:** Anybody? Thank you.

**Novick:** Thank you.

**Fish:** Thank you. The second panel I'd like to invite up, Jeff Bissonnette and Rick Bennett. Jeff is joined today by a special guest.

**Hales:** Eli is staying back there for now.

**Fish:** Eli is going through the various offices measuring the drapes for when he is a city councilor.

**Hales:** He tried out the gavel a little earlier.

**Fish:** Jeff Bissonnette works for the CUB and he will talk about outreach to neighborhood associations and civic groups, the role of public education and how CUB does its work. Rick Bennett is with AARP. Rick, I want to thank you for the unsolicited letter I got from you when I turned 55. AARP is deeply involved in the utility issues in other states. Here in Oregon, their primary contact is with CUB. And so they are here to make comments about this unprecedented partnership that we're proposing. Jeff, welcome.

**Jeff Bissonnette:** Thank you, Commissioner. Mr. Mayor, Commissioners, again for the record, Jeff Bissonnette with the Citizens' Utility Board. Very briefly I wanted to touch on two things. One, Bob did mention that we are going to be hiring a consumer advocate that will be focused 100% on the City of Portland water and sewer issues. The technical expertise that we achieve is because we dive deep, no pun intended, into the details. And to do that, you need to put somebody's attention on it and saying that person will be supported by very knowledgeable regulatory staff, including Bob, including the rest of our regulatory staff and then by myself on the policy areas. My main comment I really want to focus is that we are membership organization and we are very focused on the grassroots and we do pay attention to what our members say and what the public says. And we think that there is a lot of information that consumers need to be informed consumers and to be able to play their role as consumers of any utility service, and in this case, water and sewer services. So to make sure that consumers are informed that they're getting good information, that they're getting our analysis, and frankly, if there are issues that we think need their attention and need their involvement either by contacting the bureau, contacting the commissioner in charge, or by contacting the rest of the city council, we're going to be making sure that they get a lot of

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information. Again, both our current members, the new members that we hope will be joining us to fund this effort, and then the general public. And that will be done by going to neighborhood association meetings, other civic organizations, taking meetings with other groups that are stakeholders in the water and sewer services. And that is our hallmark and trademark in electricity and natural gas, and will continue to be our hallmark here with water and sewer. And with that, I think you will see a lot of public engagement because of CUB, because that -- we not only play the inside sort of technical game but we try to translate those sorts of issues in a way that people understand and so that they feel like they understand why these issues are important to them. We look forward to entering into this partnership. Thank you.

**Fish:** Should also note Mayor and colleagues that Jeff and Bob have been attending our bureau advisory committee meetings, getting kind of a head start following the issues tracking what's being discussed. So, they already come with a little bit of momentum into this new assignment. Rick, welcome.

**Rick Bennett:** Thank you. For the record, Rick Bennett, director of government relations for AARP Oregon. AARP is a membership-based organization for those who are now 50 plus. And we have over 37 million members nationwide, and over 500,000 members here in Oregon. I'm sure you're aware of the various products and services that we brand. But you should also be aware that AARP devotes considerable time and resources to advocating on behalf of our members on a broad range of policy issues, including utilities. And indeed we have state offices in all states and in many states we are the lead organization when we talk about consumers and utility issues and so forth. That is not the case here in Oregon. When I arrived here 10 years ago and was acquainting myself to policy issues and who's involved and who the players are and so forth, I quickly determined when we talk about utility interest and policy and the interest of consumers, the go-to organization is the Citizens' Utility Board. And over time and working with the CUB, they have earned my respect and my trust as far as the work that they do and the information that they provide. I would, you know, quite frankly -- while I have expertise in our national office that I can draw upon, when I get an inquiry through a phone call or an email related to a utility issue, my first call is to CUB and to Jeff or Bob, and, you know, tell me what the facts are. What's the background? What's the time line? What's the status? What's the impact on rate payers? And my last question usually is, okay, good, how can we support your effort? So, for myself and our organization here in Oregon, we look to the Citizens' Utility Board for when we talk about utility policy. The last thing I would just say is that I've looked at the contract that is under -- or agreement that is under consideration here quickly, but the bottom line seems to be that you're interested in developing a relationship with an independent organization, an organization that has a proven track record when it comes to advocating on behalf of consumers, that can provide you good analysis and good recommendation. And if, indeed, that is the case, then I can think of no better organization to establish that relationship than with the Citizens' Utility Board and I thank you for the opportunity to be able to come here today and speak on their behalf. Thank you.

**Fish:** Thank you both very much. This concludes our formal presentation, Mayor. I think some people have signed up to testify.

**Hales:** Thank you both. Let's take public testimony.

**Moore-Love:** We have six people signed up.

**Hales:** Come on up. Go ahead, Joe.

**Joe Walsh:** My name is Joe Walsh, I represent individuals for justice. And listening to this presentation and reading as much as I could on this issue, it said to me that the timing of this is suspect. You're going to have a challenge in two different areas. One the trust and the other one where you completely lose everything. And all of the sudden, an organization that has a really good reputation is brought in to bail you out. That's the way it looks. You can shake your head all you want Commissioner, that's the way it looks. This organization cannot mandate anything. It can only



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recommend. And the problem here is I think you're just postponing stuff. You're going to get really good recommendations and do nothing. If they recommend that you do certain things and you don't do it, will you guarantee me and the rest of the people of Portland that we will have access to that denial?

**Fish:** Yes.

**Walsh:** That will be good.

**Fish:** You will have access to their recommendations --

**Walsh:** Don't interrupt me, please, Commissioner. Let me finish my three little minutes.

**Fish:** Sorry, I was responding to your question.

**Walsh:** Well, it was a rhetorical question, actually. [laughter]

**Hales:** You probably didn't like the real answer.

**Walsh:** I know it is difficult to have a rhetorical question --

**Fish:** Rhetorical question or question -- it sounded like a question.

**Walsh:** Here is the problem. The organization has a stellar reputation. But I don't think any of you up here are capable of listening to them. Because you would have done it 10 years ago or 20 years ago or five years ago. Why now? Why is it happening now? Can anybody answer that question? Commissioner Novick? You are ready to go.

**Novick:** Yes, Mr. Walsh.

**Hales:** Someone who wasn't here 20 years ago might be able to answer that question.

**Novick:** Yeah, I can answer that. It is happening now because Mr. Jenks walked in my office on March 5th of last year with this proposal, and I suggested it to Commissioner Fish as something to follow up on when he took over the bureaus, and he decided that it's a good idea and now he is proposing it. That's why it is happening now.

**Walsh:** Okay. One more question and then I will shut up.

**Fish:** Is this a rhetorical question or a question? [laughter]

**Walsh:** It's a direct question. You can answer it if you want. Who is going to pay for all of this?

**Hales:** They are.

**Walsh:** Yeah, and that is also strange to me that they would step up and say, okay, we're going to come in and we're going to take the BES and look at what they're doing because that's where all of the money is really being spent. And we are going to go in and we're going to find all the nooks and crannies and we're going to say no, don't do this over here, don't do this repair. You have one today, \$6 million, and you try to slip it through the consent agenda with no discussion at all. So, that is not encouraging that you are going to listen to these guys. And I'm telling you, we will watch it, and if you listen to them, and you start getting this thing where we trust you, I will take you all out for a drink.

**Hales:** We'll look forward to that. Good morning, how are you?

**Sharon Maxwell:** Good morning. I'm Sharon Maxwell. Good morning Mayor Hales, Commissioners, and to Amanda Fritz in her absence. I wish her well. I am here to let you know today that I am running for Portland City Council position two. Our country was founded on a system of checks and balances. Founder James Madison fought to free our public from the tyranny of unfair tariffs from the British. The notion was a simple form of a republic, with representatives that enforce the interests of the people. This principle has empowered citizens for more than 200 years. Our country was founded on systems of checks and balances. In the context of this, this proposed initiative of having a nonprofit group that nobody knows about, have not been vetted by diversity or mission by our 95 neighborhoods, and is not with our founders in my opinion, would say, represents a shared community. While I respect the proposal that Commissioner Novick has presented, this effort is a bit too late and falls short of what our city needs to reinstate the trust of citizens. All over our city, the message is clear, we need to see the will of the democratic process in context to the vote on whether we will have a public utility voted on with our citizen's oversight. I

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don't agree with the process of the proposed bill. It goes against citizen involvement and participation. This body was elected to represent the people's interest, not some nonprofit group that has other agendas or has not been vetted by our city's -- as we have heard this morning -- diversity and equity program. I agree with the PUD structure for our city. I suggest that this body look at the minority evaluator program that the city voted in two years ago that is being used with the procurement process. This program has a win-win participation, the structure that maintains both citizen and professional participation. This current effort has been called hastily and rushed, secretive without great citizen scrutiny. As a citizen, we have the right to have full review of how this non-profit operates and how they can participate. I say we wait for the May 20th ballot on the PUD before suggesting any changes and I look forward to connecting with citizens in our 95 neighborhoods over the next five months. Thank you.

**Hales:** Thank you. Good morning.

**Chris Liddle:** Good morning, my name is Chris Liddle, I'm the chair of the City Club research committee looking at water and sewer rates and governance, and with me today, I have a number of members of my committee. Our committee is comprised of 14 people with expertise in a variety of fields and working on this complicated topic for more than four months. A significant amount of effort has gone into developing the report in the process of being finalized. We interviewed over 30 witnesses and conducted exhaustive independent research. I want to take a moment to thank Commissioner Fish his staff, particularly Dean Marriott and David Shaff for their participation, and thank their staffs for responding to all of the inquiries that we've made of them. They've been very timely. The resolution introduced less than a week ago, Thursday if you are being generous. Even the folks on our committee who have delved deep into this study, into utility rates and governance, have not had a chance to review it in any detail. Because transparency is a major concern from a lot of the witnesses that we have met with, and in fact, when we met with Commissioner Fish, he expressed a desire for transparency related to decisions regarding the Water Bureau and BES. We think it is only prudent for the council to provide additional time for public review and comment on the concept. You have invested time and resource into our process and I'm asking only that you allow us time to complete our process and provide to you and the public with a report that contains specific recommendations. I expect that you would want to have all of the information to make the best possible decision before you pull the trigger on any particular proposal. For context, our committee's current schedule calls for the report to be available in March. I'm not going to ask you for that much time. If you're feeling reasonable, I'll ask you for only one week. If you're also feeling compassionate, I'll ask you for two [laughter] and that will allow the members of our committee to actually get some sleep at night. I think it is a modest request and one that you should acknowledge and comply with.

**Saltzman:** What will happen --

**Hales:** Yeah, what will change, I guess?

**Liddle:** Depending on how reasonable and or compassionate you are feeling, we will get the report out. You'll find specific recommendations that are more comprehensive than the proposal in front of you today. I would encourage you to consider the recommendations and regardless of your decision today, we look forward to an opportunity to meet with all of you and review our report and go over those recommendations.

**Fish:** And right back at you, by the way, on the thoughtful way that you have engaged the community in doing your report. And my understanding is that the primary charge was to look at this proposed water district and have the City Club weigh in on it. Is it your view after hearing this presentation that any potential further reforms that you propose in March may be incompatible with what we're proposing today?

**Liddle:** I would correct slightly the ballot measure as a component of our charge, the broader charge is looking at both rates and governance. What I would say in response to your question is that the

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recommendations you'll find are not incompatible with CUB but will help you make a more informed decision about the role that CUB might play.

**Hales:** I heard this request a few days ago. I really respect the City Club process, but I guess I want to probe a little more into that question. You know, the CUB is an independent organization who, in effect, is being invited to do their work here. They've been doing their work for a long time on a lot of other utilities, not city utilities. That may not be all of the reform that you recommend, but is it in any way going to stymie the reform that you recommend? In other words, this may be an incomplete solution to the problem of independent oversight of utility rate-making. But as somebody who spent a lot of time last year bearing down on the cost of these bureaus and coming to the council with a budget proposal that held those rates to a lower level of increase than a lot of people expected, and who wants to do that again, I would like all of the help that we can get from independent, well-informed reviewers, whether it is the City Club or CUB. So, my attitude is anyone who -- you all come. Anybody who's got the rigor and time to look at the details of where the costs come from in these bureaus and make recommendations to me and the rest of the city council, I'm all ears. In what way, again, this might be incomplete, but is it incompatible with what you're going to recommend?

**Liddle:** I believe your question is very similar to the question that Commissioner Fish asked--

**Hales:** Just trying to understand -- if we're not going far enough, we're free to go farther.

**Liddle:** Yes, and I'm not suggesting that you won't or that you shouldn't. I'm just suggesting that you wait one week and make a more informed decision.

**Hales:** Okay. Fair enough. Fair enough. Other people want to cross-examine this perfectly capable citizen volunteer who is asking us for something that is otherwise reasonable?

**Fish:** I will just comment, Mayor. I compliment the City Club and thoroughness they have been going through this process. They have spent hours with our team and asked for documents and came back with document requests. In March, we are looking forward to having a big conversation about your recommendation. I want to align myself with what the Mayor said. The action that we're taking today is, to me, part of a long-term strategy of how we do a better job managing our utilities. One thing that I learned -- the Mayor gave me these assignments. It took me about a week to recover from the shock of his announcement and then we got to work. One of the things that I learned early on is that there are a lot of people who are organized and speak for different constituencies within our rate payers. Whole sale customers have organizations and advocates. The large water district users are organized and have advocates. The hole in the donut that I observed was our residential rate payers, and they are by far overwhelmingly our largest customer. And they didn't have the same advocate, and when -- and based on a suggestion that the CUB is out there having done this terrific job on behalf of rate payers statewide, and this bold idea for the first time to invite them to play that same role with a public utility, I thought it was inspired. And my own view is, why wait? We should launch this and then we should fully engage your recommendations when they're cooked and give you another chance. The last time you had a report of note you came to council and you presented part of it and we hope you will do that with this and engage us. But I think that the time to act is now, and, again, my only regret, frankly, on the CUB, is that we did not do this a lot earlier.

**Hales:** Thank you. Thanks very much.

**Walsh:** 15 years ago.

**Fish:** I wasn't on the council 15 years ago. But I get your point.

**Hales:** Thank you. Next three.

**Fish:** Kellie is the newest member of our bureau advisory committee and she was a leader in the fight opposed to fluoride, but out of that campaign and consultations with the bureaus, we made a judgment that she would be a terrific addition to our bureau advisory process. And, frankly, Mayor, she is one of a number of people who have been historically skeptical and critical of the way we do our work who we invited on the bureau advisory committee to get the benefit of their involvement

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and expertise. And I see emails that she sends on a regular basis, and I'm grateful for the amount of commitment that she has made to this task.

**Kellie Barnes:** Thank you. I would like to say that I'm here representing myself as an individual, not the views of Clean Water Portland or Clean Water Oregon. I have been honored to serve as a community member for the Portland water bureau budget advisory committee. It has been quite a learning process, and I don't like to do things halfway and I'm still in the process of educating myself. The reason I'm speaking today -- I'm not prepared to speak. I found out about the CUB last night at about 12:30, jotted down a few notes, and I'm actually signed up as a communication speaking on this in February, and I have a four-page report for the council that I worked on this weekend to offer my impressions as a community member, even though I am a novice in this department of understanding. So my biggest recommendation that I will offer is I see value in a community advisement capacity beyond that of the budget process. Because surely a lot of the issues that the bureau faces in fiscal spending also overlay with policy, such as different departments, of selling property, compliance issues, etc. I do, at a glance, support the concept of the CUB being part of this process. I don't know a great deal about them. I haven't researched their track record. They have a lot of history. But I can't say yes or no to that as an individual right now. I'm here speaking for the process of citizens to be involved. And I understand that this was kept undercover, and I appreciate our lens as the budget advisory capacity does not extend to a CUB decision. And yet, I read the article with surprise as a community member of the Portland water bureau advisement committee. I've met with different departments throughout the city, including the city auditor's department. David Shaff has been kind enough to let me review asset management documents, I've looked at control of span studies. I'm trying to extend my knowledge so that I can make an informed decision. I will say as community members, we are limited in our scope and our expertise and at the end of the day, we need to rely on the data and some of the experience from the team, including the engineering team. I have found the management team to be incredibly transparent and to answer all of my even most basic of questions. And if you talk to anybody on the committee, I ask quite a few of them, and I like to follow up on the research. So, I don't really have an opinion today. I can appreciate also as a member participating on another City Club study for dental health alternatives to community water fluoridation. I have just begun that process. It's a six to eight month process. It does take a lot of time and expertise to interview and write reports. I can appreciate the recommendation here today to perhaps extend it by a week. But I do think this conversation is important. And I will say one last piece when it comes to the rates, I fully expected that Portland Water Bureau may not have done a good job historically, and what I've learned through the process, and have been very surprised as I educate myself, is some of the rate increases are due to things even outside of our control, such as compliance. So, I actually fall somewhere in the middle of what you might expect as a citizen advocate and I have appreciated the transparency thus far.

**Hales:** Thank you. Appreciate your involvement. Anyone else?

**Moore-Love:** That's all who signed up.

**Saltzman:** I had a couple questions. I guess I would like to ask Ben Walters and Bob Jenks to come up. I guess the thought that is running through my mind is -- and I know, Ben, you often represent us in court on issues related to utilities and franchise -- are there positions where CUB and the City of Portland have been at odds on legislative issues that you can think of?

**Ben Walters, Chief Deputy City Attorney:** Not off the top of my head. I mean, we have been parties in rate cases simultaneously. For the record, Ben Walters, Portland city attorney's office. But --

**Saltzman:** Parties where we've intervened and CUB has intervened?

**Walters:** Yes. But to the extent -- I guess, are you getting at is there a conflict in --

**Saltzman:** I guess what's running through my mind is is there a conflict where we could find ourselves on the opposite end of a question, and we're providing a city resource to CUB to raise



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money with through our billing statements. So, are we helping to raise money for an organization that -- I think CUB is a great organization, but I can also see situations where it might look a little funny that we're helping to fund an organization that on the one hand is opposing us in something that we're trying to get done in Salem or -- that's the thought running through my mind.

**Walters:** I can see the concern. Nothing comes to mind where we've been at odds in the legislature on a particular item. More often than not, say for example, in terms of energy conservation, energy efficiency, we tend to be in alignment on policy choices, to my recollection.

**Saltzman:** That's what I would assume.

**Walters:** And for the most part, the information that will be provided to them, you know, they're going to be asking questions and we will be assembling information, but that information is generally available publicly. They may just be digging a little deeper and going in some different directions than we might have otherwise thought to go. And that is part of my understanding of why they're being welcomed in. And then I guess on the other side of the equation, they have been adamant from the beginning, as far as I'm aware, about their wanting to maintain their independence and not accept any city resources in support of this work. And that they want to maintain their independence as a member-supported organization in the same way that when they're going in and advocating in front of the PUC, they're not taking resources from the utilities, which then would potentially raise questions about, who is it exactly that is the master that's being served? So, they wanted to maintain the integrity of that approach in this instance.

**Saltzman:** You've answered my question sufficiently. I guess I wanted to ask you, because I --

**Jenks:** I know of no place where we and the city have taken different policy positions. Energy issues where we overlap in Salem and I cannot think of a single case where we've done that. In PUC rate proceedings, as a customer of Portland General Electric -- and you don't intervene as a residential customer, you intervene as a commercial or industrial customer. But I think in almost all of those cases we have managed to settle those issues and settle the rate design in ways that I think all of us have come out happy with. I can't think of a case where we have really gotten into any conflict or disagreement that has had to go before the commission.

**Saltzman:** Under this new role, do you envision CUB reporting to the council during our meetings when we review the rates of the utility bureaus? Is that how we would have your information?

**Jenks:** I believe, yes, we would come and let you know what we think at that point. Hopefully it's not coming down and turning around a recommendation at the end is always the most difficult part. We would like to work with the bureau to begin with at the front end. Work with the bureau advisory committees, work with the city budget office. What we will be doing is our own independent analysis and we will make recommendations to whoever will listen to us. But we would start with the bureau itself. Because if the bureau can internalize those -- if you come up with a better starting point, that already contains most of our recommendations, it doesn't necessarily make as big of a political victory of we turned and we beat the bureau on this, but I think it is more effective and builds a better relationship.

**Saltzman:** I absolutely agree. So you will, at a minimum, check in with us when we do our rate reviews of the utility bureau.

**Jenks:** Yes.

**Saltzman:** CUB will check in with us at that time as well.

**Jenks:** Yes, if you will let us speak, we will come speak.

**Fish:** Let me go a little bit beyond that because I think Dan raises a great point. This is not intended to play an advisory advocacy role just with the commissioner in charge. This is designed to help the council as a whole make better decisions. There will be -- we are committing in this agreement to making sure that their recommendation and their concerns are shared widely and become part of our decision making. And, Dan, keep your eye on that. And if there are specific ways you want us to institutionalize that, that are helpful to you as a decision-maker, we're obviously very interested.

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**Saltzman:** Thank you.

**Fish:** One question for Bob before we move forward. My understanding is this would be the first time that you've taken your role and your expertise and applied it to a public utility, is that correct?

**Jenks:** Generally yes. We have worked with public utilities, public electric utilities, on energy policy, on their formation, and a variety of things like that. But we don't tend to intervene on their rate making process.

**Jenks:** This is the first time you have served as a rate payer watchdog for a public utility.

**Jenks:** Exactly. Yes.

**Fish:** And if this is successful might this migrate to other cities and jurisdictions?

**Jenks:** That I can't tell you, but it's possible. If there's other jurisdictions that would like a similar approach, if there's other citizens and other water districts or electric districts or whatever that would like us to come in, we're always willing to talk about that kind of role. But I'm not always the best person at predicting the future.

**Fish:** Thank you.

**Hales:** Further questions or discussion? Then we will take a roll call on the resolution.

### **Item 25 roll.**

**Fish:** Well, first of all, I would like to thank Bob Jenks and his team at the CUB, and everyone who took time out today to come testify about this important issue. Most especially I want to thank my colleague, Steve Novick, for first suggesting that we go down this path. Mayor, when you asked me to lead both the Bureau of Environmental Services and the Portland Water Bureau, and I was the first commissioner to have both since Commissioner Saltzman, he was the last commissioner that had them unified under one office. We talked a little bit about what our goals were over the next year. We made a commitment to very high levels of accountability and transparency. We made a commit to dig deep in the rate-making and stabilize rates. And we also made a commitment to doing business differently. And there's a number of things that we've done in the last six months which I think have supported those markers we put down. I and my team have reached out to a lot of our customers, big and small. And we have engaged them in how are we doing and how can we do our work better? I was asked to come to council with a -- a council informal to talk about a five-year CIPs. And even Commissioner Saltzman, who's a student of these things, said afterwards, it was among the clearest presentations he had seen. And one thing that was different was that it was apples to apples. We had both bureaus present the same information in a coordinated way so that council could see them holistically. I think that was part of, I guess, Charlie, what you envisioned when you said one commissioner, two bureaus, and then start thinking of them as our utilities, not just the two separate utilities. We have taken a number of other actions and we are in the process of reviewing proposed rate increases with the clear understanding that the council wants for a second straight year to keep any rate increases below 5%. Well below the forecast second year in a row. We have a lot more work to do. But I think today is a very important milestone, because we are, for the first time, inviting a highly-respected statewide consumer watchdog group for residential rate payers to come in and to help us do our work better. I can't think of anything that speaks more loudly to transparency and accountability. And we have moved expeditiously. The first two instructions I gave when I took over the bureaus. One was to put the water house on of the market. And two, was to set up a meeting with Bob Jenks. And that meeting led to a conversation which has now produced this agreement, which is a landmark agreement. Now, I appreciate our friends at the City Club who have come and said you know, delay, give us some more time. As I thought about it and had some other conversations, what I've ultimately concluded is we can do both. We can move forward today to bring the CUB in and get as much value as possible in this budget cycle. And we can also take whatever recommendations the City Club brings, and they have a tradition of making very thoughtful recommendations and fully engage them and make sure that they're aired and discussed in this room. I believe that we can have the benefit of both. And that's why I would prefer to move

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forward. But let's be clear. The CUB, under this arrangement, will report to its members. And the CUB is going to call it as they see it. And we may or may not disagree with the CUB, but under this agreement, we have committed to giving them a platform to tell us here and in every other forum their views on how to keep rates down and do our business better. And after all, I think we owe that to our rate payers. Today's a proud day and, again, I want to thank Steve for having the original idea. I want to thank Sonia Schmanski on my team. Jim Blackwood. I want to thank, Steve, the people on your team, your chief of staff and others who have been a pleasure to work with. I think that is an example of how this body works in a collaborative way to get these things done. I think this is an important decision. This decision will not be -- we will not look in six months or a year to determine whether this is successful. This is a decision that will help us over the next generation maintain good stewardship over our utilities and we owe that to a community who can look back proudly over the last 100 years of excellent stewardship of our utilities. Aye.

**Saltzman:** I appreciate bringing this forward. I think CUB will be a very constructive influence in our rate-making processes. And I appreciate the City Club, what they're doing, too, and I guess I would rather not have you hurry your product by setting a one or two-week deadline. I would rather have you take the time and do it right and it will still have impact, I'm sure, I know the quality of work over the City Club. Take your time, give us your report when it is ready, and if it has got good stuff in it, then I have no doubt that that council will act in the best interest of its citizens. Again, thanks to Commissioner Fish and Commissioner Novick for this idea. Pleased to support it. Aye.

**Novick:** I wanted to thank Bob Jenks for his work over the last 29 years, and for walking into my office last March 5th. I was so excited about his idea as soon as he mentioned it that I immediately blabbed it to the business journal that was interviewing me on something else the next day and noticed that they had a blog post about it sometime last March. You know there is a corporate alliance out there that is pushing the idea if you are concerned about your water and sewer rates you should turn over control of the Water Bureau and BES to a group of as-yet unidentified amateur politicians. I've had a hard time figuring out how that is supposed to reassure people. How people are going to say, wow, if you can't trust a group of unidentified amateur politicians, who can you trust? I think it will be very reassuring for the people of Portland, the residential rate payers to know that an organization with a 29-year history of success in casting a critical eye on electric and gas rates is turning that same critical eye and bringing that same professionalism to looking at the expenditures and the rates of BES and the Water Bureau. You know, Ernie Banks, known as Mr. Cub, once famously said, it's a beautiful day for a ballgame, let's play too. Well, it's a beautiful day to pass good, solid, constructive legislation, and I wish we could vote for it twice. But I guess that is not within the rules. So, I'll say it just once. I vote aye.

**Hales:** Well, first I think this is a smart and bold proposal and I appreciate our two colleagues putting it together and putting it before us and working with CUB to make it a real proposition. Very important to note here, again, I think, it hasn't been unclear in this hearing, but it should be very clear to everyone involved, we're going to open a window into our utility rate-making process for a completely independent group that's not going to get a dime of city money to look at what we do and how we do it. That's what we're about here. And that's the right thing to do. And although when I first heard the City Club's concern about their research, I was troubled by it and thought we should wait. Now I'm persuaded that actually we should do both. That is, we should have this kind of careful hearing and understanding of the City Club's recommendations when they are fully prepared. We've had a recent tradition of inviting in panels from the City Club to make presentations when important research products were completed. I would like to do that in this case, actually, with a time certain presentation to the city council because again, if there is anything more germane to the work of this council than independent groups like CUB or the City Club looking at what we do on something as important as utility rates I don't know what it was. So, you all come. One of my mentors in public life was a guy who spent some time on this council named Mike Lindberg. And

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one of his phrases that he uses all of the time is, the facts are friendly. So, I believe that. And look forward to having other eyes on the facts, CUB's now and City Club's soon and, again, on other topics in the future. So, this is a good move in the right direction. The beginning of a process this year where, as Commissioner Fish said, we have a goal of holding rates down and ideas for how to do that and ideas for how to improve the trust of our citizens and how we operate are all going to be very helpful to us as a city. Thank you. Aye. [gavel pounded]

**Hales:** Good work. Okay. Let's move on. Let's move on to the regular agenda.

**Item 42.**

**Hales:** Okay. I wasn't sure if you were still here, come on in. Good morning.

**Todd Davis, Portland Police Bureau:** Good afternoon, sir.

**Hales:** Sorry good afternoon. Go ahead, Todd.

**Davis:** Mayor Hales, city council, I'm acting lieutenant Todd Davis from the traffic division. This is Sergeant Doug Gunderson from our motorcycle unit who, by the way, appreciated the Chicago Cubs reference from Commissioner Novick. [laughter] We have two grants before you today that we are going to explain and we're going to ask that you accept. The first grant in front of you right now is our 2014 seatbelt enforcement and education grant from the Oregon Department of Transportation. City council, this grant will be used throughout the year incrementally for overtime to enforce not only seat belt violations, we're also encouraged by ODOT to also enforce speeding, texting, and child restraint violations with this grant. And this also allows us to participate in seat belt campaigns in February, May, and September on a statewide basis. Last year, 1414 citations were written behind this grant. As I stated, it is not just an enforcement, it's an education grant. When people are stopped and cited for seat belt violations, first-time violators are given an opportunity to take a two-hour seat belt class. That class is put on at Emanuel hospital by the trauma nurses and also officers from the traffic division. If they choose to take that class and complete it, their citations will be dismissed and no fine will be assessed to them. So, this grant also allows us to have those officers teach that class, and it also allows our officers to participate in child car seat clinics throughout the year also. This grant – there's no indirect cost with this grant, it's billed to ODOT 100% and there are no match time requirements with it.

**Hales:** Great. Sergeant, anything else to add?

**Douglas Gunderson, Portland Police Bureau:** I don't have anything to add to this grant.

**Hales:** Anyone signed up to testify on either of the two items?

**Moore-Love:** On 42, we have Joe Walsh and Mark Hofheins.

**Hales:** Okay. So, I will let you two stand down, thank you, and see if anyone wants to testify. Joe, do you want to testify on this traffic safety grant?

**Joe Walsh:** My name is Joe Walsh, I represent individuals for justice. We stand against this. We don't think it is a good idea to pay overtime to check seat belts. That just doesn't ring in my brain right. Why would we get a grant from another agency, which is really tax money also, by the way, it's not free money, to go check people on their seat belts? If you want to do it, do it during regular patrol. Don't pay overtime for it. You are going to take, what, \$30,000 and pay overtime to a police officer to check people on their seat belts? You know, I'm old enough to remember when Ralph Nader fought for this. He didn't envision paying cops overtime to write out tickets for people who didn't have their seat belts on. Do it during regular hours. We stand against it. This is ridiculous.

**Hales:** Anyone else?

**Moore-Love:** Mr. Hofheins left, it looks like.

**Hales:** Okay. So, let's take a roll call on the first one.

**Moore-Love:** We need Commissioner Fish back in the room.

**Hales:** You're right. Okay. We will wait until he comes back. And we will take up – we'll leave both items 42 and 43 on the table and let's take up 44.

**Moore-Love:** I haven't read the title for 43 yet.



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**Hales:** You have to read 43. Go ahead.

**Item 43.**

**Hales:** Anything else that you want to talk about?

**Davis:** Sergeant Gunderson is going to speak about this grant.

**Gunderson:** Doug Gunderson with Portland Police. Thank you for your time. Before you is a grant from Oregon Department of Transportation in the amount of \$15,000 is being awarded to the city of Portland police. With that \$15,000 grant fund is the requirement that the city also provide 20% of that in match time or straight time, regular patrol time, just focused on the areas that have been -- that will be mentioned here in the outline of the grant. There is no additional cost to the city or police bureau, the match time simply will direct the traffic division to provide roughly 90 regular on-duty straight time enforcement hours along the designated high-crash roadways that are specifically addressed in this grant. If accepted, this ODOT speed grant will provide funding for the traffic division to staff another 230 hours of traffic law enforcement in the areas of Portland most affected by traffic crashes. The traffic division personnel administrative costs related to the use of the grant fund can be credited toward the match time commitment. So, those costs are included. In the end, there is no additional cost to the city. Only a net gain of \$15,000 paid to the police bureau for extra traffic enforcement. Last year, the city of Portland accepted the same grant and through the use of that additional funding, nearly 1000 enforcement contacts were made. 867 citations and 98 warnings were issued to violators. And most importantly, the number of crashes resulting in injury or death was reduced by 8% during the operational period of the grant compared to the crash statistics for the same period the year before, 2012. The objective for this grant is to provide the Oregon Department of Transportation funds for enhanced speed enforcement by the Portland police traffic division at the top speed involved crash location, which was determined by data provided by ODOT, within the city of Portland. The areas that are already designated for this enhanced enforcement are southwest Barbur Boulevard, southeast Division Street, north and northeast Lombard streets, southeast Powell Boulevard, southeast Stark Street, and all of the freeways located within the city of Portland. This grant has some flexibility built into it on how the funds can be used. And while the focus is to address speeding motorist, the grant also allows overtime dollars for the enforcement of other laws, including the use of cell fines while driving, red light violations, following too closely, DUII, and other violations that contribute to traffic crashes. Additionally, in the event of significant increase in crash frequency as noted along any Portland roadway not already identified as a high-crash location, that newly discovered area can be added to the designated roadway list where use of grant funds will be allowed to pay for additional traffic enforcement.

**Hales:** You might want to respond just briefly to the concern about why would we spend state money on overtime. My summary of that, make sure that I've got this correct, and that is these other publications, namely ODOT in this case, are paying us to do additional work. They're not willing to pay us to do what we were already going to do anyway. So, either by adding duties or adding staff time through overtime, we provide that increment of additional enforcement. I think that's what they're buying, if you will, in this deal between the two agencies. Is that a fair way to characterize it?

**Gunderson:** That is exactly what is occurring. It's simply allowing the city to afford additional personnel hours on the streets of Portland, at least for this particular grant, in those areas that have already been designated as a high-crash area to have more officers out there for additional hours not already funded by the city.

**Davis:** And the city council -- we're not just paying an officer to check seatbelts. And for both grants. We're paying for an officer to exclusively work these areas and work these violations, an officer that's not going to be called out to a traffic crash. An officer that is not going to spend four or eight hours making a court appearance. This is for very focused enforcement, and obviously the seatbelt grant is geared at savings lives. It's getting people to wear their seat belt and reduce traffic fatalities.

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**Hales:** Great, thank you. Other questions?

**Saltzman:** Yeah, I have a question. Since you're both experts on this, I thought I would ask you. You mentioned Barbur boulevard, I live right off of Barbur boulevard, I live really close to where, in the last several weeks, there's been two fatalities. And if you go back a year, there's been three fatalities in the same little stretch. I'm just curious what your assessment is. Is there something endemic to that stretch of Barbur boulevard, or is it totally a random thing that three fatalities happened in that stretch?

**Davis:** I was out on two of those fatalities, and three of the last four. And, three of those involved very high speeds and impairment on drugs and or alcohol. The other one, where the lady crossed over and hit the city dump truck, we're not sure what precipitated that, we haven't got all the results back. I think part of it's an engineering concept. I'm not jumping into the political waters about reducing that to two lanes and so forth, but I have a meeting with ODOT tomorrow afternoon to talk about that specific location. I'm going to suggest they do some kind of traffic calming measures. Whether or that's a raised -- a jersey barrier or cable median or additional guardrails at that location, something is obviously, definitely wrong. And I think, beyond enforcement and these grants, we really need to look at it from an engineering standpoint.

**Saltzman:** Great. I appreciate that. And Mayor, with your permission I would love to get an email about how that goes. I'd be curious.

**Davis:** I have a couple scheduled later this month with PBOT --

**Saltzman:** If you wouldn't mind just sending me an email apprising me what's going on there.

**Davis:** I will.

**Saltzman:** Thanks.

**Hales:** Other questions? Thank you both. Roll call on the first one.

**Item 42 roll.**

**Fish:** Aye.

**Saltzman:** Aye.

**Novick:** I think there's a lot of evidence showing seatbelt laws save lives. And laws without enforcement aren't much good. I also have to say that I once got a ticket for not wearing my seatbelt and I'm pleased to have paid the ticket and have been much better sense. Aye.

**Hales:** These kind of targeted enforcement efforts are making a difference. We all got a report about the New Year's Eve effort. It was very well done by the traffic division, a real focused and effective message and deterrent against foolish behavior. But we have a lot of work to do on this front, so frankly, any help we can get from any quarter, including ODOT, is much appreciated. Just put three numbers on the table. Two, 16 and 35. There were two Portlanders who lost their lives last year by gunfire from a police officer. Both cases they were committing what is often called suicide by cop, they were rushing at a police officer. In one case firing a shotgun. Unfortunately, those officers had to fire their weapons and those two people lost their lives. 16 people died in Portland for murder last year. We're happy that's a significant decrease from historical levels, but it's still tragic. 35 people lost their lives on Portland streets last year. Vehicle to vehicle, vehicle to tree, vehicle to pedestrian. All kinds of unfortunate combinations of motor vehicles, speed, alcohol, bad judgment. One or another of those factors combined and we lost 35 people. So the work that this division is doing is pretty important and in the scheme of things, in terms of the risks to life and happiness for our citizens, traffic safety is a big problem. So we appreciate the work you do and this grant will help. Aye. [gavel pounded]

**Item 43 Roll.**

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

[gavel pounded]

**Hales:** Thank you.

**Davis:** Thank you very much. And the Mayor of St. Johns sends his regards. [laughter]

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**Item 44.**

**Hales:** Commissioner Novick.

**Fish:** Are we going to stop here?

**Hales:** Yeah, I'm sorry, let me make an announcement. Because the time that we are running out of here, we're going to hold the pulled items until the 2:00 p.m. agenda. So we'll conclude the morning session here with these two items, 44 and 45, then return at 2:00 including for the pulled items.

**Fish:** Thank you.

**Hales:** Commissioner?

**Novick:** So, let me see if I get this right. The short version is we meant to give Trimet property several years ago. We didn't give them as much as we planned to, and now we want to give them the rest of it. The longer version is, in June 1988, an inter-governmental consortium was formed to acquire the Jefferson street rail line, also known as the Willamette shoreline right-of-way. The consortium consisted of the city of Portland, Metro, the city of Lake Oswego, Clackamas County, Trimet, and ODOT. The Willamette shoreline right of way returns runs along the west side of the Willamette River from Portland to Lake Oswego. An acquisition was needed in order to preserve the rail line for possible future transit use. The same year the city of Portland was designated to lead the consortium and acquire substantially all of the Willamette short line right of way, personal property, and pertinent rights from southern pacific. In 2003, however, the consortium designated Trimet as right of way agent, with the intention that Trimet replace the City as holder of the title of right of way. The City intended to transfer all of the right of way to Trimet, but research by PBOT staff has indicated that two portions of the right of way, one in Multnomah County and one in Clackamas County, still remain in the name of the City. Research also indicated their belated assets, such as signals, switches, fences, utility crossings and lease interests located in the right of way also remain in the name of the City. So PBOT recommends that said right of way and related assets be transferred to Trimet to help the consortium work efficiently. Did I get that right?

**Karl Arruda, Portland Bureau of Transportation:** Yes, Commissioner. I'm Karl Arruda with the bureau of transportation. Yes, that's a beautiful summary. Essentially this is something that PBOT thought we had done in 2005 and our research found a couple pieces that were left out of the document in 2005 and so we're trying to finish the transfer to Trimet.

**Hales:** Okay. Thank you. Great.

**Hales:** Other questions? Anyone signed up?

**Moore-Love:** I did not have a signup sheet for this.

**Hales:** Moves to second reading. Thank you. [gavel pounded]

**Item 45.**

**Novick:** So this is a highly technical matter. In 1982, the City adopted its first policy of encroachments. The 1982 guidance addressed sky bridges and arcaded structures and provided only minimal guidance about [audio not understandable] encroachments by smaller items, such as newspaper boxes. So the 1982 guidance is referred to as our encroachments guidance but actually there's other encroachment guidance related to smaller items that exist separately. So basically, we want to clarify that the guidance adopted in 1982 is the major encroachments guidance, separate from other more minor guidances. Do I have that right?

**Kurt Krueger, Portland Bureau of Transportation:** Perfect.

**Hales:** Kurt, can you add anything to that?

**Krueger:** I'm not sure there's much more to add. I'm from the office of transportation. 1982, as a result of the sky structures around Pioneer Square, the Bureau of Planning adopted major encroachments in the right of way. We're doing a house-keeping item to re-word this to major to adopt a new document that deals with more mundane day-to-day activities.

**Hales:** Yes. Unfortunately, sky bridges have gone out of fashion in the meantime. Any questions? Is anyone signed up?

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**Moore-Love:** I didn't have a sign-up sheet.

**Hales:** This moves to second reading. [gavel pounded] Thank you, Kurt. We are recessed until 2:00 p.m.

**Moore-Love:** This is a resolution.

**Hales:** Was it? I thought it was an ordinance, I'm sorry. Well, we'll take it up at 2 o'clock and act on it.

**Moore-Love:** Okay.

At 12:38 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 and should not be considered a verbatim transcript.

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

**JANUARY 8, 2014                      2:00 PM**

**Hales:** We should get back underway here. Council will come back to order.

**Fish:** Here. **Saltzman:** Here. **Novick:** Here. **Hales:** Here.

**Hales:** We have some items that were pulled from this morning's council calendar, but I think the person who pulled them and wanted us to talk about them is no longer here. So let's move to a vote on those remaining consent calendar items. Number 29, 34, and 37.

**Item 29.**

**Hales:** No one to testify? Roll call.

**Item 29 Roll.**

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

[gavel pounded]

**Item 34.**

**Hales:** No one here to testify on that. Moves to second reading. [gavel pounded]

**Item 37.**

**Hales:** Anyone want to testify?

**Fish:** How much of this is going to overhead? [laughter] I see a lot of staffing here and not a lot of services.

**Saltzman:** It's overtime.

**Fish:** Okay, alright, I withdraw my [inaudible]

**Saltzman:** Just kidding.

**Hales:** All right. I think we're happy to take a roll call on this.

**Item 37 Roll.**

**Fish:** Congratulations, Dan. Thank you. Aye.

**Saltzman:** Thanks to our federal government for helping to keep 26 firefighters employed for two years. Aye.

**Novick:** Congratulations, Commissioner. I do want to make the perhaps obvious point that if it's our current projection for additional general fund money holds true over the next several years, where we get 5.9 million general fund more next year than this year, and if we're not able to figure out some other way to raise money for those firefighters, that's 2.5 million which is, what, like, 40% of our additional ongoing general fund. So to those who think because they've read that the city has more money next year we're rolling in dough, this is an example of how that's not really true. A couple of years from now a big chunk could be chewed up just by this item. Aye.

**Hales:** Thank you Commissioner, and the bureau staff, starting with the chief who worked hard on making this application. It really worked the way it's supposed to work. We complain about the dysfunction at the federal level, and there's plenty to complain about, but this is a case where they have a program for emergency funding for fire agencies that are in a tough spot. We were in a tough spot, and they responded. The system worked and it's a great result. Thank you very much. Aye.

[gavel pounded]

**Hales:** Okay, now we are to the afternoon agenda.

**Moore-Love:** Excuse me, Mayor, we still have that item 45 we didn't vote on, the resolution.



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**Hales:** You're right. Sorry. Yes. We do need to vote on 45, because that was a previous agenda item. Let's take a roll call.

**Item 45 Roll.**

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

**Hales:** Okay. That's finished. Thank you. Now we're ready for the afternoon agenda.

**Item 46.**

**Hales:** Come on up, team. Don't be shy.

**Judy Parker, Office of the Mayor:** While they're coming up, I'll go ahead and introduce myself. Judy Parker, from the mayor's office, I work with all the sister cities. And it's a great job to have. We have nine sister cities, and one of our oldest is Suzhou-Portland sister city relationship. So, we were able to send the mayor and a delegation of Portlanders to Suzhou, to China, this year in October. The purpose of this report today is to talk about not only the relationship between Portland and Suzhou, but also what happened on the trip and how this benefits Portland as a city and all of people in the Portland area. Also on the trip, the mayor was able to go to Kunming as part of being commissioner of the Bureau of Planning and Sustainability. Kunming is going to be the greenest city in China with Portland's help, which is very exciting. He also traveled to Xi'an to continue the relationship with Mr. Huo Baozhu, who donated the magnificent elephant statue in the north park blocks. He also went to Shanghai as commissioner of the Portland Development Commission to work on the relationships that the PDC has been able to build and foster. And with the mayor's help, we were able to solidify a lot of those relationships. I want to introduce some very important people at the table with me. Bob Fraser is the immediate past president of the Portland-Suzhou Sister City Association. Next we have Kathy Chinn, who's the incoming president of the association. Beside her is Lyn McIntyre, past president and also she and Bob Fraser were completely instrumental in helping to put together this agenda with me and the Suzhou foreign affairs office. And at the end, we've got Peyton Chapman, who is the principal of Lincoln high school. Between the four of them we're going to be talking to you today about the trip and as I said, the magnificent relationship we have with Suzhou and the opportunities that we'll have.

**Fish:** I just want to acknowledge Payton Chapman going above and beyond. Mayor, I dropped her son off at her house on Sunday and she was bedridden because she has a separated shoulder, and somehow managed a six-hour plane ride while basically incapacitated. So, you get extra credit for being here today.

**Peyton Chapman:** I'm modeling the extreme outdoorsmanship Portlanders are known for. [laughter] Hiking down a volcano in Hawaii, but I wouldn't miss this.

**Hales:** Welcome.

**Bob Fraser:** I would also like to thank Payton Chapman, she really took the opportunity to be here. She had a choice of attending the governor's Oregon education investment conference that's taking place at the same time, but she chose to be with us. And I really appreciate that. And I think you will see her presentation, why she chose to share her wonderful story from our trip with you. So you'll be hearing from her shortly. I wish to thank Mayor Hales and the city council of Portland for empowering the 20 some volunteers of the Portland Sister City Association for enabling us to promote education, culture, and trade exchange between or two cities. I also want to thank Judy Parker for all of her wonderful assistance for allowing PSSCA and our nine sister cities in being the best that we possibly can be. Her service has been absolutely outstanding. We also want to appreciate the assistance of Gail Shibley and Sarah Gonzalez for their support to Suzhou. In addition to Mayor Hales, and I should move these slide presentations, first lady Nancy Hales and director -- Nancy Hales who is also director of First Stop Portland in a total of 19 PSSCA board members, including staff Gail Shibley and citizens representing Portland in our delegation also came with us. We all know Suzhou for its beautiful gardens for which we have a wonderful example here in Portland, the Lan Su Chinese Garden of which James DeMarco director is sitting

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with us, thank you James. And for its cultural attributes. But Suzhou is also an economic powerhouse in China. And what I'd like to do is introduce you to Suzhou and its two industrial parks. Then we will share with you how our city as -- when our trip continues to bond with our partners in Suzhou to enrich the lives in both cities. Built in 514 BC, Suzhou is one of China's oldest cities, with 2500 years of history. Makes me feel very young. Located on the lower reaches of the Yangtze River, when the shores of the Taihu lake in the southeast corner of the Jiangsu province. It's renowned for its classical gardens which we know, opera legends, and museums. Suzhou is the third behind Beijing for its historical cultural significance. It's named as one of China's top 24 historical and cultural cities and is the only one of the four tourist cities with environmental protection. Suzhou's classic gardens have been placed on the UNESCO list of world cultural heritage sites, and Suzhou has also been dubbed the Venice of East because of its wonderful canals. Suzhou, however, is one of the most prosperous cities in China, and is known as one of the largest industrial cities in China with a population of approximately 13 million. Suzhou with its satellite cities of Kunshan, Taicang, Changshu, and Zhangjiagang formed the Suzhou prefecture. It's almost like Portland with all of our communities surrounding us, including Washington County. But in China, Suzhou is in charge of all of them. The urban core of Suzhou is formally known as Old Town Suzhou. And then there's the Suzhou Singapore industrial park to the east of old town, and the Suzhou new district also known as the Suzhou high and new technology development zone to the west. That's the Suzhou industrial park is where I want to focus on, because that's the part we visited. The Suzhou industrial park also known as SIP for short, is the largest cooperative project between the Chinese government and Singaporean governments. Mayor Hales and Nancy Hales both offered great presentations about Portland's business opportunities. And we met with represented from the Suzhou industrial park's administrative community for that presentation. The SIP has attracted more than 400,000 foreign invested enterprises, including 84 Fortune 500 companies. SIP contributes about 15% of Suzhou's GDP in a sustainable economic growth of 80%. At the SIP, there have been rapid clustering of tech companies, automobile production assembly, and aviation and aeronautic products, biotechnology, pharmaceuticals, computer software, food and beverage processing, instrument and industrial equipment production, medical equipment and supplies, telecommunications equipment, and swift emergency software outsourcing and nanotech industries. But the SIP emphasizes -- it's not just an industrial park. It emphasizes human-oriented philosophy and highlights economic development, technological progress, and the harmonies between man and nature. The SIP area has become an important place for consumption, social interaction, and recreation. The SIP strives for comfortable living environment, concentrated commercial facilities abundant restaurants, plentiful recreation activities, quality education, and excellent medical services. It almost sounds like downtown Portland in a way. You can see the synergy between the two cities. It also has the new children's hospital which is being built in the SIP. Our OHSU and Doernbecher children's hospital has an exchange program with Suzhou children's hospital. As a matter of fact, we met and ran into in the restaurant of the hotel, the director who was there meeting with them. So the SIP has become a most livable region for innovation and residents. Most importantly, education is the very important integral component of the SIP. Within the SIP there's the Suzhou lake high educational town, one of the government's key projects. It has a total area of 25 square kilometers and around 400,000 people, 100 of which are students. Its goal is to offer good education, advance technology and a pleasant living environment. The area is home to many universities, undergraduates as well as graduate schools, including local Chinese universities and universities from other countries. The community is known for producing educated and creative individuals. The Suzhou new district, which we didn't visit but I thought I would throw in because it's important too, in terms of the economy in Suzhou, was approved to be the national level high-tech industry zone. By the end of 2007, foreign investment companies had registered capital growth worth of \$13 US dollars. They host more than 1500 foreign countries, some 40 Fortune 500

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companies, US- based companies include DuPont, Warner Lambert and the list goes on and on. Most importantly and most interesting is the synergies between the two cities lay in the appreciation of preserving the past while planning and building for the future. Unlike other cities in Suzhou where they tear everything down and build new, Suzhou wants to distinguish itself in restoring its old district, but also developing a world renowned new city as well. And both of those cities complement each other quite nicely. The port, one of their outlying cities, makes them an important port city, both cities are transitioning like us to low-carbon high-tech cities and education is a top priority. Their culture embraces culinary arts as well as the visual and performing arts, like us, with well-established art museums they're improving their transportation system, they've now got east and west, north and south and they're continuing to develop that program. Their air and water quality issues are very much high on their concerns, and this is an area certainly where we can help them with our climate action plan that we developed a number of years ago. Which Mayor Adams introduced about two years ago. And not too long ago in 2007 you remember the theme of the world expo in Shanghai was better city, better life. Which the city of Suzhou really aspires to. You see the importance of Suzhou places in education. We're so very pleased to have Peyton Chapman here today to join us, because she's going to share some of her thoughts with you as it relates to her city, and some of the vision that she has for Portland.

**Peyton Chapman:** Good afternoon. First I want to say it was a pleasure traveling with Mayor Hales and Mrs. Mayor Hales as the Chinese referred to Nancy Hales. They both were inspiring and impressive and they charmed our Chinese hosts. So that was wonderful. But I'm here to make the case for schools as economic drivers and schools as physical and cultural examples of Portland's commitment to sustainability, creativity, and internationally benchmarked urban innovation and education. So you hear a lot in the public school discourse about, it's for the kids. That can be used in lots of ways, but for right now I want to give you permission to completely remove that rhetoric, because this is not about the kids. Chinese love their children, we love our children. Their commitment to education is not about the kids. It's about the preservation and investment in their economy and their culture and in their traditions. And that's the way I think we have to start shifting our thinking. So education is China's number one priority. Everyone you meet there will tell you that. And for now I think it's important, but Portland's number one priority is about economic development, or certainly our trip was focused on economic development. So we do have some real assets in Portland, and some opportunities. We have been connecting, we have current partners in China, been conducting education exchanges, and I'll use Lincoln as an example, but there are many others. Lincoln went over in 2008. I went with Mayor Potter and the mayoral delegation to set up a sister city high school agreement with Suzhou SIP. And you really can't imagine what this publicly-funded government-run and supported school is because it's an urban public boarding school for Chinese students. And of course they test into it at the end of eighth grade, and it's in the middle of an industrial park that was planned around the school. So the school is built first because they said that's our talent pipeline, that's our future, this is our top priority. And then the Fortune 500 companies developed, there's retail, housing, all on a campus. And they had the ability with some land, like Nike's done out on their campus, to grow with some acreage. We're in an urban center, we have to think more vertically, the way New York and others have done. But anyway, so back in 2009 we hosted the first of the Suzhou SIP students on our campus. We've hosted them in 2011, 2013, teachers have traveled, principals, they've observed our classrooms, and we have sent students to stay with families in Suzhou, but in the province, because Suzhou SIP our sister school is a boarding school. They don't have a place to host our kids with families. So we actually have a sister relationship with two schools. Many other schools in PPS, like Cleveland high school, Jackson middle school host and receive families, and have this fairly long-term partnership and relationship. In 2011, PSU vastly expanded the Confucius Institute program and they've placed 20, 30 per year student teachers visiting Chinese teachers across Portland, which has built some strong relationships

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and also brought Chinese teaching practices and they're able to learn US teaching practices. And recently right before our trip, Portland State University, that I'm thinking of as the next University of Washington, so you have to think next UW, is going to guarantee spots at the undergraduate level for visiting Chinese students. What does Portland have to offer that's unique? We have teaching methods that support student inquiry, creativity, application of learning, that's IB, the focus, we have a commitment to global education, multiple languages, seven different languages are taught in the city of Portland, six are taught at Lincoln alone. We have a commitment to the arts and the A in STEAM: science, technology, engineering, arts, and mathematics. We have nationally-ranked schools and universities, with already established goodwill and friendship. And I can't stress the importance of that, those two things. The Chinese really care about rankings and ratings, so I had lunch recently with the head of school, we're the ninth ranked school in China. They know that, it's important that they share that. They want to know how you're ranked, not just a school like Lincoln that is internationally recognized and also nationally ranked, but also a school like Portland State University. And then the relationships. You can't build those overnight, so having 25 years of a sister city association with relationships and having traveled and now these multiple years of host relations between schools. Really important. We also have urban sites that are developable on public transportation lines with access to internships, higher education, the ability to create and co-locate new 21st century opportunities. So again, school's really important to our current students, but it's really an economic development long-term investment strategy and opportunity. Some of the comments I just heard, a list of comments and themes started to emerge, but. In China, we want to learn US teaching methods that help students become leaders, more articulate and independent thinkers. We wouldn't have thought of including a student on a delegation, for example. We've taken a student the last two mayoral delegations that I've been a part of and the students shine. They really do have great leadership skills here, we're doing good job with that. We build confidence in our students, and that's impressive to the Chinese. And other comments, Chinese families are demanding study abroad opportunities at top schools in the UK and US and we currently can't meet this demand. So they want to be able to send more and more students, which creates opportunities for us, more students want to come to the US for college and university, Portland excels in the areas of sustainability and creativity, we want our future leaders to see those, the Chinese could build you a school and you could run it if you could guarantee a certain number of slots for visiting students. Another person who distributing our craft beers from Portland said, I got my job here before the new policy of only hiring people who have Mandarin language skills. Very important that we support our Mandarin programs here in Portland, we want our students to be able to be able to be employable here and work with people in China, also be able to go there and access job opportunities. From the Chinese perspective, Principal Chapman and student Emily are the most important cultural investors. I only put that in there because they keep reinforcing how important education is to them. I think that's a good opening conversation. The development opportunity, I really -- if everyone here can in business, education, politics, encourage schools as economic drivers, building cultural partnerships, bringing new ideas, resources, and talent to Portland to help others learn from our strengths. I personally would love to help everyone imagine, I brought a visual in the centerfold page 4 of the cardinals times which you have in front of you. Again, just one example. We re-building, planning three schools on the east side, Roosevelt, Grant high school, and Franklin. These are dreams for what could happen downtown. But if you shift your thinking again from a standalone school to a school as center of community, downtown with partnerships, it really looks different for what could happen in the next 20 years. So there's a visual where you could have a co-located Portland State University graduate teaching program, you could have teachers doing demonstration lessons, could you have fifth through 12th grade, you could have a Chinese boarding school campus, could you have a Nike downtown campus like the Suzhou industrial park, there's so many things that we could do here that would put the city of Portland on the map that just -- they just -- this



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concept just hasn't happened in our country. But really thinking about moving from a standalone 1950s school to having international partners, Portland State University, Lincoln both have partnerships with cutter foundation international. Cutter foundation hosts the world innovation summit for education each year in Doha. Portland could host the world education summit next year here on -- you know, in five years on these kinds of campuses that have a birth through graduate school mixed in with industry and business opportunities, housing, retail, those kinds of things. We saw when we were in Suzhou the Suzhou daily news. And they had used their first floor space as a public art gallery. And were able to print newspapers daily and have online presence. Why not a school a center of community that has a public art space on the first floor and has wind turbines on the roof or urban farming opportunities? You just -- the options are endless. So all of these are economic development ideas that would also shore up the quality of education in our city for our students our families and also attract other businesses that can guarantee to their employers and employees that there's high quality of education in Portland. But more importantly, that we're really thinking holistically and synergistically about our properties, because it's -- we're a city that really is committed, we're inside an urban growth boundary, we're on public transportation lines, we have public and private partnerships that -- potential that are incredible. So I think my biggest takeaway, having seen this in China, a school in the center of an industrial park fully supported by the business community, and by political leadership, what that's doing for their kids and how we can take some of those ideas and replicate them, but also bring in some new ideas that would really be models that people would be traveling here to see, like we bring people for First Stop Portland to talk about sustainability, we would be bringing people here to see an urban innovated lab school that connects with business in the community.

**Fraser:** When we saw the commitment to education in Suzhou, and I heard Peyton's vision of what she would like to see in Portland, it blew my mind. I just thought this is -- the thinking of vision is extraordinary. And education is truly the future of our city. It's going to be our future leaders, our future employees, it's the future. It's our future. So thank you, Peyton. We also had an opportunity to meet with the Port of Taicang. Due to time constraints, I'm going to shorten this a little bit. But you have a complete presentation with you in the binder we presented. The delegation was met by the acting mayor Su Xuxia, vice mayor Lu Yan, and vice director of the port Tony Yao. Incredibly large port. You would think a port -- when you already have a port in Shanghai, but this port really serves the province of Jiangsu and provides them with an opportunity to miss all the congestion that exists in the port. The discussion of potential shifting of Oregon agricultural products to this region of China, in the case there's a market for Oregon product entry. This information offers economic opportunities to Oregon and Washington agribusiness interested in expanding market opportunities while identifying clean green distribution technology for in and outbound shipment. This is an opportunity that maybe the Port of Portland can look at in terms of entry of our agricultural business to that particular province. Needless to say, food is a big import opportunity in China. The delegation was also invited to visit the Nike distribution center in Taicang, another satellite city of Suzhou. We were given a tour by the logistic center general manager. 2000 square feet meter meeting facilities on target to be the first LEED-certified accredited warehouse complex in China. The China logistics center aims to reduce overall energy consumption, includes industry leading features such as highly effective roof energy management systems, sewage, maximized use of natural light and many other elements that focus on reducing water and power usage wherever possible. So the Nike center really serves as a model for logistic centers and companies throughout China, and obviously a Nike and the technology that they have to offer -- much of it I'm sure has come from our city of Portland. Monday, October 28th, delegation had a breakfast meeting with the Shanghai American chamber of commerce. The Suzhou branch opened an office in Singapore, so our timing to meet with them was absolutely perfect. Their new branch in Suzhou set up a breakfast meeting for us. Portland now has a friend in Jonathan Shu, manager of the Yangtze River delta



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center, located in the SIP, to assist us in developing strategic markets in the Suzhou business opportunity. So this is a wonderful opportunity for Suzhou, again, to connect with Portland and Portland with Suzhou. Heading the chamber delegation was Scott Williams, VP of program and services. Suzhou chamber members included William Miley, [indistinguishable] mercury there represented, trading company, and we also had an opportunity to meet with Catherine Zhou, China general manager of SAGE and chamber vice chair who was also in attendance. It was only a couple weeks that she decided after that meeting to come and visit us here in Portland and the Portland-Suzhou Sister City Association helped her to develop appointments here in Portland for companies that might be interested in partnering with her. That was just one example of immediate ROI on our trip to China. And we're looking forward to more trips like that from business people in Suzhou looking for opportunities in Portland. I would now like to introduce to you Lynne McIntyre, board member of 15 years, and past president and co-chair of the delegation visit. She's going to continue the share our story with you.

**Lynne McIntyre:** Thank you, Bob. Celebrating 25 years of deepening relationships. On a brisk morning walk through the scenic Panmen Gate park, our Suzhou host surprised us with a visit to its new sister city park. Where the Portland sustainable hardwoods pavilion, given as a gift in honor of our 25th anniversary, now stands with a beautiful plaque in Chinese and English. Very heartwarming was the scene of the pavilion sheltering the beautiful stone sculpture from Suzhou. A poetic reference to the warmth of the relationship between our two cities. For those of us who worked on this project, it was exciting to see the pavilion demonstrating Portland's strong position in the sustainability green building community. Mrs. Dorothy Lu, who was present, was instrumental in helping complete delivery of the pavilion materials to Taicang port, which were reconstructed into the modern style pavilion standing near a Venetian gondola and a boat from Germany, gifts from two other sister cities of Suzhou. Portland sister cities have the vision of creating a sister city park too. And some of you know we've been working on this for a long time, and we appreciate the votes you've given in favor of that in the past. Suzhou has already succeeded, so we're going to try to equal that if we can. After our beautiful walk in the park, we had an official meeting with Mayor Zhou Naixiang. Mayor Hales and the delegation members were invited to an official meeting with Mayor Zhou. The Mayors discussed the strengths of the 25-year relationship and identified areas where the two cities might focus additional efforts. It was an extremely cordial meeting attended by Vice Mayor Tan Ying, Mr. Chen Xiangwei, secretary general of the municipal government, Mrs. Yu Fung, vice director of the foreign affairs office, and Mr. Zhang Wu, senior advisor to the Suzhou foreign affairs office. Following that we had lunch with Vice Mayor Tan Ying. Vice Mayor Tan Ying invited the delegation to join her for an official luncheon and additional guests from Suzhou included president of the Suzhou garden development company, and director of the Suzhou garden design institute. And the vice section chief of the Suzhou foreign affairs office. Guests were escorted to a beautiful room where the centerpiece was a remarkable natural arrangement of plants and architecture resembling a garden. The vice mayor explained the garden symbolized the garden styles of both cities, blended together in harmony and beauty. It was truly a beautiful setting for a gathering of friends. The delegation was treated to a sumptuous meal and great warmth of friendship. Introduction of Portland's Rogue Ale. Mayor Tan and Mayor Hales shared a toast with all those gathered around the golden table. When they raised their glasses, they were filled with Rogue American amber ale from Portland, Oregon. Mayor Hales is very proud of Portland's standing as the microbrew capital of America, and he wanted to promote the local microbrew industry to our good friends in Suzhou. Guests were presented with a commemorative bottle of Rogue with artwork depicting an American working person backed by the American flag. The front side of the bottle was in English and the other side was in Chinese characters. There was lively discussion that microbrews are entering the Chinese market. Rogue is a front runner, with a distribution network already operating in Suzhou out of Shanghai. In Shanghai there is a pub

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servicing Widmer products and Rogue ales are offered in several establishments. Teaming up with Travel Portland, we presented each guest with a Portland bicycle chain bottle opener, highlighting Portland's love of bikes and microbrews. We were very fortunate to be able to place the product in the hands of Suzhou's highest government officials while toasting our two cities. And that's how we do it in China. In honor of the 25th anniversary, gifts were exchanged. Mayor Tan presented Mayor Hales with a fine Suzhou scene, employing the artistic stitchery of fine silk that is one of Suzhou's great art forms. It developed out of Suzhou's culture industry and the production of the highest quality silk in all of China. Those pictures often take considerable time to produce and are highly valued. I'd like to ask Portland artist Frances Maihwa Li to please stand. Frances was commissioned by the mayor to paint four scenic Oregon locations, each in one of Oregon's four seasons as Portland's official gift to the citizens of the city of Suzhou. Francis presented these paintings to Mayor Tan, assisted by Mayor Hales and Nancy Hales of First Stop Portland. The paintings and silk embroidery were displayed for everyone to appreciate during the gathering. Through this exchange, the artists of both cities were honored. The Suzhou garden development company and the Suzhou garden design institute, and if I could ask Jane and Gary to stand from our Chinese garden, these two companies built our garden, and they were a part of it. Portland's strong commitment to its classical Chinese garden grew from working with the president of the Suzhou garden design institute company -- development company, and the director of the Suzhou garden design institute, who are old Portland friends. Mayor Hales was one of the original signers of the contract to build our Lan Su, along with the president. Thank you, Mayor Hales. I worked with the director during the six months of garden construction in 2000. Meeting with these leaders in Suzhou attests to the importance of their wealth of knowledge in maintaining the garden's long-term authenticity while strengthening the lines of communication, which are very important to both cities. It was a pleasure to meet with them and to be hosted by them at a festive dinner as well. The Suzhou municipal education bureau, in conjunction with Skybridge International, and we do have vice-president, if you could stand up, based here in Portland, is responsible for bringing to Portland each year more than 300 students and teachers for educational exchange programs. The delegation received a warm welcome from secretary of director of the Suzhou municipal education bureau, as well as deputy director and her associates. The delegation was very proud to have Lincoln high school student Emily Levine, honors student at Lincoln, as a participant in the visits. PSSCA has been instrumental in assisting with the development of sister city schools with Suzhou, including Suzhou high school SIP campus, sister city school to Lincoln high school. Portland and Suzhou currently have nine sister city school exchange programs, attracting as many as 100 to 150 middle and high school students from Suzhou each winter for a week-long program with their sister schools here in the city. The Suzhou daily group. Following the Mayor Tan's luncheon, we were hosted by the editor in chief of the Suzhou daily, Mr. Zhang Jian Xiang, who formally received Mr. Hales and the delegation. He spoke of the importance of the relationship and his staff warmly received the delegation. Mr. Zhang gave us a private tour of the daily's newsroom and the art collection that Peyton mentioned. Suzhou media is very interested in maintaining its long-time relationship with Portland and The Oregonian newspaper. Delegation activities were heavily covered by its reporters and media outlets during our visit.

**Fish:** I have to interject, looking at this picture of the Mayor on the cover of this newspaper, sister paper of The Oregonian, highlighting the fact he was visiting, it's the kind of coverage you get here.

**Hales:** Oh, yeah.

**Fish:** Front page story in The Oregonian, [laughter] meeting the publisher and editor and being hailed as a visiting dignitary.

**Hales:** Proves you have to go some distance to get that. [laughter]

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**McIntyre:** Like we keep saying, education is the key to everything. The next item is kind of an interesting one that came up during the visit. And that's about fencing students coming to Portland. While in Suzhou, we had a brief meeting with a former member of China's Olympic fencing team who owns a fencing academy with her husband. Mrs. Ying Zhang and Mr. Sam Michael plan to bring a group of young fencers to Portland this August to study at the Oregon fencing alliance, where two-time U.S. Olympic gold medalist Mariel Zagunis trains. And by the way, Mariel is planning to go to Brazil in a couple of years. So we're looking forward to seeing a third gold medal. PSSCA will seek home stay opportunities for the students. Imagine, you're thinking of visiting an American city and its mayor warmly shakes your hand in your hometown and says, we'll see you in Portland. It made quite an impression on the couple and I understand they are planning to bring the fencing team. So thank you, Mayor Hales. In terms of PSSCA's mission of supporting economic, cultural, and educational opportunities, the visit to Suzhou was very successful. It was an honor to be part of the delegation celebrating 25 years of friendship between Suzhou and Portland.

**Fraser:** One of the events that was so very close to my heart was the Trails of Bliss exhibition by Portland artist Grace Lim. It was specifically curated for this exhibition both in Portland and at the Portland Center for the Performing Arts in April and May, and then in Suzhou on the occasion of our 25th anniversary. I'm not sure Grace is here, but if she's here, if she can please stand up. She hasn't been able to make it. Okay. Events highlighting the arts communities in both cities left the delegation with deep impressions of our shared world view. Portland artist and poet Grace Lim [indistinguishable] exhibition in the lovely water town graced the newly opened cultural center. The artwork and poems in the book filled our hearts and minds as Grace was honored for her work by the Suzhou media group. The exhibit involved the poetic impressions of the four seasons of Oregon and the Pacific Northwest. You actually have a copy of it. The exhibition was partially fund by the regional arts and culture council, Commissioner Nick Fish, we thank you for your council liaison work with this wonderful organization. I hope you will pass the word on to Commissioner Fish. The delegation activities were heavily covered by the Suzhou media groups, reporters, and media outlets during the visit to Suzhou. The delegation also treated to a beautiful performance of Romeo and Juliet performed by the Suzhou ballet theater group at the Suzhou culture and arts center in the Suzhou industrial park. Portland-Suzhou Sister City Association is currently working on having the ballet troupe perform in Portland in the very near future. PSSCA also welcomes the opportunity to share with the world what makes us competitive as a city on the global stage. PSSCA and Portland in the fall of 2012 was awarded the friendship city for communications and cooperation with China at the China international friendship city association conference. The Suzhou foreign affairs office generously hosted our stay for that presentation. The economic development award, which was just presented to Portland in the Portland-Suzhou sister association, and the Suzhou foreign affairs office at the US China conference, sponsored by sister cities international March 26th and 28th in 2014 in Washington, DC. President and CEO of sister cities international shared in her congratulatory letter that this award is a tribute to the work, contribution, and dedication of the volunteers and communities to help foster cooperation understanding between the United States and China. I would like to now introduce Kathy Chinn, former president of the northwest china council and our newly elected president who will share our strategic plan for the upcoming future.

**Kathy Chinn:** Thank you. Thank you for the opportunity to present a vision and goals for the Portland-Suzhou Sister City Association for 2014 and beyond. First, I would like to say our relationship with the city of Suzhou is strong, and has been growing stronger over the past 25 years. There's much to look forward to for the next 25. Back in December of last year, PSSCA held a strategic planning meeting to review our progress and to identify goals for the future. While we're still finalizing this plan and it's still a living document and we're still consulting different parties, I would be happy to highlight some of our goals for 2014. Our strategic plan calls for us to focus more resources and grow the business aspect of our mission. Our short-term goal for the business

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focus is to lay the ground work to develop new friendships and relations between the business people of Portland and Suzhou. Our long-term Gerome is to grow this new relationship and friendships into solid business opportunities and cooperations. In order to achieve our short-term objective, we'll create a theme called the Suzhou Week in Portland, and plan to invite as many citizens, especially business people from Suzhou to come to Portland, preferably -- actually, it's going to be in early August 2014, to share their culture and interests with us and to learn about all about our beautiful city has to offer for their enjoyment. The objective is to create many opportunities for the cities, citizens from both cities to have fun together and to build long-term friendships that may eventually turn into cooperative business or professional relationships. The mission we have for Suzhou Week in Portland will have a one-week period in August, incorporating our already successful annual fund-raising gala, the evening under the stars, will add to the festivity of one day of high-quality talks about Suzhou art exhibits performance, by local and Suzhou scholars, actors, and performers. We also will develop a three to five-day block of time to host a tour, specifically targeted to the Suzhou business professionals for them to come and tour Portland and Oregon together with our own Portland business professionals, and to provide an opportunity for them to get to know each other to allow for business exchanges. Our goal after the successful implementation of the Suzhou Week in Portland is to follow with the annual golf tournament with teams from both cities to compete and have fun together. Also plan to organize something called a Portland Week in Suzhou, to showcase all that Portland has to offer of the citizens of Suzhou and further cement our cultural, educational, and business exchanges and cooperations. We are mindful of our organization, that is an all-volunteer organization with limited resources and we look for and welcome support in assistance from many partners, from both sides of the Pacific. Foremost is the support from both our city governments. In Portland, we very much appreciate the support from Mayor Hales, the city commissioners, and director of international affairs, Judy Parker. In Suzhou we appreciate our support from the Suzhou Mayor, his staff, and the foreign affairs office. There are also many Portland and Suzhou area partners that we would like to be able to work with to bring about economic success for both sides. Now Bob has already highlighted many associations that work with us that we can count on in Suzhou. In Portland, I would like to especially thank the Lan Su Chinese garden, represented by the executive director Gary Wilson, the director of events -- programs -- for the use of the garden as a base for Evening Under the Stars gala every year. We are continuing to discuss the many ways we can work together to further strengthen the Portland-Suzhou relationship for the good of both cities. We would also be honored to work with the many Portland organizations such as Travel Portland, Business Oregon, Travel Oregon, Portland schools and colleges, Study Oregon, the port of Portland, and the greater Portland -- and the many Chinese organizations in our area to see both our short-term and long-term goals. In summary, the future of our sister city relationship with Suzhou is very bright. PSSCA is committed to working hard to continue our mission of strengthening our excellent relations with the city of Suzhou. We're also committed to supporting our efforts of the city of Portland to bring about better economic futures for all of us. This includes better education for all of us. I firmly believe in education. So thank you very much.

**Hales:** Great. Thank you. Thank you all. Questions for this great panel?

**Novick:** Peyton, I wanted to ask you, what sense did you get of what teacher recruitment and training is like in China? When you read articles about the difference between the United States and other countries that score high on international comparisons, one of the things you see is like when you look at Finland, teaching is a high status profession, and it's hard to get into schools of education. What sense did you get about how that is in China?

**Chapman:** That's a really good question. Because Finland does have teachers' union and China doesn't, and there's so many differences, but it is highly respected role. So while they don't get paid a lot, it's not that they're paid so much, but they're highly respected. So they are top students in their



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undergraduate programs, the way they are in Finland too, because also that brings honor to their families, and respect. They are able to hire some of the talents internationally as well, and they're really committed to every student learning English by first grade. And this is one of the places where I really saw commitment to what I would refer to as equity, where I really think they view it in terms of economic development. But it doesn't matter if you are in a rural one-room school and the children are going to be laborers, they have to start speaking English by first grade. So that contrast, where we're struggling with well, do we add more Spanish immersion or more Mandarin programs, we're denying kids access. Really we need to start replicating that. But with the teachers too, while they are top students, they also are extremely professionalized, so when they had a day canceled for a flood, they just said to their teachers and their kids, come on Saturday. We're going to make up the time this Saturday because it makes sense. We missed the time on Wednesday, we'll make it up Saturday. Where we will maybe tack on a day at the end of the year after the state testing, the IB, the AP, because that's what is in our teachers' contract. We can't ask them to come on a Saturday, for example. So, I mean, the whole system is so different. But one of the things I love about the exchanges is our students can see how hard those students work for those opportunities, that they are there from 6:30 in the morning. They start with jogging with their principal, because they are really committed to healthy living, and mind, body, spirit philosophy, and they don't leave until 6:30 in a normal school and the boarding school they're there all week long. So what they feed the kids is incredibly healthy, it's rice and steamed chicken and vegetables, and they cook all the food there. I mean, so much about what they're doing is right, but what they really need from us is if you ask a Chinese student a question, they will give you the exact answer they think you want to hear. And Emily, on the spot, could stand up and give a toast to their education officials having not thought about it before, and it was great, weaving in examples from her trip and schooling here and apply her language, and -- so they need to learn from us and we really need to learn from them, and this idea of streamlining teacher education here in the United States, where we could have our teachers, for example, co-located with Portland State University's graduate school of education. The professors could give demonstration lessons, our PD could be aligned. We talk about common core, you don't become a teacher and go off to academia and talk about what happens with schools with kids, you would be right there in the school with adults working together, and if you had visiting teachers from Australia and China and Doha, engaged in this activity we could take the best of the best practices and really streamline and articulate and create a talent pipeline that I think would organically shift the quality of our programs and educators and our ability to hire, instead of having to kill the union to do it, you now. I think we have some good structures in place that supports teaching, but through education and innovation of sharing of best practices, it would be a better way to reform our ways. It's a good question. Thank you.

**Hales:** It's a great question. The other thing, I think, it's always profound in any visit to China is to see the seriousness of purpose. They are translating general goals into big investments. The Suzhou industrial park has subway stops that are open or are completed before the first buildings are built. Contrast that with how we get around to transportation projects. They build subways on spec. [laughter] So you see what 10% of GDP going into infrastructure actually means on the ground. Not frankly I don't agree with all the infrastructure investments China is making, but I can't disagree with their capacity to turn a general purpose into specific plans and turn it into real things. So it's pretty impressive on education. The same thing, the facilities are really excellent.

**Chapman:** And when the business people say we need more engineers, they're directly linked to the school and the vision of the school in a positive way, not in a marketing way. We don't want to sell more coca cola to the kids, no. We want to have more pre-engineering opportunities there.

**Novick:** Actually, I just remembered. I think there was an article in The Atlantic recently, another big difference between the United States and a lot of other countries in terms of education is how



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much time and emphasis there is on sports here. What do you see in terms of time and emphasis on sports in Chinese schools?

**Chapman:** I think if you're going to be a highly -- everything is to be excellent. If you're going to be on the national basketball team in China, that's going to take a top priority. And you'll be in a different track. Here we have scholar-athletes, where you need to be a full IB student and be the quarterback, and that's you get into Yale. So we don't track our students into those, but if you are a serious athlete there, it becomes very competitive and takes over your life. But it doesn't take over everybody's life. But everybody has to have daily exercise, because that improves your mind. There's no -- I mean, very little child obesity, there are few health issues that get in learning ways. And when we talk here about the healthy fit active initiative and partnership with the city and Nike, or -- I just -- there's so many ways to connect the dots, so much opportunity right now between Portland parks and rec and educators and the business community to really, with the city 2025 plan and the initiative at the state level about streamlining pre-k through graduate school and teacher effectiveness, and -- this is just a key time, I think, 2014, 2015 to have some of the right minds around the table, because it will impact the next 20 to 50 years.

**Fish:** Mayor, on your trip did you visit a classical Chinese garden?

**Hales:** We did. Several of them in Suzhou, of course. We can't miss them. They're great.

**Fish:** We take for granted we're home to perhaps the greatest Japanese garden and classical Chinese garden in North America. How do we stack up with our counterparts in China?

**Hales:** They're very proud of Lan Su garden, of course, because the Suzhou garden bureau they designed it for us and we were faithful to the principles behind those gardens that were our models. So, it's a pretty big deal. My impression is it's a pretty big deal in Suzhou that we have this garden here. I don't know if these folks have more depth on this issue than I do.

**Fraser:** Whenever we bring delegates from Suzhou and they see our garden, even the ones that were here 10 or 13 years ago are like, wow. It's absolutely so beautiful. They're very well impressed. And if you go to one of our gardens and you go to Suzhou, it's like almost being in Suzhou when you go to our garden.

**Hales:** They use the same materials and the same techniques and everything. It's so faithful.

**Fish:** I just wanna observe that from the beautiful presentation you gave us, you seem to do a lot of eating on this trip.

**Hales:** Yes. [laughter]

**Fish:** The auditor here may have some questions, but there was also official business between the eating.

**Fraser:** That's the Chinese tradition. That's where communication takes place. That's where business takes place. Go to a Chinese restaurant, you hardly see a table for two. You always see a round table for 10. That's their tradition. They gather around, families, businesses, that's where the conversations and the relationships take place. We have 25 years history with Suzhou, and I must say, many of the meals that we have are with relationships that have been established many, many years ago. It was absolutely wonderful.

**Fish:** When you think about presidential visits, so many of the great events have occurred at a banquet. The toasts, a president getting ill [laughter] So there is a great tradition. Mayor, I want to ask you one question, I was looking at the material, your letter had an interesting salutation.

**Hales:** Which one?

**Fish:** Your letter concludes by saying it is an honor to support this relationship and extend my most distinguished consideration. That's not the language we normally use in this body, but is that more typical of a formal diplomatic language --

**Hales:** And the English translation of the proper Chinese term. [laughter] And I think there's such a tradition in China, we certainly saw on this trip, of one hospitality, and two, they take these relationships very seriously. So the official exchanges are very formal affairs. And that's not because

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they're stuffy, that's because they take it very seriously. This is important. And they invest a great deal of public funds and staff time into these relationships. We rely on relatively small effort by the City and very large efforts by our associations. This one in particular has depth and strength, but we have strong sister city associations in the case of most of our sister cities, and that's why it works. Because we can, with this level of effort from volunteers, be in the same league as some place like Suzhou which has a foreign affairs office and a serious municipal commitment to these relationships. But it's pretty unbalanced frankly in the level of investment by the city. But it works in this country because ever since Eisenhower the sister city tradition has been founded in these voluntary associations here and other cities.

**Fraser:** You'll see it so much in their documentation and hospitality letters, the word friendship. 2010 we were invited to attend their 30th anniversary as a sister city, and they invited some 35 sister cities from all over the world to come and join and celebrate with them. And it was a friendship meeting. I could hardly see the politics involved. I'm sure there was politics, but friendship seems to be such a mission that they have in terms of extending their friendship with the world. They were such a closed society for so many years. The last few years now, they just want to get out there and expand their -- could you say their power, but also their relationships.

**Parker:** I think I see on behalf of all the sister city associations in Portland, they would love to have such trips continue with all the members of the council. If you would like to go --

**Hales:** It would be a great idea.

**Fish:** Steve, if you're willing to go, I'll go. I thought it was just a mayor's gig. I'll just call myself the president of the council on the trip.

**Hales:** There you go. That will work. Maybe during that six months that it rotates around. I went when I was a commissioner on a couple sister city trips, it was valuable then. I did get involved in negotiating the agreement for the construction of Lan Su garden, so that was a high point. But I think it's very useful context for the work that we do, it's an important set of relationships we have around the world, and I think increasingly, and this trip was focused in large part on this, the question is now, can these relationships and greater openness in China translate into business opportunities? I think so. It doesn't happen automatically, it has to require follow-up and you have to have the right product or service at the right price and the logistics have to work. But I think there's more indications that this is moving beyond cultural education exchanges, as valid as they are, into commerce as well. And as Bob said at the outset, that was the purpose of this particular trip, to start widening that agenda.

**Fraser:** Our mission is to help build bridges between our two countries. Obviously with we're a group of volunteers, we don't work full-time on this. But we have the wonderful opportunity of having Portland Development Commission in our city, business Oregon in our city, travel Portland in our city, all these organizations in our city that are attempting to develop trade and commerce, the Port of Portland as well. So we provided you with a binder that presents to you some opportunities, provides with you all the contacts that we were able to establish during the visit, and so we look forward to assisting you in any way we can in helping continue to build and develop those relationships. We have a board meeting this evening here in City Hall at 5:45, and we have the pleasure of having Michael Gerten from the Portland development commission to make a presentation to us and to help us develop a closer relationship with the PDC and see how we can move forward. So we thank you so very much.

**Hales:** Thank you.

**Chinn:** And as a new president I always welcome your ideas, suggestions, and things you want us to do. As I said, we are all an all-volunteer organization and we cannot do economic development in a big way, but we can help build bridges. So whatever you want us to do to help this relationship, please come see us.

**Fish:** This is the year of the horse?

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**Chinn:** Yes.

**Fish:** Can we also wish you a best wishes in the year of the horse?

**Chinn:** Oh, yes.

**Hales:** Great. Great job. Thanks very much. [applause] Is there anyone who wants to testify?

**Moore-Love:** I didn't have a sign-up sheet.

**Hales:** So I think we need a motion and adopt the report.

**Fish:** So moved.

**Novick:** Second.

**Hales:** Roll call on that, please.

**Item 46 Roll.**

**Fish:** Thank you for such an inspiring presentation. Principal Chapman thank you for this red book from Lincoln high school, it's also -- it's a subversive document because it is reminding us also that the Lincoln high school is situated within the education URA. Some other messages she might have been planting. Thank you for a wonderful presentation and for all your work to strengthen these connections and I will just close by saying when I had the honor of being the parks commissioner, it was a great piece -- a point of pride and privilege that both the Lan Su Chinese garden and Japanese garden are within our extended family. What I heard from everyone was we are the rare city that has the best of the best in both categories, and we're very proud of that. Thank you. Aye.

**Novick:** Thank you very much. I really appreciate you taking the time to share your experiences with us today. Aye.

**Hales:** Great report, great trip. This is a lot of fun, but it's a lot more than that. I think you can see the depth of this effort and how much importance it has for us as a city, you know, for our kids, for increasingly for our businesses and community life. So thank you for all the hours and time and money that you invest as citizens in may bring this relationship work. Thank you. Aye. [gavel pounded]

**Hales:** Okay. Next item, please.

**Item 47.**

**Hales:** This is the second reading but we have some amendments that have already been approved. We don't have any further amendments. So we may be able to move immediately to roll call. Give Commissioner Saltzman a chance to come back. Let's take a break for a moment and see if he's available. I think he is. Let's just pause for a minute and see. I assume his staff is watching and notices we're back in action on this.

**Fish:** You could send a sergeant in arms out.

**Novick:** I was in the legislature once when they actually did that.

**Hales:** Commissioner Fritz is out ill today, so unfortunately she can't be here to vote for this. This is not an emergency item, so I don't suppose we have to have him in the room.

**Moore-Love:** They're getting him.

\*\*\*\*\*: [inaudible]

**Hales:** Oh, I'm willing to accept some brief testimony on the amendments, Dan, if you feel a need to do that. Are there others who would like to testify on the amendments? Okay. We've got a couple people. Let's open that up for some testimony on the amendments that were adopted on 1218. So just come up, we didn't have a sign-up sheet I don't believe for that. So Dan, come on up, Daryl, come on up. These EMTs came in right before the holiday. Go ahead. This is on the amendments. Come on up, we're being a little informal about this but that's because these amendments came in right before the holidays. This is on the amendments only.

**Carol Landsman:** I'll go first, because I'm actually not talking about -- I'm talking about process. I'm Carol Landsman, I would like to encourage you to put off voting on any of the amendments until after the judge has the fairness hearing. There are many groups around Portland right now who are working to solicit public comment and opinion, including the NAACP, the AMA, I think ACLU,

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R2DToo, lots of groups and I would entreat you guys -- yeah, you're all guys -- to hold off until after February 18th. Thank you.

**Hales:** Thanks, Carol. Daryl?

**Daryl Turner, Portland Police Bureau:** Daryl Turner, Portland Police Association president. I just wanted to reiterate, obviously the parameters we agreed to in the DOJ agreement still stand, but anything outside of that -- we still have not had any constructive conversation with Constantin Severe, although I've sat down with him once, we haven't had any constructive conversation about any other changes to the IPR code that are outside of the DOJ agreement we already agreed to. We'd like to be able to sit down and do that prior to any vote on the other amendments.

**Hales:** Okay. Dan?

**Dan Handelman:** Mr. Mayor, thank you very much. Just so you know, Reverend Kate Lore from the AMA Coalition is supposed to be here, I don't know if she'll be able to come to testify but I hope you'll give her a few minutes if she does appear. I'm Dan Handelman with Portland Copwatch. I think council should not vote on the amended version of the IPR and PRB ordinances being considered. I think you should wait until after the fairness hearing. Voting now sends a message that the City joins the DOJ in refusing to hear public testimony about ways the settlement agreement could be strengthened. It's important to clarify what the fairness hearing can accomplish. At a meeting last Friday, city attorney Ellen Osoinach seemed to be verbalizing the City's belief that the fairness hearing will not result in changes to the agreement. However, the AMA coalition's collaborative agreement lays out changes to the process for picking the COAB. This is an example of invoking paragraph 187 which allows informal changes to be made to the agreement upon a vote of city council and approval by the judge. Therefore, after the repeated public testimony he's likely to hear about, for instance the 21-day timeline for the CRC to hold its hearings, the judge could ask the DOJ and City to negotiate a new side agreement that addressed that issue while still entering the agreement as a whole in the court record. Using that example, one amendment introduced at the last council session directs a report be given to the auditor and police commissioner when an investigation lasts more than 129 days. The intention was to preserve the 30-day window complainants currently have to file an appeal of bureau findings, plus the DOJ required 21-day timeline for the appeal to be held within the overall 180-day timeline for investigation. By enshrining this timeline in the ordinance, Council is conceding that the CRC's appeal process should stay within the 180 day and the 120-daytime line is valid. Commissioner Novick was clear on the record that it's the DOJ refusing to move this timeline. The city should give the community and the judge a chance to change this provision rather than create city code that could have to be changed again in a few months. Similarly another amendment, the paragraph about IPR independent investigations clarifies the chief needs to order officers under investigation to both show up and answer questions from IPR. This amendment assumes the scheme drawn up between the October and December council sessions that leaves IPR dependent on the bureau to conduct investigations satisfies the DOJ's order for IPR to conduct meaningful investigations. As we argued earlier, the meaningful solution would be to propose an amendment to the city charter to allow IPR to compel testimony. The city could get such an amendment by May if language is ready by February. Such a charter change would not be a violation of the DOJ amendment, but rather a means to properly fulfill it. The IPR director stated these changes need to be made right away so as to help as many people as possible, since many people could have been helped over the last 12 years if a better system had been in place, it's not a good reason to hurry these inadequate changes. Many more people can be helped in the future if council gets this right. I also have concerns about the third amendment about the cumulative report on discipline which doesn't provide for public reporting by the chief when he disagrees with the Police Review Board, which was the original intention. And we have concerns about the expansion of the CRC to 11 members with a legal quorum of five, which could allow for a small faction of the committee to make decisions without the knowledge or



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consent of the majority of the group that. That was a piece that nobody really testified out before. The intention of the ordinance appears to be strengthen to professional staff of IPR but not the CRC and we urge to you hold off on the vote. Thank you again for your time.

**Hales:** Thanks. Questions? Thank you. Others that want to testify? Come on up. We might want to get LaVonne up after this. Good afternoon.

**Veronica Bernier:** Good afternoon. Veronica Bernier from Portland State, community health education and public health alumni of 2005. No stranger to the board, good afternoon Mayor Charles Hales, it's good to see you, you're looking well. I hope had you a good New Year. I can now say happy New Year in Chinese. It's gung hay fat choy. It is the year of the horse and I'm happy to see all these nice people did come before us to speak, I'm always encouraged because of that. I'm also happy to see Commissioner Dan Saltzman here because he's one of my favorites. He always -- well, he can ring the bell for me any time, but that's just a figure of speech. We go back a few years and I do know Commissioner Dan Saltzman has always stepped up to the challenge when it comes to the police. It's very important to continue, as you have been, to continue the 24-hour clock and also with the IPR thing, I always remember Mike Hess, I worked with him at Brooks Hall in San Francisco 20 years ago. He was so instrumental in bringing forth IPR issues to the board, and we always supported, if something does happen, heaven forbid, we support that unilaterally. And Commissioner Nick Fish I know you are on law and order too. It is also very important, Commissioner Steve Novick, to welcome you to this board process, and also let you know that anybody can be arrested at any time in Portland for something silly. But if you want to be detained by a policeman you have to know sometimes appearances can be deceiving and sometimes little old ladies like me, while crossing the street and fanning herself with a little white hankie, might look like she's trying to attract a few gentlemen attention that may not be true. We might be having a hot flash or something. But I wanted to let you know that, be that as it may, we still support the mayor's projects unilaterally and it's important to see those boys in blue out there, even at 1:30 in the morning on a Tuesday. So thank you very much.

**Barbara Ross:** My name is Barbara Ross, I'm testifying on behalf of myself as an individual and not on behalf of any organization. I wanted to call your attention to amendment three that requires notification if the investigation exceeds 21 days. That's a step in the right direction, but it isn't a solution to the problem that has been brought to your attention many times of the 21 days that it takes to complete the process. The CRC and the IPR have not produced a new process that could fit into this time frame. And it is my hope that the fairness hearing on the DOJ agreement will give us an opportunity to address this problem. For this reason, I believe it's premature for the council to vote on the proposed code changes at this time. Another puzzling issue not addressed in the amendments is the matter of the quorum. Membership to the CRC is increased to 11, while the quorum is retained at five. This raises the troubling possibility that at a meeting with only five members present, three persons could decide a controversial issue for the entire group. Possibly a procedure could be worked out whereby the CRC could delegate a case to a smaller panel, but there's been no clarification about how this might work. At this point there are more questions than answers. The IPR and the CRC should work together to provide an explanation to the city council and the public on how this five-person quorum would work before finalizing the code changes. I would urge the council to postpone any decision on the amendments and the code changes until after the judge holds the fairness hearing. There's no point in changing our city code when it is entirely possible within the next few months the work that has been done will have to be undone. Furthermore the CRC and the community recommendation should be part of this discussion. Those are important and they're important and thoughtful improvements coming from them that should be considered. And I thank you for this opportunity to testify. And I wish you good luck as you solve these difficult problems.

**Hales:** Thank you.



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**James Kahan:** Hi, I'm Jim Kahan, and I sent all of you a copy of what I wanted to talk about, and I'm available to talk about it at greater length. My bottom line is that of everybody else here, now is not the time to pass this because it's not ready for prime time. There are many problems. My principle concern based on the work that I've -- professional work I've done in understanding how independent investigations are conducted, is that the IPR is not an independent body except in name. And that's not good enough. And the amendment does not clarify adequately that they can get all of the information that they should be able to obtain whenever they want, which is a cardinal virtue of any independent body. There is a misunderstanding that seems to be all over the place that the IPR is involved in the police disciplinary process. It is not. There is a difference between fact-finding, which is the proper job of the IPR, and what that means in terms of the discipline of any individual or group of officers, and his is just too confused, and I think we need writing, code, to clarify that. It also must be separate from the vested interests of the city such as yourselves, and the city auditor. So until we have real independence, it's not time to do this yet. The question is why now, and the answer is, the Department of Justice. There's an opportunity here, so rather than do the absolute minimum that the DOJ demands, we can take a look at the IPR and make it a fully functioning state of the art body in terms of the investigations that it can do, which is what I'm talking about, and in terms of all the other things that it can be do, and I'll let other people talk to that better than I can. So, it's just too early. And that's my testimony.

**Hales:** Thank you. Thanks very much. Are there others? Come on up.

**Becky Straus:** Thank you. Good afternoon. Mayor Hales, Commissioners, Becky Straus here on behalf of the ACLU of Oregon. Thank you for the opportunity to testify. The time I want to take today, the point I would like to make today, is to ask you for a bit of clarity on your intention, because there have been testimony over the several hearings that there's concern that these changes to the structure that are before you now don't go far enough, that seems to be the prevailing theme, and ACLU certainly agrees. And I think what I'm asking for is some discussion, if you're willing, to think about when the next time that we will come back to make revisions. It's certainly within the realm of my understanding that after the settlement agreement is approved by the court, there's another opportunity to come back and make changes. Certainly in this area and many others, not to mention use of force policies which, by my read, I realize it's not council action, but will need to be changed right away once the settlement agreement is approved. Just a couple other examples that I was looking at, the pending settlement agreement mandates a further discussion about the garrity issues, which we've had several times privately and publicly, depending on the outcome of those discussions. I think there could be a possibility of code change that's needed as well as further discussion about what IPR's investigatory process looks like. That's what I'm asking for is a little bit more clarity on the attention of council if you choose to approve the amendments here today, what the expectation is going for --

**Fish:** Becky, can I ask you a question in response to that? Because I feel like we're -- we've got competing forces here. On the one hand, we've heard from a lot of people, it's time to move forward and act. And now we're being told, slow down, be more reflective, it doesn't go far enough. And that's not atypical in our deliberations. But my sense is we have a sense of urgency about moving forward on things we can agree with, and I guess the question I have for you is, if it turns out in your view we haven't gone far enough, or there needs to be further refinement, doesn't our process allow that in the ordinary course? Is there something we're doing here that creates irreparable harm to your view? Or if it falls short of what you would like us to do, can't we at some point continue to make what you view as progress?

**Straus:** Commissioner Fish, I believe that we can. I think that's appropriate that we would continue to make further progress along the way. I would say I think some of the concern that we're hearing from all stakeholders on many sides is that by nature of approving something, you're codifying not only a system that's been referred to as self-defeating and all sorts of other things, but there is

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sometimes a fear that an action at one time precludes action any time in the short term. It's okay, we've dealt with this, and we're going to move on. And I don't think that's the approach that council should take, I think we should be ever vigilant as we're watching the implementation of the settlement agreement, whenever it is that it gets approved.

**Fish:** And I would say you are doing a very effective job making sure the record reflects your view on that. And if the record has voices saying that, I think it's something you can come back to us, if there's further changes in the short-term or the long-term. But I sometimes think this idea of just not doing something because you want to take it further at some date in the future could also lead to a certain kind of paralysis. And I think there is a benefit in acting, and acting on things that we've discussed and we can agree on. It doesn't -- should never signal that we're done forming, it just says that we're ready to act on what's before us. But I appreciate your point.

**Straus:** Thank you.

**Debbie Aiona:** I'm Debbie Aiona, representing the League of Women Voters of Portland. The League urges you to postpone voting on the IPR and Police Review Board code amendments until after the process related to the February 18th fairness hearing has concluded, and you have considered community and CRC recommendations. We believe it's premature to amend code at this time before reviewing the specific concerns regarding certain provisions in the settlement agreement that will be highlighted at the fairness hearing. The amendments under consideration today illustrate the shortcomings in the current proposals. The settlement agreement calls for IPR to conduct meaningful independent investigations. We understand that employment law and the union contract must be followed, but rather than take half measures, council should direct the city attorney's office to develop options for your consideration that would give IPR the authority to conduct truly independent investigations. The public has been asking for this for years, and the DOJ agrees. Although well intended, amendment number three requiring notification if an investigation exceeds 129 days will not solve the problems of a 21-day appeal process. Community organizations such as the League want to give the judge the opportunity to hear our reservations about that timeline before you incorporate this provision. In addition to our concerns about the timing of these amendments in relationship to the fairness hearing, the League believes the CRC's and the community's perspectives need to be taken into account. The stakeholder committee report contains a number of recommendations for improvement to the system. Before any action is taken, participants in that effort should be convened and asked to select for your consideration code changes that would be appropriate for adoption at this time. Furthermore, the CRC should be given the opportunity to suggest amendments it believes will improve the oversight system. Unfortunately, it was difficult for the public to be fully involved in such complex issues when the decision-making process took place over the holidays. Council should keep in mind the settlement agreement envisions the possibility of modifications. "The parties may jointly stipulate to make changes, modifications and stipulations to this amendment." Rather than acting in haste on the code changes, we urge you first to allow the judicial process to conclude and to consult with the stakeholder committee and the CRC. Thank you so much. And thanks for letting us testify even though you probably hadn't planned on it.

**Hales:** Thank you.

**Fish:** And Debbie, thank you for your thoughtful op-ed piece the other day. I thought it was deplorable that the response to your op-ed piece on the water district was a personal attack on the League of Women Voters. And it had never occurred to me that you're part of the inside culture at City Hall, but I suppose -- [laughter] I suppose when you can't respond to the merits of an argument you have to engage in ad hominem attacks. And I thought that was reprehensible.

**Aiona:** Thank you.

**Sylvia Zingerser:** Mayor Hales and Commissioners, I'm Sylvia Zingerser, NAMI Multnomah. And we would like you to wait until after the fairness hearing before you make decisions. I know you

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don't want to do that, you'd like to move ahead, but we would like to be able to have the ability to talk to the judge, have a testimony, and let it go from there, let him make his statement, let him review. I also want to say that I support Jim Kahan's presentation for quality assurance. We have been working on this a long time when we had the crisis intervention training advisory board. I'm glad to see it written out and I hope you will sit down and meet with him. I think it's vital. Because I think that we may be able to deal with a lot of the problems that we have that will work for everybody on both sides of the fence. Thank you.

**Hales:** Thank you. Thanks very much. Others? I know we want to ask LaVonne, our auditor, Griffin-Valade, and Mr. Severe, and maybe city attorney staff to come up at the end. But let's hear from any other citizens that want to speak. Good afternoon.

**Jan Friedman:** Good afternoon. I'll try to be quick. I'm Jan Friedman with Disability Rights Oregon. I just wanted to make it clear that people with disabilities as well as citizens in our city have a right to have an independent and thorough investigation. The IPR had great resolve in being able to compel testimony from officers, period, without any interference or intrusion or interruption from the police bureau or otherwise. They need to be able to do that. Otherwise we get back to a system of police investigating police. It's not independent, it's not thorough, and it's not fair to the people with mental illness, the people with disabilities in our community. So, the amendment that changes that sole right by IPR to compel testimony totally don't agree with and do agree with the memorandum by the national Lawyers Guild December 6, 2013, explaining how the IPR could compel testimony under the law and it's not a collective bargaining snafu.

**Fish:** And Jan, if you want us to consider the legal argument that you have at some point as to why you don't think the amendment is needed, could you let us know? Because this is a heavily contested -- this has been a subject of great conversation. We're guided by what our attorneys say. You're an attorney. You're going to have an opinion. We're trying to balance a number of rights and make sure this investigation is meaningful. If there isn't the authority to ask certain questions then that in itself is self-defeating. If you think we're wrong or our council is wrong in the advice we're getting, we would certainly like to see your analysis.

**Friedman:** Thank you. I'll do that.

**Hales:** Thanks. Auditor, if we could get you to come up, Mr. Severe, maybe city attorney staff for questions and follow-up by council members. Who is on first?

**Fish:** Well I had a couple of questions, Mayor. First I guess the two arguments we have heard again today, as we have had extensive hearings and discussions on this, number one you don't go far enough and number two, what's the rush, let's wait for the court to hold its hearing. Could you give us succinctly again your position on both.

**Constantin Severe, Director, Independent Police Review, City Auditor's Office:** This is a process that our office started November of 2013 -- sorry, November of 2012, right at the end of the DOJ settlement negotiation process. The code that we will have, once council approves the proposal, will put Portland in a place that I think we would compare very favorably to other cities across the country. There will be increased reporting requirements. The CRC will be able to be on the Police Review Board as rotating members. There will be increased transparency, increased consistency into the decision-making process and what the city does in the discipline process. IPR's role in these cases is to be an investigator, a fact gatherer, and then to monitor investigations. We do not -- we're not fact-finders, we're not the disciplinary process. This is a process that council has wished that we pursue. We get in the place of having extensive conversations like we have been having and I think it's important that we have those conversations, but we can't stop the important work that we're trying to do. We have complainants that come through our office every day, putting their faith in the City that it's going to provide its oversight agency with the resources and the mechanism to do the investigations that it needs to. We need these code proposals for us to be able to do our job. If we have to do an independent investigation today, I think that independent

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investigation will not be as strong as the independent investigation that will be under this proposed code. The ability for IPR to talk directly to officers as listed out in this code is, one, it's clear, it's transparent. It's easily understandable to all people who would look at it. Also if it is something that a union member who ends up being disciplined under an IPR investigation and they decide to grieve it and take it to an arbitrator, I think it would withstand legal scrutiny. I think that's the most important thing about whatever we do, that not only that we have a process that makes people feel good but that when it is under some sort of legal scrutiny by outside parties that it withstands that scrutiny.

**Fish:** And the second question is, we have been asked to wait six weeks or potentially longer to the conclusion of another process. You've asked to us take this up now. We've a full hearing of these issues. Anything else you want to add?

**Severe:** At this point this is the third hearing that we have had on these code changes. The process that Judge Simon is undertaking for the fairness hearing on the DOJ agreement -- I think it's an important process. And if there's things that come out of that, the city can adjust and do what it needs to. But the proposition that we do nothing at this point I don't think that's a tenable position for us as a city. We have a responsibility to the 590,000 people that live in the city for us to do our responsibilities as a government. For us to delay at this point when we have had extensive conversations with numerous members of the community, with respective unions for months at this point for us just to delay for the fairness hearing -- and at the fairness hearing that's just the opportunity for the judge to hear what the community has to say on that. There's not going to be a decision at the fairness hearing on February 18th, so that possibly would put us into March, if not April, when the judge would make some sort of decision on that. What I've heard from some members of the community is that we're going to wait another four months for something. I just -- my ultimate responsibility is to the community members that come and file complaints with our office, the 12 people who work very hard at IPR day in, day out, trying to make sure that community members have an opportunity to address their grievances to the City, and for the police officers that there is a fair process that is transparent and is actually written down. The way the code is written, in particular for us to be able to talk to officers right now, it's a very convoluted process. I don't think it's tenable for us to continue under that particular code provision.

**Hales:** Thank you. Other questions? Okay, roll call.

#### **Item 47 Roll.**

**Fish:** We've had extensive discussion on these proposed reforms. They have been good conversations. I think I have heard loud and clear from members of the community, we're not going far enough. They have made a record on that point. I think we have also heard issues about the hearing the judge is going to hold and a plea that we remain flexible. I think a record has been made and we have heard that as well. Dr. Bethel in his letter says if council passes these changes today we need to remain open to future changes. You've heard a commitment from all of the parties that that is the case. So, I thank everyone for their considerable time and energy in getting us to this place. I think these are important reforms. And clearly not the last time we'll be taking these issues up and there are more reforms to come. But, I too, since I believe there's a sense of urgency of moving at least these reforms forward. I'm grateful to the auditor and her team for all the work she's put into it and the consultation with our offices. I'm pleased to vote aye.

**Saltzman:** I, too, think this remains a work in progress. How many hearings have we had now? Four? I'm sure this isn't the last time council visits the issue of police review. But I do believe that waiting for a fairness hearing is a false goal post. I think as Constantin said, it's nothing more than a hearing and we'll be waiting further for the judge to opine. I think these are good times and it's time to move ahead, move the ball down the field. Aye.

**Novick:** I agree with what my colleagues have just said. I appreciate every body's attention to this issue. And I have to say, if, somehow at the fairness hearing folks here can give this judge time to



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throw out the ridiculous 21-day deadline for the CRC to complete an appeals, then more power to you. I'd applaud that. But I do think that these are important reforms we are considering today, and I don't see a compelling argument to delay them. Aye.

**Hales:** At one level, I have been a little puzzled by parts of this debate in which people have urged us to wait for the fairness hearing. Or puzzled by other parts of this debate where we have gotten very focused on individual provisions. Of course the details matter, but I think puzzlement in my mind has been partially lifted both by time and by discussion and actually by a couple of particular discussions here. One, the points Mr. Severe just made, and two, the discussion with Becky Strauss. How do you change big organizations in how they operate? You establish clearly where you want to go, you articulate that from a leadership level, then you make steady incremental change and you have oversight to make sure you're getting where you want to go. That's what we're about here. I'm the police commissioner. I have made it clear and will continue to make it clear that I expect the relationship of the Portland Police Bureau to the citizens of this community to be one of trust and mutual respect, respect for the law, respect for human rights, de-escalation at every opportunity and humane treatment of people in all walks of life and all conditions. That's exactly, of course, what the subject of the federal discussion has been as well. But I believe in those values that we all share, and I think the people in the police bureau do as well, and we're making it clear that that's where we're going. That's part of my job. Part of my job then is to make sure that we look for every way in the bureau, whether it's training or who we hire or how we reward people by promotion, not just how we affect them by discipline, for expressing those values and how the bureau operates. Again, that's part of our job as a city and my job as commissioner in charge. I don't think you can prescribe an outcome entirely in code. After all, the code that we're talking about here is the code for backward-looking review, as important as that might be, for how a review body operates and how staff who worked for the auditor conduct themselves in carrying out that work. I expect we will find that there are unexpected side effects of some of this code. Let me just give you an example. This is just a what if, this might happen. The public reports section includes a requirement, which has been controversial in the police bureau, that the final decision of the chief or the commissioner in charge be made public. It might be the case that the way in which that information is released could cause someone in the news media to file public records requests that ask for individual discipline letters about police officers, which would then cause the union to grieve that issue and we would go off the rails. I hope that doesn't happen. But ironically, while we're having this discussion today, the Chief is in an arbitration hearing where we're trying to make discipline decisions that he made in the past, stick. I don't know how we'll do it. We'll find out. My point is -- I'm not being flippant at all, my point is that this will all get tested in real time on real cases and some of it will work as we've hoped and some of it won't. And I'm perfectly okay with revisiting any section of city code, whether it's the code that governs independent police review or parking lots for apartments when we find out that things don't work out in practice like we think in the esoteric discussions that we have in this room that they will work out in theory. So not only is it I think not particularly helpful to wait for the fairness hearing, but it's perfectly reasonable that this city council should revisit an important function of the city to see how it's working and to adjust it over time. And whether we like talking about IPR rules or not, I expect we'll be back because of that reality, that this is a complex, litigious set of issues where people are going to probe and push at every line of this code and we'll find out. We have great city attorneys, we've got great staff in the auditor's office who worked hard on this, but we'll find out how it works in practice. Finally, as I think all of you know, I welcomed the request that Commissioner Saltzman made, that the federal government look at our practices. I support the proposed settlement agreement. But I also think it's our job to enact our code, yes, we're doing so with federal oversight, but this is the City of Portland's code. It's our job and we're responsible for adopting this code and the buck stops with us. So I don't want to give anyone the impression, frankly, by waiting for the fairness hearing that we're ceding our responsibility to the



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federal government. I'm not willing to do that. It's our job to do this and if we have to do it again sometime soon because part of this didn't work out in practice, we'll be ready. Thank you. Aye.  
[gavel pounded]

**Hales:** We are recessed until tomorrow at 2:00 p.m.

At 3:50 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 and should not be considered a verbatim transcript.

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

**JANUARY 9, 2014                      2:00 PM**

**Hales:** Okay, we have a quorum, and just so. As soon as Karla gets ready, we'll get started. Good afternoon, everyone, and welcome to the Thursday, January 9th meeting of the Portland City Council. Please call the roll, Karla.

**Fritz:** Here. **Novick:** Here. **Hales:** Here.

**Hales:** Okay. We have one item on the calendar this afternoon. Why don't you read that and we will start with the staff report.

**Item 48.**

**Hales:** Commissioner Fritz.

**Fritz:** Thank you, Mayor Hales. This is a new hearing for us. To the best of our knowledge, there hasn't been a council hearing on a parks permit denial. And before I turn it over to staff, there is a couple of things I need to say. First, we received a late request from the appellant asking to delay the hearing this morning. Because a lot of folks have given up their time and were planning to testify today, we are going to go ahead with the hearing. We will have a council discussion at the end as to whether to continue the hearing or whether to take action today. So that's how we're dealing with the request to simply delay the hearing. It wouldn't be fair to everybody who's gathered here today to say, thank you, but you can all go home now. Second of all, I support the unprecedented decision that the Parks bureau has made in denying this permit. We work very hard in Portland Parks and Recreation to allow people to do the things that they need to do and want to do in Portland's parks in a manner that is safe and healthy for all. So, this is very unusual that we would deny a permit. And the turnout of this event over the years -- it's obvious this has been a very popular event. Need to stress at the beginning that this hearing is not about marijuana and whether it should be legal for use in Oregon at this time. We know that it is legal for medical use. We know that is not legal for recreational use. That is not what this hearing is about. It's about the permit application for using one of Portland's parks to hold this event. The staff will come up to tell us about the past history and the reasons for the denial. I'll ask the Portland Parks and Recreation staff to come up and give us a staff report.

**Hales:** Good afternoon.

**Shawn Rogers, Portland Parks and Recreation:** Good afternoon. Mayor, Commissioners, my name is Shawn Rogers. I'm Portland Parks and Recreation's customer service manager and we're here today to speak to the denial of the request for a permit from Hempstalk to hold their event at Waterfront Park this year. The appeal was provided for under the guidelines stipulated in Portland City Code 202800 D. Parks' guidelines are written such that nearly any entity can produce an event in Portland parks. In a study of the more than 200 individual public events that occurred in Portland parks, the majority of which went without any complaint or violation. The majority of events were successful because organizers recognize and show by example what it means to be good stewards of our parks and the associate rules. Further, organizers are usually either professional producers with years of event production under their belts, or they're individuals capable of following detailed instructions and guidelines provided them, with the ability to maintain measures to ensure that their events are safe and secure for all patrons. Each year, we have reoccurring events that for whatever reason fail to meet some individual condition of their permit. In these cases, we work with the event

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to correct the identified issue, including any adjustments to conditions of their permit that may reduce the chance of a reoccurrence. Many of their events are annual, so they have the benefit of working with us year in and year out. They're well aware of our rules and our guidelines. So as their event increases in size and in attendance, and the infrastructure expands, we work together with event organizers to adjust the conditions of the permit to meet those new demands placed on them. That process works well in nearly all cases. It has not worked with Hempstalk. Parks, along with Portland police, fire, transportation bureaus, as well as many departments of the city, have worked with Hempstalk organizers for nine years. The size and scope of the Hempstalk event has grown over the years, but the organizers' ability to manage the event has not. Portland Parks and Recreation has attempted to guide, adjust, address the variety of issues that plague the event year in year out. While there have been incremental changes and adjustments made over the last two years, we have reached a tipping point. It has become clear that Hempstalk organizers are either unable to or unwilling to maintain the conditions of their permit, the same conditions that are applied to each and every event of a similar size and nature. So, what is the city code that we must follow? The code that, as a bureau, we are charged with implementing. City attorney Harry Auerbach. can you give us the details on the code?

**Harry Auerbach, City Attorney:** Let me take a minute and explain why it is that we have a code relating to permits in the first place. The parks are owned by the City for the benefit of the public. And the job that you entrusted to the bureau is to manage them so that they can be used safely and in accordance with their intended purpose by members of the public. They are used for recreation purposes. They're also used by people who want to express themselves through events that are protected by federal and state constitutional protections of free speech. When we regulate the use of the parks, we're trying to protect the rights of people to use them for constitutionally-protected purposes, while at the same time maintaining their integrity as public spaces. That is, making them safe, protecting the physical structures in the park, and prohibiting illegal conduct. And so the code is written so that a person who demonstrates that he or she meets the seven listed criteria is entitled to have a permit for the event, but that a person who can't meet these criteria does not get to have a permit for an event in the park. And the seven criteria, which are set out in section 2008020 B of the code are, first, that the proposed activity is consistent with the size of the park and any specialized purpose for which it is normally used or for which specialized facilities have been provided. Two, that the proposed activity will not have an unreasonably adverse impact of noise, litter, or traffic on the park or surrounding neighborhood. Three, that the proposed activity does not pose an unreasonable risk to public health or safety or physical integrity of the park. Four, that the applicant pays all required fees and agrees to comply with all conditions of the permit. Five, the proposed use is otherwise lawful but nothing in this chapter shall require the issuance of a permit for an activity otherwise prohibited by this title. Six, that the proposed activity does not conflict with an activity already scheduled for the park or for which a different permit already has been applied for or issued for the park. Seven, that the applicant, including any person, firm, or corporation affiliated with the applicant and with the activity, has not failed to comply with conditions of any permit previously issued by the Parks reservation center. And, so, those are the seven criteria. And when this application came in -- oh, the other thing I want to say is the code also provides that if an application does not meet those criteria, the Parks' customer service center, which is what we now call what used to be called the reservation center, can work with the applicant and impose conditions that will help them meet those criteria. And what the determination that Parks made in this case was, and Shawn can explain that to you further, is that the applicant did not meet several of the criteria for issuance of the permit, and that, in their judgment, based on their experience and what was in the application, they did not believe they could craft conditions of approval that would allow the applicant to meet the criteria in the code. I'm happy to answer any questions that you have about that.

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**Rogers:** The key issues that we have seen at Hempstalk. Unrestricted use of illegal and controlled substances by patrons, including minors. A history of showing an inability to manage an event of this size. The inability to enforce and disregard of park rules and conditions of the permit. As stated within the letter of denial, any one of the following violations and conduct would support our decision. There are many violations and they are as follows. Hempstalk's application was not complete and did not comply with all adopted policies and procedures. Specifically, the application did not adequately address Parks' concerns about the event. Seeing no attempt to reasonably address any of our issues, we concluded Hempstalk would continue to risk the health and safety of those in attendance, and the event would have an unreasonably adverse impact on the park and the surrounding neighborhoods. Most concerning, and in fact the primary reason we're here, were the actions individual event managers took to direct their staff to avoid, overlook, and or disregard the conditions, guidelines and requirements of their permit. This including Hempstalk managers directing security personnel to stop confiscating drugs and alcohol and to stop challenging those who would use them, including minors. Again, it is the requirement of city code that the permittee comply with all conditions of the permit, however, multiple violations continued to occur across nearly all facets of event management. We have seen illegal drug and alcohol use, included minors, throughout Hempstalk's history. Further, event personnel were seen operating vehicles within the park while smoking marijuana. Each year, we have addressed this issue with organizers and each year organizers state that they will aggressively address this problem. Yet the illegal activity has increased with the increasing size of the event. There has been no attempt to manage or address illegal structures or camping in the park. Ropes and lines secured to trees against city code. Consistent difficulty managing garbage during and after the event. There was a severe lack of garbage receptacles for an event of this size: 21 for an estimated 80,000 attendees. Where no receptacles existed, piles of trash could be found. The large central drop boxes were either inadequate in size or not removed and dumped in a timely manner to deal with the amount of trash generated. Dumpsters and piles of event material remained well after the permitted time. No management or traffic in and out of the event. In 2013, we added parking patrol oversight because the event had made no attempt to do so themselves. Without traffic management, there were more than 70 vehicles parked within the park and outside of designated areas, instead choosing to park on sensitive turf and plantings, tree roots, and shrubs. Hundreds of vehicles were parked illegally on private property without the owners' permission. Additionally, there was a lack of adequate restroom facilities for the expected attendance: 60 portable restrooms for an attendance of 80,000 people. Those restrooms were not attended to in a timely manner. Restroom facilities were not adequate to keep individuals from using park trees and bushes for restrooms. I would like to turn the mic over to Art Hendricks, Portland Parks and Recreation's security manager to discuss security issues.

**Art Hendricks, Portland Parks and Recreation:** Mayor, members of council. And I'm going to keep my comments brief because I think we're over our 10 minute allotted time. Basically, as Shawn Rogers has outlined, each year, Hempstalk has grown, but virtually the security plan that they have submitted has remained unchanged since 2007. And it's important to note that the issues that Shawn outlined are not just one-year issues. They have been ongoing issues that, as a bureau, we have tried to work with the organizers and, in fact, at the recommendation of the Portland Police Bureau, we recommended that they increase the number of security presence at this year's Hempstalk event. And I think for the issues that Shawn Rogers outlined, most importantly, I think, and somewhat egregiously, is they failed to provide direction to the contracted security and in some instances asked them to stop doing the job that you require of security to make sure that the event is safe for all of the patrons. So, the directions to not have security search bags is certainly something that we don't see at other events. I think it's important to reiterate that, based on the totality of information and the decisions by Hempstalk managers, that they have failed to meet the requirements, the basic requirements, which is most basic to adhere to all federal, state, and local laws and park rules.

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Additionally, park rangers and police observed many violations beyond what Shawn Rogers has outlined. So, it's based on the totality of this information that we feel that this Hempstalk organizers are not suited not just for the park that they held the event, but any Portland park because of the inability really to, I think, meet the basic conditions of the permit.

**Rogers:** Lastly, when we issue a permit for an event in one of our parks, it is our expectation that the permittees' goals and indeed their desire is to hold a safe, well-managed event meeting the letter and intent of the conditions that we have put before them. This is the expectation that we have, and in fact, it is the responsibility that we have within the code to protect the health and safety of people who patronize these events anywhere in our parks. It's clear to Parks that either these are not the goals of Hempstalk or its organizers, or Hempstalk organizers are not able to manage an event of this size. Hempstalk is a demonstrated risk to any park and private property. Most importantly, it is a risk to the health and safety of any individuals who attend. Thank you for your consideration. We're happy to answer any questions that you may have.

**Hales:** Any questions at this point for staff?

**Novick:** Could you describe how in particular the garbage management at these events is compared with garbage management at other major events like Bluesfest or the like?

**Rogers:** Garbage management normally is an ongoing, daily issue. Many of our events within Portland parks hire individuals who are professional event managers, and they hire staff whose sole responsibility it is to remove trash, make sure that the receptacles are clear and clean, that trash is picked up on a regular basis, and immediately stored. The norm is that dumpsters are removed on a daily basis throughout long events. This is a two-day event with an estimated 80,000 people. And they had 21 receptacles. That's a lot of trash per receptacle.

**Hales:** That compares unfavorably with the ratio you would see at other big events like this?

**Rogers:** Definitely.

**Hales:** Okay, other questions? Steve?

**Novick:** Just to return in a way to Commissioner Fritz's original point, suppose marijuana was legal for adults to consume and you saw the -- so there wasn't an issue of adults consuming illegal substances -- and you saw the same conduct, the same results at Hempstalk that you see now. Would you still be recommending denial of a permit?

**Rogers:** The major challenge that we have with Hempstalk is their general desire is to not confront any of their attendees. They don't want them searched. They want them to come free, unencumbered into the park. So, without a requirement to eliminate that without completely searching every individual, there is no way that you could be certain that minors wouldn't enter the park. My assumption is.

**Hendricks:** So, Commissioner Novick, as a security manager of Portland Parks and Recreation, I will draw a comparison, and that is that we do have events that serve alcohol. And we require that those events have adequate security and one of the lines that is very clear and bright that need to be drawn is that you do not allow minors to imbibe or consume any alcohol. If we were to see a permit that condoned that type of behavior, we would address it immediately. I know the police would address it immediately, and the expectation is that every effort would be made on their part, as well as the city assisting them, to make sure that we reduce that. That is not what we're seeing with this event. We're not seeing that kind of attention and/or intent to try to make sure that this event -- first and foremost, that the people aren't imbibing, and if it were legal, we would want to make sure that minors are not involved in that activity.

**Hales:** And this event doesn't have an alcohol permit, right?

**Hendricks:** Correct.

**Hales:** Other questions? We may have more questions for you later in the hearing.

**Fritz:** Mayor, since we allowed the staff 14 minutes, I suggest that we allow the opponent a similar time.



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**Hales:** Sure. And Mr. Stanford, Mr. Appel, and Mr. Bachra, come on up. Good afternoon and welcome. Pull up another chair. Karla has one right behind you there.

**Douglas Paul Stanford:** Douglas Paul Stanford, resident of Portland. I would like to thank you for scheduling this hearing. I understand it's unusual in its nature. And the first thing I would like to say is we did not see some of the after reports on this event until 72 hours ago. So we've had very little time to prepare any sort of rebuttal or a PowerPoint presentation or photographs. So, first of all, we would ask for more time to be able to prepare a more thorough response. Secondly, we're willing to make concessions or cooperate with the City and the Parks department in any manner. Some of the issues around Kelley Point Park are that it's a peninsula with a broad opening. So we -- controlling the entry point is virtually impossible. About 95% of Kelley Point Park is forested, and it's surrounded by beaches that are not controlled by the Park. And people -- we had no ability to tell people to move from those beaches. We were shown photographs approximately three or four hours into the event, and said, this is your chance to address these issues. We called all of the security people, over 30 of them paid, bonded, licensed security people, and asked them to address those issues, to move those vehicles. And so, in the photos you have been shown, I would like to know a time stamp on those and if they were among those photos that were shown to us and that we had a meeting during the event and addressed and had vehicles moved and structures removed. Our event is not a smoke-in, or a smoke-out, and we're not there to publicly consume cannabis or any other substance. We have food booths. We want people to eat and drink water. But our event is primarily meant to advocate for the restoration of cannabis for fuel, fiber, food, medicine, and adult social use. And, in fact, at this event, the day before we were given our -- before we started the event, we were given permission to circulate three initiatives and we launched those initiative drives at our event and gathered thousands of signatures on these state-initiative drives. And that's one of our primary focuses, is our political activity to restore hemp for fuel, fiber, food, and medicine. [applause] And we're more than willing to make concessions, again, in closing, make concessions and work with the City. One of our reasons for moving to Waterfront Park -- and we had done our first two events at Waterfront Park without major incident. We lost our ability to go there. We were just told last year we could move back to Waterfront Park, but at Waterfront Park, we would have much more control over the access, there wouldn't be a huge forested area. Policing dozens of acres of woodland at Kelley Point Park is even beyond the purview of our 30 hired security staff and our 30 or 40 volunteer security people. By concentrating our event downtown, the parking issues would be resolved, there would be public transportation, and it would resolve a lot of the issues that we have there. So, first of all, we ask more time to prepare for -- to rebut some of the charges made against us here today. And, second, we ask that if you do make the decision today, you direct the Parks department to cooperate with us, rather than oppose us, in establishing just and reasonable access to Waterfront Park. With that, I'm going to turn it over to Bradley Steinman, who is representing us.

**Hales:** Thank you.

**Bradley Steinman:** Thank you. I'm Bradley Steinman, OSB 136110. And I would just like to point out that this after-action report special event from the Portland Police Bureau is internally contradictory and gives instructions contrary to PPandR's actions. First off, the first page says that Kelley Point Park is a very secluded area in the far north end of the precinct. The event invites people to come smoke marijuana, as the event organizers support medical marijuana and the legalization of marijuana in general. Their primary concern was parking issues that surrounded the event. If we were issued a permit for a different location that was reasonable, then we not have that primary issue, which was transportation. And contrary to any concerns about health and safety in terms of cleanliness of the park, it says we had 21 garbage recycling can stations, and that the following sentence is, most of the trash was cleaned, post-event, by staff. But garbage was still prevalent in the area after they cleaned. Most of the trash being cleaned I think would mean most of the trash being cleaned. In terms of recommendations on page four of the after-action report special

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event. The first sentence: this year's event concluded without any major incidents. Had any occurred -- I need not even finish the sentence. It notes again that the event is in a secluded portion of the precinct. It would have taken 20 to 30 minutes to get enough resources to effectively handle a large fight had one occurred. There were no large fights. The only had seven officers and one sergeant detailed for this event yet that was enough for there to be no fights and no major incidents. The point I'm trying to make is this is a peaceful protest event, and what is at issue could potentially be something in the objective criteria. The event organizers do not try to conceal that this event is an open forum for people to use illegal substances. Actually, it's not that, it's about advocating for the legalization of marijuana and hemp, the ending of cannabis prohibition. The last page I would like to say something about is command comments from Lieutenant Todd Wyatt: it is clear that this event has the sole purpose of selling and smoking marijuana, which is against the law. I appreciated Commissioner Novick's question to the individuals that preceded us and the city attorney. Also Captain Davis said, I agree with -- this is Jeff Kaer, Lieutenant Jeff Kaer said: I agree with Captain Davis's assessment that the City should deny future permits to this event, especially if the same organizers apply. But the main concern was that illegal activity was rampant. And it was also fortunate that there were no deaths or serious injuries. So we know that the risk to public safety and health are such that there are no deaths and no serious injuries. We have not had the time to look at after-events special action reports from the Portland Police Bureau, but what we did was request some of them from similarly situated events that take place on Waterfront Park, similar in size and some of these alcohol events like Brewfest and Bluesfest. And I got some of those -- I got some permit reports from PPR this morning at 10:00 a.m., but I couldn't get after-action report special events, and those have to be cleared and the process could take up to 20 days. So, in terms of us requesting a postponement, I think it's really in the interest of fairness, because I don't think that we can even make legitimate arguments without having access to all of the facts and all the arguments that we can present. I feel like we're kind of being caught off guard. And we would really like to negotiate and settle. What we want is to be able to hold this event. And one of the main concerns for us is public safety, and we are willing to work with the City, with PPR, with PPB to come up with a written security protocol and standard operating procedures. And the issue is that it is very difficult and sensitive to come up with a standard operating procedure that complies with city code and also respects first amendment rights and the fact that this is a free, public event on a park. And it's a free speech event and it has a political message. It concerns protected first amendment speech and assembly rights. And we can't do things, necessarily, because we're restricted by other law so we have a kind of conflict between which way we're directed, and we need some assistance and we're asking for it because we want to be able to draft with safety and with security in mind. We don't want to violate anyone's constitutional rights but we do want to keep everybody safe. What we're asking for is time to negotiate and settle with the City/ And we would like to work together and we would like to show you that we're trying to do our due diligence and do everything that we can and that public health and safety is the utmost concern for us. Additionally, we always do leave the parks cleaner than we find them. And I'd like to point out, they said we had 21 bins. We actually had 70. And we get them from the Oregon live every year. Right, Michael? In addition we had a 40 yard, a 30 yard, and 10 yard large dumpster bin. And one of the large dumpster bins was left on site, we did that preemptively without being asked to by the City to make sure that we cleaned up any unsightly garbage and mess. By Monday at 5:00 p.m., the last cigarette butt had been picked up from the grasslands and the ground on the park and there was refrigerator -- an ice box that was still there, and the dumpster that was still there. The dumpster was some sort of accident or mistake with regard to the vendor of the recycling company that we chose, and they dropped it off on the last day, as they picked up some of the other ones, the other two large dumpsters that we had. And they knew what day and time our permit expired and they knew it had to be out of there by 5:00 p.m. They let it sit there for a few more days. But we would be happy to work a different vendor. We really want

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to work with the City to make sure that every vendor or contractor that we use is approved by you guys and that we work with you guys for everything. I think that in terms of public safety and security, getting standard written operating procedure incorporated into our conditions that we can get some serious help with, given the sensitive issues and the different directions that we're being pulled legally, that we can make sure that we have the safest event possible and really ultimately we just want to be able to share our message and have this sort of event and we want to have it at Waterfront Park, unless there is a certain reason that I'm unaware of that we have to have it at Kelley Point Park because it is secluded and they don't want us to be at the waterfront. They don't want us to be seen or something, I don't know. But we have proved that we are safe and there's not any deaths or serious accidents --

**Stanford:** I would like to just add as well, we went and got a statement from the sanitation company that they -- that's included in the record that we turned in, that directly contradicts what Parks and Recreation presented here. saying that the facilities were overused. They said that they were at about 25% of capacity and were in great shape and that they would recommend the same level of sanitation, portable restrooms with that same turnout next year. So, that's just one instances. We think we could come up with a lot more that would counter the evidence that Parks and Recreation has presented. But we had no idea about the after-report until 72 hours ago. We really haven't had time --

**Hales:** Let me interrupt you, I know you probably have a little more to say. A couple of questions here for background sake, if I could. And that is, I didn't follow that history in those previous years you were -- I followed you here, but recount it for me. You were in Waterfront Park a couple of years --

**Stanford:** Waterfront Park in 2005 and 2006.

**Hales:** And then --

**Stanford:** Sellwood Park in 2007.

**Hales:** Okay.

**Stanford:** The Eastbank promenade in 2008. And then since 2009, we have been in Kelley Point Park. And we were told that Waterfront Park was not available. We said well, that has always been our goal to move our event back to Waterfront Park because of the transportation, public transit infrastructure, the lack of forested grounds that are outside of our ability to safely patrol. And so we were told in meetings with Shawn Rogers and other people in the Portland Parks and Recreation division last year that our application to move back to Waterfront Park would be looked at favorably this year. That was prior to our event last September. And, so, we turned in our application and there you have it.

**Hales:** And that moving around from Waterfront Park to Sellwood and then to Eastbank and then to Kelley Point, was that your idea or was that the only thing that Parks was making available to you, or what was the reason for that odyssey?

**Stanford:** We couldn't move back to Waterfront Park so we tried Sellwood. Sellwood had a single narrow driveway in there, that was obviously unworkable. Going to Eastbank promenade, under the freeway, we had a lot of toxins in the environment, and the sound was not favorable. And so we moved to Kelley Point Park.

**Hales:** So you were looking for-- given that you were assuming that you can't go to Waterfront Park for whatever reason, you were looking for a place that would work and you found each of those to have some deficiencies.

**Stanford:** Exactly. And at Kelley Point Park, the parking has always been an issue. We think we have done better at it each day of our operations. We have a letter, I think it's part of the record, that we've turned in showing that the civic center parking had a positive experience with the parking area, as well as the boards that we put out directing people not to park down there. And we directed

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the security staff to address the parking and we paid the City \$4000 in addition to the regular permit fee for a parking patrol to ticket and tow the people who were parking outside of the park illegally.

**Hales:** Thank you. Appreciate that background. I will let you go on.

**Michael Bachara:** Ladies and gentlemen of the council, my name is Michael Bachara, I'm one of the event organizers for the Portland Hempstalk. I have been working with Cary Coker in the Portland Parks and Recreation department since 2008. When we first submit an application, after Cary's initial approval, we begin to obtaining sign-offs from various departments in the City. I take every division seriously. Every year we need sign-offs from the fire marshal. Michelle Schofield, Portland's fire marshal, is familiar with our event. Every year we are in compliance with their rules. Sombra Forrest is the health inspector we deal with for the food handlers permits. They inspect every year, as they did this year. We have asked for their logs and are proud to say none of our food vendors were shut down, they were all in compliance. Bethany Davidson is in charge of the sustainability program at PSU. Every year, we obtain 50 recycling stations, the blue recycling stations, to be placed throughout the park. It is required for a sign-off. We also work with Kelly Johnson at OregonLive. This year they provided us with 70 boxes. The map that says 21, there was multiple boxes at each spot. It's not just 21. There were 70, and I have the receipts to show what I'm saying to you.

**Steinman:** They're in the record that we submitted.

**Bachara:** The bathrooms and hand washing stations were provided by United Site Services, a reputable company within Oregon. The lady -- Amora McBride submitted testimony to the fact that the bathrooms were periodically cleaned and an adequate number were ordered. We have asked for their logs to be presented in this case. In late July, we met with Shawn Rogers, Cary Coker, Lieutenant Freeman, Matthew Machado of the Portland Bureau of Transportation and others to address their concerns. I began working with Matthew Machado on four virtual message boards that were to be placed along Marine Drive. They were contracted through American Barricade, the sign said, no parking marine drive, parking expo center, \$2 shuttle. The festival was allowed to take place because Ken Barton, the parking manager of the Portland Expo Center, allowed us to use their 2200 car lot, and the team from Cascade Student Union gave us buses.

**Hales:** Any other questions?

**Fritz:** To me the main issue is minors using illegal substances. Do you deny that minors were consuming and smoking marijuana?

**Steinman:** I would say that this is a free public event. And Kelley Point Park, as we said, it's a little more difficult to completely fence off the entrance. If we were at Waterfront Park, we would be willing to work with the City and would be happy to work out the best way to enclose the permitted area and to have some sort of standard operating procedure where everybody that was searched --

**Fritz:** You don't deny that minors were using marijuana?

**Stanford:** We certainly didn't condone it and we would be willing to limit access to future events.

**Fritz:** How about the issue of not allowing security to search those folks that did stop at the entrance point?

**Steinman:** That goes to the sensitive constitutional and free speech and first amendment rights that we're concerned about working with the City to work out the best way to handle this manner.

**Fritz:** We have searches for jeld-wen field for everybody that takes a bag in.

**Steinman:** Ours is a free, donation not even recommended. Open to the public. It is a public event, it's political gathering. It's like the March on Washington. We are protesting cannabis prohibition.

**Stanford:** And we're gathering signatures.

**Fritz:** But you have security measures --

**Stanford:** We would be happy to set up an entry point but we weren't asked to do that. What had taken place was a random, non-warranted search of -- there wasn't a reason to search particular bags.



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They would go randomly pick people out of the crowd to search their purse and things like that. If there was a reason to search someone's purse, if they were suspected of illegal activity, we certainly wouldn't oppose that.

**Fritz:** We have rules for events in parks because not everything that is legal on a sidewalk or in other places are legal in a public park. So are you are saying that you would not agree to having a routine bag search --

**Stanford:** No, I said exactly that we would be happy to do that, but we weren't directed to. If we had been asked to have everyone's bags searched on entry, we would have complied with that. But that wasn't requested.

**Steinman:** What I would say is that for 2014, we're willing to work with the city to do whatever you guys require, we are eager to and we would like to come up with a design and fencing arrangement, and security written procedural protocol that can be applied fairly and evenly across the board and complies with all applicable and relevant laws.

**Fritz:** And I don't know what the council is going to choose to do with this appeal. Even if we deny the permit this time, you would be allowed to submit for another permit. It's the burden of proof is on the applicant to provide a security plan which we can approve. It is not up to us to tell you what you need to do.

**Steinman:** I guess what I would just say is that we are very interested in working together with the City and we are not interested in taking this to court and suing and appealing that, and that we just want to hold our event. We will accept reasonable conditions and alternate site plan --

**Stanford:** And we're certainly willing to make any concessions.

**Fritz:** Let me be very clear. The issues of parking and garbage are much less serious than illegal use of substances by minors in a public park. That's what I will be interested in hearing about on others testifying on this appeal, is to whether there is a likelihood that that happened and there would a likelihood that it would happen again.

**Steinman:** I guess I want to say, do you think it is unique to Portland Hempstalk that there are minors there consuming illegal drugs or alcohol illegally, or is that the sort of thing possible that occurs at Brewfest or Portland Bluesfestival or any of the dozens and dozens of alcohol festivals that we have in the city on parks?

**Fritz:** And for all of those, I have seen strict controls over who gets into the alcohol area and who gets to take substances out of the alcohol area.

**Steinman:** Unfortunately for our team over here, we have not been able to see any after-event reports, and that is why we requested a delay. Because we feel like we're prejudiced by not having access to that information.

**Stanford:** We think there are a lot of fights that occur at those events, a lot of muggings, and knifings, and we have never had anything like that in our nine year history.

**Steinman:** We're a peaceful protest. [applause]

**Hales:** We may have more questions for you. We have other folks cued up to testify.

**Novick:** Actually, Mr. Mayor, can I ask one question. On the issue of your saying that you didn't have access to the after-action reports until 72 hours ago, but you did get a letter on December 16th explaining the denial of the permit, which to me seems to raise the same issues. Can you explain to me why you feel you were prejudiced by not having access to the after-action reports when you did get a list of the reason for denial on December 16th?

**Stanford:** The letter said that we didn't address concerns. It didn't say what the concerns were. And those concerns were never -- we were never privy to those concerns. It is kind of a generic, we didn't address concerns. What were those concerns? Those were obviously included in the police after reports.

**Novick:** Actually, Mr. Stanford, the letter lists a number of concerns, such as event personnel were deliberately indifferent to the sale and use of marijuana and alcohol, including use by minors.



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**Stanford:** That's just not true. We were. And we directed ejection of people who were, and had many people ejected.

**Fritz:** How many?

**Stanford:** I can't tell you right now.

**Steinman:** And I would say in matter of prejudice, that's just from my perspective, as their attorney, I got on the case on Monday. And Thursday, 2:00 p.m. today. I have only had 72 hours or so to kind of get on to this and start requesting information and get privy to Portland Parks and Recreation's procedures and I have contacted people from the Portland Parks and Recreation and from Portland Police Bureau who have all been very helpful and, you know, generous and kind. But it is just a matter that, you know, it takes 20 business days to access public record for an after-event report, and that might not be until like February.

**Stanford:** And this period coincided with the end of year holiday season. Many people, including myself, were out of town until the past week.

**Steinman:** And I also wasn't authorized to practice law before last year.

**Hales:** We have a question of what we're going to decide and also when we're going to decide it, so those are separate but related matters. I guess one just asterisk from my understanding here, this date is still available in Waterfront Park? It is not otherwise occupied by another event already --

**Steinman:** It appears that it is still available from the waterfront --

**Hales:** I'm getting different -- I'll get the parks bureau back up to talk about that later. Let me ask that question and get you up here later to talk about that.

**Steinman:** We have only seen the tentative copy for 2014, and it has that date and others around it available still. As far as we know.

**Hales:** We will get them to talk about that, too. A little more information. **Stanford:** Thank you for your consideration.

**Hales:** Thank you. Obviously we may have more questions later in the hearing. All right. I think we have a time here set aside for supporters of the appellant. Individual supporters or organizations here to support the appellant. And Karla has a sign-up sheet.

**Moore-Love:** Yes, we have 14 people signed up. And the first three, please come on up.

**Hales:** Good afternoon.

**Larry K. Kirk:** Good afternoon. Welcome, council, my name is Larry Kirk. I have been attending Hempstalk for the 10 years previous. Every year at the end of Hempstalk, I go up to the police that are there and I ask them personally what kind of problems that we had. Every year they have told me they are proud to say there was no incidents and no citations. So if police on site don't have any incidents or citations, what are they talking of? And if you go to any park in the city of Portland, I've lived here since I was six, 90% of all illegal youth drug-use is happening at the parks. So to hold Hempstalk responsible -- you could go to Sellwood Park, Brooklyn Park, you could go to any park in the city any time of the day and find young people consuming illegal drugs. And to hold us responsible -- and we had police there, and if they were seeing minors consuming cannabis, why weren't they doing anything? I don't understand that. I don't understand how we can have no citations but yet they say that all of this criminal activity was going on. That's crazy. And 80,000 people, we say 60, you say 100, so I'm going with 80,000 people spending money in the city of Oregon and you want to get rid of the festival. No wonder we have teachers that are not getting paid right. No wonder we have strikes going on because we have a city council that don't want money coming into the city. We need these festivals, we need festivals that don't cost us. And when you look at the resources that city has to use with ambulances, hospitals, prison beds that don't happen because of Hempstalk. There is no violence. I've been to them. There is nothing but happiness going on and why you would not want 80,000 happy people in your city, I don't understand. It's crazy. It's money, it's dollars. We had to send people to Longview to get rooms during Hempstalk last year. Longview, Washington benefited because of our event. And you don't want the money. Why? I don't

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understand why. If you don't – I've asked you on my bill for you to resign, lady, I really think that you should. [applause]

**Hales:** Okay. Alright. Let's keep it civil.

**Reynold Engberg:** My name is Reynold Engberg, I'm one of the site coordinators for Hempstalk when the event actually goes off. I work with Michael Cachara and Paul Stanford and Bill to help make sure the event happens. I deal directly with security. This year, I can tell you that I honestly removed three vendors because they were illegally selling medicated food. I removed three vendors. I also removed 27 people because they were illegally selling drugs. I removed a vendor because I caught them trying to give drugs to a minor. I stopped this. I removed the minor from the event, removed all of the marijuana, and then had the vendor removed from the property. The pictures that the City of Portland showed you of the garbage and dumpsters heaping over, and the garbage sitting next to it. That wasn't garbage. Those were all nickels, those were all recyclable bottles that we were giving to the homeless that had done some volunteer work for us to try to give them something to eat. That was all money. I mean, that wasn't garbage. That was plastic recyclable bottles and cans. We were trying to be, you know, we were trying to separate all out -- all of the recyclable stuff and everything like that and make sure that everything was, appropriate when it was just garbage that was being picked up. We worked extremely diligently with the police department this year. One of their main concerns for the event this last year was that, you know, we had a free, clear path for people to get in and out for emergency vehicles and stuff like that. We sectioned off an entire half of the road just for emergency access into the park. We had a clear pathway all of the way into the park. We contracted this year with [indistinguishable] to always have an ambulance on site. Never ended up using 'em. Not once.

**Kirk:** May I add, Mr. Hales, if you go to any park that has 20,000 plus people in it, there is going to be damage to the park. Look at the Rose Festival every year. But we don't shut it down because we have to reseed every year. Any time you get that amount of use of something, you are going to have use damage. And we do, if I remember right, pay a permit to cover that.

**Engberg:** Security was never instructed ever to turn a blind eye to any sort of illegal activity. In fact, if security at any time saw any sort of medibles or anything of that nature, they were instructed to remove them. We've had problems in years' past of things that we've noticed, may have not been seen by others, but, you know, things that we have noticed in years' past and addressed the issues personally by trying to ensure the fact that these certain types of things weren't anywhere near or around the event because they could cause problems. We worked very diligently this year with all of the extra security staff and stuff like that to ensure that everybody would be safe and have a good time.

**Hales:** Thank you. Please.

**William Stovall:** My name is William Stovall, independent professional wrestler here in the state of Oregon. I've been wrestling for 14 years. Unlike these guys, this was my first year to go to Hempstalk. I put on a wrestling show. Four to six of the police officers stood there by my ring on their ATVs and watched us for four to six hours. So, I don't understand the whole cop security thing. And like he said, you can go to any park in the state of Oregon or Washington, and I guarantee there is minors right over here, park paranoia, right across the street from a police station, there are guys over there slamming dope. Anybody doing anything about that? That's all I really have to say.

**Hales:** Thank you. Thanks very much. Thanks all three of you.

**Kirl:** Thank you for your time.

**Hales:** You bet.

**Moore-Love:** The next three.

**Hales:** Good afternoon and welcome.

**Paul Armstrong:** Good afternoon. My name is Paul Armstrong. I have volunteered at Hempstalk for -- since the very beginning. The security. If anybody, especially the stage crew, if anybody sees

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anything back stage or any things going wrong, we go to security or there's security guy right over there, we'll go to him. They deal with it. So, we don't have very many problems that we see in our event. It's, of course, you get a zillion people around anywhere, it's going to be some people are going to act stupid because that's what they do. But the average person acts right. We keep everybody in check. We have been trying to do this most diligently as we can. In a big area, like in Kelley Point Park, that's almost impossible to really do. The main event area that the event is carried in is pretty secure. But outside of that event, that's like trying to bring back a dial telephone. That's not going to work. But basically, the whole event is pretty secure. As far as minors, can't -- you know, who is is minor and who's not? You can't line up everybody and search them. Somebody tried that four years ago and it didn't work out too well for them either. So, you just can't line up everybody and search for them because we don't line up everybody and search them at the Blues Festival. At the Blues Festival we don't line folks up and search them. We have to quit searching people and, you know, people are adults now. We have to be treated like adults. When I was a child, my parents told me what to do. Now that I'm 60 years old, I don't need somebody else telling me what to do too. I think I have enough sense to make my own decisions right from wrong. You have to get off of the PC wagon.

**Nickie Gates:** Hi, my name is Nickie Gates, I am the Hempstalk volunteer coordinator and also the hospitality manager for Hempstalk, and I have been for some years now. I am a mother and a grandmother and also a patient myself in OMMP community. I would like to address the situation about children being at this event. My family is very proud of what I do. Very proud of everything I do as far as volunteering goes. So I have an abundant amount of people that support me in general. Some of those may be children. My child has more risk, I don't know if you fellows or you lady know this, of going in my medicine cabinet and OD-ing on my aspirin than he does having marijuana in the air. So just so you know that. [applause] And that's a fact, medically. I just wanted to point that out. Being that I am a mother and grandmother and I'm part of this event, my family does come to it. They are not consumers. But I do not want my daughter to put down my grandchild out of her arms because someone needs to check her bag. I think that is ridiculous. And I think it's breaking a lot of our laws and I think we need to be real careful with that. We are HIPPA, and we have that law that protects us as patients. We need to be careful how we're checking and who we're checking at these OMMP events. Thank you very much for your time. [applause]

**Catherine Mitchell:** I'm Catherine Mitchell, and I just wanted to say that was my first Hempstalk. And I have been to gay pride a couple of times, and I've lived here for five years and I've seen alcohol play in many fights. And I don't even want to go to gay pride because it is too loud and crazy, but I know here with Hempstalk, it is going to be chill, relaxed, because it -- that's how the fell is and that is what I got this past year. That's all I gotta say.

**Hales:** Thank you. Thanks all three. Appreciate it. Good afternoon.

**Kyle Purdy:** Good afternoon. Hi council, my name is Kyle Purdy, and I'm a community organizer for CRRH, the Campaign for Restoration and Regulation of Hemp. Thank you so much for letting me talk and your time. So basically, it sounds like you have a problem with minors smoking weed. I totally understand. We have this thing called Saturday Market. Every Saturday. You know, it brings people, progressives, radicals, lefties -- you know, there's minors smoking weed there. We're not doing anything to shut it down. You know, there's illegal events there. We're not going to shut that down. Hempfest is a -- Hempstalk is a tradition. It'd progressive. You know, Portland is progressive. We have activists like Jack Herer, we're grassroots and we need to keep it grassroots. Basically, we don't want minors smoking weed there. We want to protect our civil rights, practice our constitutional rights, and end prohibition of hemp and cannabis. One of our brothers was talking about money. If we have 80,000 people coming next September, it is going to bring jobs. You think all of those people are just going to go to the waterfront and just hang out? No, they're going to go to the mall, going to buy shoes, they're going to consume. We need money for the state. And we open

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this door for Hempstalk to come back to the city. We're going to start creating revenue. And we don't need to be up in the woods hiding, you know, marijuana is a taboo. It's Colorado. We just legalized it. People are buying cannabis. We need state revenue. We need to get special interest to open the door to legalize hemp and cannabis. We need to put people back to work. Coal and fossil fuel is just keeping people broke. We are not putting the working class into the middle class with fossil fuel and coal. We need to practice our constitutional rights and our freedom and be progressive. We're Portland. That's why we're here. We came here to be Portland, to be progressive, to be liberal, to be radicals. We need to practice our constitutional freedoms and rights. Thank you so much.

**Hales:** Thank you. Hi.

**Jordynn Jimenez:** Hi council. My name is Jordynn Jimenez, I'm the petition coordinator for the Campaign for Restoration and Regulation of Hemp. Myself and hundreds of thousands of volunteer petitioners came out to the event to be able to bring to the light that cannabis legalization is something that we want to work towards. Hempstalk has really given us an outlet to reach out to so many people in the community to get this message out. We received hundreds and thousands of signatures in support of our initiatives, and that was because we gathered so many young people, minors included, to be inspired into putting their voice into action. There's going to be minors doing illegal activity everywhere. You can go outside and it's right there in front of you. If that's all we're basing this off of, then we should literally cancel every single festival that you can think of. [applause] But as far as I'm concerned, I don't think I have ever seen Brewfest inspire so many people to collectively exercise their voice and put their signature on something that they believe in. That's all I have to say.

**Hales:** Thank you. [applause] Welcome.

**Chris Abrahamson:** How's it going, council? Thank you for your time. My name is Chris Abrahamson, I'm the outreach director with the Campaign for the Restoration and Regulation of Hemp. I was at last year's Hempstalk. And interestingly enough, the picture that they chose to display that there were minors using substances at Hempstalk was actually right on the very edge of the Campaign for the Restoration and Regulation of Hemp booth that I was at. You were there with me. In fact, my six-year-old daughter was there next to me, also my newborn and my wife. Interestingly enough, right after that picture I'm sure was taken, after they pulled out the paraphernalia and so forth, I turned back over and I said to those people in the picture, hey, you know, this is absolutely a family event. My kids are right here. In fact, we're working for something really important. Could you either move that out -- you know, I'm not the security person. I was like, could you just move that out of there. And they quickly moved. So, interestingly enough, the picture that they described, the illegal marijuana use, I was actually right there with my child, and we felt completely safe the entire time. [applause]

**Hales:** Thank you. Thanks very much. Others? Hi, welcome. Who is first? Okay. Go ahead, Lightning.

**Lightning:** Okay. My name is Lightning. I don't smoke marijuana, and legalizing it can go either direction for me, as far as what the general public wants to do. They have every right to do that. One of the problems I have being here is that I think this group has a right to that permit. And they have a right to the permit like anyone else does, like the Blues festival. They have a right to maybe do some things differently, maybe use some of the ideas from the Blues fest as far as on security, garbage control, maybe look at that and use some of their ideas and work that into their plan, but they have that right like anybody else. There is a tremendous amount of people that will be coming to this event. And we have to look at it also from the city. We're going to be losing a lot of money because we're not going to allow this event to take place. And for the public, is that good or bad? Now, they have stated that of course, they don't want minors smoking marijuana. And I agree. There needs to be other things implemented, more security measures taken to prevent that. It is not an easy



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situation to try to prevent. But they have shown here today that they're willing to look at different ways to get the job done. They have said they need more parking. They said they need an area that they can have better control of. And that's what they're asking to do. So, why should they be denied this permit, and everyone else can have their events out here that have alcohol, that have problems, and they're trying to pull up the data to substantiate that that there are other problems out there. Drug use, fights, in other events. But does that stop them from getting the permit year after year? Or do you look at the overall dollar amount and pick and choose who you want to give that permit to? Because I feel they're being singled out. I feel you're trying to set precedent by singling them out and I think it's not right to do that. They have every right to get that permit, every right to have people try to sign their initiatives, and every right to be down on the Waterfront Park and to do what they want to do in a reasonable, safe manner, and to try to stay within all of the laws within this city, and the codes that are very difficult to do, but they've made every indication that they're willing to try to work out a plan and try to do that. So to deny this permit to me would be outrageous. Thank you.  
[applause]

**Dustin Woolsey:** Hi, I'm Dustin Woolsey. I've never been to town council. I just came here today to voice my opinion on this.

**Hales:** Welcome.

**Woolsey:** Because I've been to the hemp festival one time last year in Oregon. Every year, in Washington, I go to the hemp festival to have a good time, you know. I think they should continue to have the festival here in Oregon. But the problem is it is illegal to have marijuana in Oregon. It's not legal. In Washington, it's legal to have marijuana. But the thing with that is, it's just like people say, there is too much drinking, there's too much drug use, underage drinking and underage sale to minors of illegal substances such as alcohol, weed, or whatever else, and that -- I mean, that's not cool. And the trash that is left over, after-effects of the festival is just everywhere. Just trashed out, you know what I'm saying? If we can go and see ordinance and have more security, on-ground security help deal with those issues, I think the hemp festival should continue if we had more security to take care of the issue of the leftover debris, and possibly maybe go green and recycle all of the leftover debris to help the homeless. Because I am a homeless youth. I'm 19. Been on the streets most of my life in Washington and Oregon. That's just not cool to just toss out cans and bottles that are just trash. We use those cans and bottles to help pay for our needs as homeless people, you know. And then people drinking and smoking, that's just not cool to do that at an event like that. You know what I'm saying? And all of the minors come in, oh, yeah. It is a place to get free dope or free booze. That's not what it is about. It's about the peaceful and the peacefulness and the safety and the legal right of the US citizen to host an event to say that look, I'm free to do -- let's have a gathering and say we're cool, you know, and in a safe manner and respect people to do what they want to do in a legal, right, legit way. But it's just like people take advantage of that and that's just not cool. If we can come together with a plan, with the Portland police and the Portland medical teams to find a safe way to organize this event, it would be really helpful to see this event one more year here in Oregon. I love that event over in Washington. I have done it every year. Last year, in Oregon, there was just so much stuff that went wrong in Oregon, it was just outside of the event and in the event itself. Outside of the event, there was just minors gaining access to alcohol, weed, dope and a bunch of trash, you know. But in the event there was street fights, there was low security, there were people that were just derogatory and disrespectful, and it was just not cool, you know what I'm saying. And people would just blow everybody off and cause problems. I'm against that. But hosting the event -- I would love to see this event be hosted if we can do it in a safe way, in a positive, peaceful way to help the community [inaudible] money and respect for the homeless people who live in this area, and Clark county, Washington, for that manner, too, help the homeless recycle the bottles and cans and have a gathering to say that we're free to be who we are as American citizens.



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**Hales:** Thank you very much. [applause]

**Steven Wessing:** Thank you. My name is Steve Wessing, I'm the stage manager of the Hempstalk and have been since the first year. I would like to state for the record that we made announcements from the stage regularly that sale of marijuana is not allowed at our event and if you are caught selling marijuana at our event, you will be ejected. And, in fact, as was stated earlier, many people were ejected for violating those policies. And I take great exception with the denial letter stating that we were willfully ignoring such things, because that is simply not the case. I personally made that announcement on more than a dozen occasions. Also, as to the use of marijuana by minors, I did not see that occur from my vantage point on the stage. I saw thousands of people there. And, yes, a few of them exercised what could be considered their right to civil disobedience in their use of marijuana in public. However, I don't feel that it's our place as an event to tell people how to express their views. On the other hand, we did tell them that it is not the policy of the event to express their views in that way. And that if they did so, they did so at their own risk and without the permission or the approval of the event. [applause] And also I would like to say personally that, yes, that medical marijuana use by children is something that we support. And, in fact, we had a speaker there, her name is Mikayla, and I hope you look her up online, who has beaten leukemia by using medical marijuana as directed by the OMMP. And in that respect, yes, marijuana use by minors is, in fact, condoned by myself and by the expression -- and expressly approved by the staff and volunteers of Hempstalk. But unapproved, unauthorized, nonmedical use is not. And we did not allow or condone any of that use. [applause]

**Hales:** Come on up. Go ahead, Joe.

**Joe Walsh:** My name is Joe Walsh and I represent individuals for justice. And Commissioner Fritz, please tell me that I misunderstood you saying that you have already made up your mind before one person testified today, when you said something similar, and I'm paraphrasing, that I support the decision of the Parks department. Did you say that?

**Fritz:** Yup.

**Walsh:** Okay. It is really annoying to us who come here and take our time to testify when an official makes a statement that we know that we cannot override. Because they've already made up their mind and it is annoying. And I want to say -- [applause] And I want to say for the record, I have never been to a hempfest. I don't smoke marijuana. I don't know this group. I am here only because, in my 41 years of activism, I have never asked for a permit, never. And I don't like them. But if you have a group that comes before you and asks for a permit and you say no, you violate the constitution of the United States. [applause] I know you're from Britain. We have the bill of rights, Commissioner. It's the first amendment. Let me read it to you. Congress shall make no law respecting and establishment of religion or prohibition the free exercise thereof or abridge the freedom of speech or the press. Or the right of a people to peacefully assemble and to petition the government for redress of grievances. It's the first amendment, Commissioner. Read it.

**Hales:** Okay, Joe.

**Fritz:** Mr. Walsh, I am an American citizen. I took a test on that in order to become an American citizen.

**Walsh:** You are a disgrace as an American citizen --

**Fritz:** And, in response to --

**Walsh:** You are disgrace --

**Hales:** Joe, enough.

**Fritz:** If --

**Walsh:** I know I'm out of order --

**Hales:** You are --

**Walsh:** No, you're out of order [yelling]

**Fritz:** Mr. Walsh --

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\*\*\*\*\*: Oh -- go home [yelling]

**Hales:** Joe, you made your point.

\*\*\*\*\*: We have rights. We are Americans. We have rights. Read your god damn constitution [yelling]

**Hales:** Okay, folks. It probably helps make the case better when people don't yell. Just saying. Go ahead.

**Walsh:** This is an outrage [yelling]

**Hales:** Joe, take it outside. Go ahead.

**Michael Billingsley:** Hi, my name is Michael Billingsley. I'm a medical marijuana patient. And regarding safety and security, we had more than ample security and the safety of children and guests at Hempstalk is one of our first and foremost things that we value. And me being a disabled person who has to walk, you know, a couple of miles up the road, up to Kelley Point Park -- and other people that have conditions similar to mine. It is not -- it's really against HIPAA law for me to have to go that far. There's no reason that we should not have it at Waterfront Park. We have accessibility to transportation, proper garbage pick up, and just it's our civil right. I should be able to medicate in a manner that I need to for my pain. I shouldn't have to go to pain clinics and take 35 pills a day. Right now, I'm three years narcotic-free thanks to the OMMP laws here. And I will continue to fight for my rights as a citizen and as a patient. And regarding minors with medical marijuana, I firmly support marijuana use for minors for their medical conditions to treat just like any other medication that they can get. There's no reason that we shouldn't be able to go to our primary care doctors and them sign off on a medical marijuana card. But taking that to another stance, we as citizens shouldn't have to get a medical marijuana card to safely medicate and treat our conditions. And that's all I have to say.

**Hales:** Thank you. Thank you very much.

**Fritz:** To be clear, I very much support medical marijuana and was a part of that. And also, Mayor, for the record, I need to point out that I am the commissioner in charge of Parks and Recreation. I wouldn't have brought this appeal to council had I not supported their denial.

**Hales:** Thank you. Others signed up?

**Moore-Love:** That is all that signed up.

**Hales:** What we have next in the order is for the police bureau and for park security, but we've already heard from Art, so I'm not sure, Art, if you need to speak more. But Captain Davis is here. So, to get your testimony. And then we'll see if there is anyone here to speak against the appeal or actually in favor of the application. I'm sorry, against the application. Go ahead, Captain Davis.

**Chris Davis, Portland Police Bureau:** Good afternoon. Hi, I'm Chris Davis, I'm a Captain of the Portland Police Bureau assigned to north precinct. We looked at this event in our after-action review process from a public safety perspective, pretty much exclusively, because that's our mission in the police bureau. For this event this year we assigned, out of our own budget, seven north precinct officers, one sergeant, and one officer from our traffic division, for a total overtime cost of \$10,986. What our officers reported back to us from this event was that there were a number of issues that caused them concern. Our instructions to the officers working at this event were not to take enforcement action on violation level issues around use of marijuana, alcohol, or any low-level non-criminal sorts of violations. Our priority really was just to help manage the event with very limited resources and it was not our priority to enforce marijuana laws. Some of the things the officers saw that caused us concern were, and a lot of this will echo what Parks has already said, but public use of marijuana and alcohol in the permit area, and there's no OLCC permit for alcohol service or consumption. The use of drugs or alcohol near children. The use of drugs or alcohol by minors. The open sale of marijuana. Medical issues resulting from apparent overconsumption of alcohol and/or drugs, including at least one overdose in the permit area. No apparent attempt to identify or exclude minors from entering the event. And no apparent effort by event staff or security to prevent people

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from drinking alcohol or smoking marijuana in the park. At one point, there was a report made to us of a disturbance in which someone stole glassware from one of the booths and was attacked by several other people associated with one or more of the booths, and this apparently was reported to us that this did not stop even after security arrived. Event staff who appear to be under the influence of marijuana, including one staff member who was observed smoking marijuana by our officers. There was a report of a missing 17-year-old who did not come home from the event who was found at 7:00 the next morning in the Expo Center parking lot. There was a theft of money from a donation box at the front gate. There were some security officers contracted for by the organizers who were found not to possess valid DPSST certifications in violation of Oregon law. Event organizers were reported to us to have repeatedly told security to stop checking people at the entrance for illegal substances. Outside the event, we responded to a motorcycle crash involving a rider who had consumed marijuana at the event by his statement. And there was a report from security of an event organizer telling people that they could openly smoke marijuana in the park. This year's event was not an outlier. Officers have observed similar issues at previous Hempstalk events, including an overdose at one event at Kelley Point Park that required life flight to respond to transport the victim to the hospital. So, from a public safety perspective, our biggest concerns about this event, as it has happened in the past, are the potential for drug overdoses, disturbances and fights, traffic and parking issues surrounding the area, including misuse of private property, inadequately certified security personnel, impaired driving, consumption of drugs near and by juveniles. I'll address briefly a couple of issues that came up about the after-action process for us to maybe help people's understanding. That's an internal review document. And as a public safety agency, one of our priorities is law enforcement. In reviewing that after-action, I didn't find anything unusual that one of our sergeants pointed out and one of our lieutenants pointed out that there was activity reported at this event in violation of Oregon law. That doesn't translate into our -- necessarily translate into an official position about what the law should be or anything like that. But that is common for us in our role as law enforcement, to point out violation of the law at events that we observe. So, with that, I brought Officer Anthony Zoeller here who was present at the event this year. He was one of the officers assigned to that, he's from our neighborhood response team at north precinct and he can respond to any specific questions that you have about the officers' observations.

**Hales:** I'm not sure that I have any. Art, if you want to add anything else. I guess I have a proportionality question here. It's been raised already in testimony. And that is, over the course of the summer, typically we have a number of gatherings in the city that are 50, 60, 80,000 people. This is one of them. Most of them are actually in Waterfront Park. We actually set the park up for that kind of use. How do the incidents of law-breaking or harm, you know, whether it is physical or property damage, you know, people overdosing, people getting drunk and hurting themselves -- how does this one compare to other events where 50, 60, 80,000 people gathered together?

**Davis:** It does not compare favorably. And for us to -- it would be an exercise to go back and pull up data, but just in my own experience from having spent a few years working those kind of events at central precinct, we don't typically see the magnitude of the issues that we have at this event at other events in Waterfront Park in the summer.

**Hendricks:** Mayor, can I? Let me clarify this as well, because I think we see other issues. Central to Hempstalk is the relationship with the organizers to manage the event and the security. And I think what is concerning to us is, yes, Kelley Point Park has some challenges. Every park has challenges from a security standpoint, and that's why, through the permitting process, we have those conversations. So, to answer your question, are there other issues at other events? Yes. When the police or park security go to those events' organizers and say, listen, we have to problem-solve for whatever element or whatever issue is, my feeling is that we get greater cooperation in recognizing that we have freedom of speech events in other parks as well. And the balance between being able to provide that space and that time as well as the other measures in the constitution. Every citizen has

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the right to come to a park and feel safe and secure. Every parent has the right to know, as a father of a 14-year-old child, that if my son goes to a park, he's not going to be encouraged -- and if he's there, I expect that the permittee has some obligation to say to the young person that that's now allowable. So in this event, what we have challenges with and the reason we've come to is that we don't feel that the organizers of this even have agreed to the things that are in a security plan. And one of the things that they say in the security plan is that this is an alcohol, cannabis, and other drugs are prohibited at the event. And they have not taken the measures, from what rangers have observed and I think from what police have observed, to enforce that basic rule. So, if it's an issue with Waterfront with other events, yes, we have issues. But when we go to those permittees and we say we need to deal with this, we get a much better responsiveness and an ownership that if they need to have additional security and if they need additional support of police, then those measures are taken.

**Hales:** Okay. Other questions for the security team here?

**Novick:** Actually, I have one question about the language in one of the officer's report about most of the trash was cleaned up, but after the trash was removed, it was still prevalent. I don't think it was one of you wrote that report, but I was just curious as to what -- that does seem to be slightly contradictory.

**Davis:** It does, yes. In reviewing that, I just had to take that at face value. And the other thing, just in my review of these events, trash in the park is less of an issue for the police than it is for the Parks bureau, so it's not something that, in our role as public safety concerns, that's as much.

**Novick:** And what's your reaction to -- I'm sorry, I forget the gentleman's name who was for the appellants who was saying he was responsible for security and he personally expelled people, including a vendor who was selling to a minor. What's your reaction to hearing him tell that story?

**Davis:** I think I'd defer to the officer who was actually there.

**Anthony Zoeller, Portland Police Bureau:** Yeah, like I said, my name is Anthony Zoeller. I work for the neighborhood response team at north precinct. I worked on the 7th of September, detailed the Kelley Point Park. I did not hear, personally did not hear anyone say that vendors were getting kicked out of the park. I can attest to what I did witness, but I did not hear announcements being made. Granted, the park is fairly large. I did not hear that announcement. I did not personally hear anyone get kicked out as vendors. I actually personally witnessed people sitting in vendor booths, actively smoking marijuana.

**Novick:** Did you see any minors consuming alcohol or marijuana?

**Zoeller:** I did. I witnessed minors using marijuana.

**Novick:** Thank you.

**Fritz:** Thank you very much.

**Hales:** Sorry, I had to give some instructions there. We have a section in the agenda here or people who are on the opposite side, who believe that the permit should be denied. They're individuals who have signed up to testify to that effect, and this is their opportunity. So, Karla, do you have anyone signed up on the opposite side here--

**Fritz:** We have two invited speakers first.

**Hales:** Oh, I'm sorry, I should put my glasses back on. Yes, we do, we have Brenda Hiatt and Lise Glancy who have been invited to speak and then we have that opportunity for individuals.

**Brenda Hiatt:** Mayor Hales and Commissioner Fritz and Commissioner Novick, it's my pleasure to be here today. I'm the security manager of doing better protective services. We were one of the contracted security teams that was at the site. The problem with this event is the organizers as an overall setup do not see anything wrong with the behaviors that were happening, so they were doing nothing about it. When they say they were making announcements from the stage, they made two announcements from the stage, both at my request. Literally, security was handcuffed. We were not allowed -- I mean, we did a lot, and every time we ran into a confrontation with Mr. Stanford, we were told that he was the one that signed our checks and if we continued enforcing, we would be



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fired. At one point we stood up to him and flat told him if he fired us and sent us home our next stop would be the City and we would have his permit revoked. There was open smoking on the hill. No matter how many times we went up there, we could not stop it. There was open smoking in the food area. The organizers themselves were smoking. You had volunteers who were transporting people to and from the bus areas and various areas who were so stoned they could barely walk, but yet they were driving park carts or, you know, those little golf cart thingies. We were totally denied access to the executive area behind the stage. We were allowed at the gate. When I personally was searching bags and things on the path behind that area, I was told I needed to be replaced and I would not be invited back next year if I continued searching bags and things. This was an ongoing battle throughout the entire two days of the event. The other security team that was there was the security team that did not have the licensed DPSST officers and they were using event staff. They were well within the law that DPSST says is adequate, as far as event staff to license security. But the problem was is that the permit said all security had to be licensed. We witnessed blanket vendors who did not have previous permits, and they were openly selling bags of marijuana or edibles. I can't tell you how many edibles we disposed of, how many bags of marijuana we disposed of by flushing or, you know, getting rid of during the event. Now, one of the event organizers supports us as much as possible, Mr. Michael, he supported us as much as possible. But his hands were tied, because every time we would tell a booth organizer to quit selling edibles and things, their head of security they said would come up behind us and tell them it was okay until we finally got to the point where told them, if we talk to you three times you're out of here, we will shut down your booth. And I mean, we had to take this stand in order to preserve our integrity as a security company. I'm sure you have my report because I know it's part of the after market report. But it was a never-ending battle. My suggestion was if by somehow you manage to issue this permit again -- which I hope you don't -- but if you do, my suggestion would be that the security team be paid for by the event organizers, but the security team be completely autonomous of the event organizers, and possibly have someone to answer to, to the city, so that their hands are not tied to enforce the law. Thank you.

**Fritz:** Ms. Hiatt, does your company staff other big events and do gate checks?

**Hiatt:** Yes, we do. I have not done any at the parks. But for instance, we do Comic-Con and we do several huge events like that at the convention center and things where we don't allow weapons, we don't allow marijuana, we don't allow alcohol. We don't allow any of that kind of stuff and we do it very successfully.

**Fritz:** Would you say it's routine in the security business to do bag checks when people are going into large events?

**Hiatt:** Oh, absolutely. You can't get into an event at the convention center or at the rose garden or anywhere else without doing bag checks.

**Fritz:** Thank you.

**Hales:** Welcome.

**Lise Glancy:** Thank you and good afternoon. My name is Lise Glancy and I'm the government relations manager for the Port of Portland. We are the adjacent landowner with the port's marine terminals 5 and 6 as well as the Rivergate industrial area. My purpose in testifying is to share our experience with the festival and coordination with the police bureau that may be germane to this permit denial. For the past three years, Hempstalk has been at Kelley Point Park, again which is adjacent to our facilities. They're 24/7 facilities. Over the past two years, the Port has worked at the city of Portland Parks bureau, bureau of transportation, and police bureau to mitigate Hempstalk festival impacts to the marine terminals and adjacent businesses. We've contracted for a towing company to remove vehicles on Port property, some left abandoned and sunk in the sandy lots. We've hired additional security of weekend shift, we've paid for landscaper repair and cleanup, cars have driven over property. We've invested a fair bit of staff time and resources, not unlike documented by the City. Despite the Port's and City's efforts to mitigate Hempstalk festival effects,



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the festival has certainly outgrown Kelley Point Park. It has failed to meet city/port permit requirements and full recovery for impacts and associated liability to the city and others has not occurred. In 2012, as you heard, there were over 30,000 folks at Kelley Point Park, which is a little bit remote. Festival parking and collection of parking fees that occurred in 2012 on marine drive right of way was in clear violation of the Portland bureau of transportation permit application. Parking blocks, safe access to terminal 6, and Rivergate, damaging landscaping and resulting in significant trash throughout the area. While the police bureau issued over 150 citations for parking violations which required police overtime, it took four to six hours for two trucks to get through the congestion, causing life, safety, and access concerns to the industrial area, not to mention to festival goers. Despite additional permit requirements in 2013 -- and we really appreciated the City working with us to address business concerns and as you said, should the City consider a permit, I think fundamentally it's important to have the autonomous security. But also have the engagement of businesses that might be impacted by the festival spillover. In 2013, there were 80,000 attendees. Despite all the extra controls, they just weren't adequate. We had again the same issues, the transportation access did improve with the shuttles and the reader boards. But several hundred cars were parked on Port property. Over 55 cars were cited in addition to the City's efforts to control for towing. The spillover from the event began Friday and ended late afternoon on Monday. And we have photos to document as well. And none of those costs were recoverable. In closing, the Port's experience with the Hempstalk festival is consistent with the city's report provided in the permit denial. We had one other tenant who wanted to offer comments but was unable to come, so I've entered that into the record. Thank you very much for the opportunity.

**Hales:** Thank you.

**Fritz:** Thank your time being here today.

**Hales:** Are there individuals signed up? Okay.

**Moore:** We have four people signed up.

**Hales:** Come on up.

**PJ Mulcahy:** Good afternoon, I'm PJ Mulcahy, I live in southeast Portland. I have a background in law enforcement, I'm currently a coordinator for wellness doctor in town. It's an interesting discussion seeing the groups together. I see a divisive group here. I'd like to mention with my health background, alcohol, marijuana, all drugs are harmful. [laughter] So we can get that straight. They are all harmful. On that basis in my law enforcement side, the only decision to make here on this permit is it's not illegal activity. Unless marijuana is a legal product that you can produce legally under the law, you shouldn't have a permit to encourage the use of it in this community. I hope that makes sense. Because I see the results of drug use. It's horrible. These gray hairs are 71 years and I've seen it happen and it's getting worse. My heart goes out to the people that have to have that lift and the addiction to it. They do, and I understand it. God help us that we can all get together, be responsible and take care of this problem and enact the law that says, hey, it's a legal opportunity for recreation. It's not that point right now. For that reason it should not occupy the time to promote this drug.

**Hales:** Thank you. Mr. Stull, go ahead.

**Barry Joe Stull:** Good afternoon, council. My name's Barry Joe Stull. I started working on cannabis legalization here in Oregon in 1982. The first event you can track down that I presented would be at the state capitol steps, Fourth of July in 1988, which was on the July 5th front page of the Statesman Journal. My first trip to Lewis and Clark College was to be on a panel for an event up there. I had made my first trip to the library of congress to do research on the history of cannabis. And I did forward a lot of that material to Karla via email prior to today's hearing. The event at Lewis and Clark College was sponsored by a Harvard Law grad, Stephen Orgel. And he had a company here in Portland. He brought an action in 1995, 950609511, against Paul Stanford for civil fraud. They negotiated a settlement and that was breached so he brought action 950704596 against Paul Stanford

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for breaching that contract. There was a judgment entered August 20th, 1996, for \$24,465.20 against Mr. Stanford. And that was renewed because it hadn't been paid. On August 2nd, 2006. Now we're talking about the person that did the Hempstalk for a number of years by then, had never paid the outstanding judgment, which was a result of this fraud. My problem here is that I know that cannabis is the most important agricultural product in the history of our species. And I know that the problems we have with the ideas of the laws -- I know they are based on fraud. And I know when I go down to the law library like I did, and I find Bruce Mulcahy versus Douglas Paul Stanford, judgment against CRRH for \$28,950, that's the applicant for this permit. That was from 2003, case number 030504796. And Mr. Stanford had a judgment for \$38,950 against him. I'm not convinced that any of these things were paid. DNF Music vs. Hempstead, Douglas Paul Stanford from August 1st, 2013, garnishment for \$21,332.44. Now are we going to believe -- and we certainly have seen the folks here have some issues with being polite and honorable and understanding and respectful -- and I'm one of them. I don't think I should endure catcalls, I don't think you should endure insults, president of the council, as you are. And I'm suggesting that the decision of the Parks bureau was absolutely right. Now, I do want to suggest that if Commissioner Fritz hosted a hemp event, there would be 100,000 people attending it, because that's what people want to do. I just don't think we should have the worst elements of our society representing the most important agricultural product in the history of our society.

**Hales:** Thank you. Go ahead, Charles.

**Charles Johnson:** Good morning, Commissioners, Madame, president of the council.

Unfortunately we have a conflation of huge issues here but I think we should focus primarily on the biggest number we've heard in that 80,000 of our friends and neighbors want to get together for a little while and feel positive about something that enhances their lives. The only real issue here is can we extort enough money out of them to cover the public safety expenses. The City should just resolve to love its residents enough to let this event happen. Permitting it is somewhat -- I realize there has to be public safety. There's no public safety risk. There's going to be people doing illegal drugs far from this park. There will be overdoses and suicide going on this day. This is not some damaging thing. It's 80,000 positive people getting together. So there are problems when we have these big crowds. I'm not thrilled when I find the parks right in front of this place fenced off for a marathon or whatever. But regardless of the 37 pages of documents generated on the PDF for this thing, the main thing is that we expect the government to assist us in both our constitutionally perfected free speech, because many of us will be talking about changing the laws to be more reflective of what's natural and fair in our society here. And there's plenty of orgiastic, excessive events that you feel cover their expenses. If people see this as an event like that, you should, instead of denying the permit, work harder on getting a resolution that allows so many of your friends and neighbors to be together around a recognized positive medical substance in this state. Thank y'all.

**Hales:** One more person and then we'll get --

**Eric Loitz** I wasn't opposing it, but since I put my name on the paper -- my name's Eric Loitz. I'd like you guys to feel compassion and empathize as to where we're at as a species on this planet. The oldest, longest-lasting tribes and cultures throughout history all had hemp in it, and cannabis, however they want to demonize it. What I would like to do is get all of you guys involved in the decision-making, have all you guys be a part of what we're doing here, and to have your input. Because what we're trying to do is get everyone, not all these people just partying and good times. We want you guys to have your input heard, because if you guys care about every single thing I'm wearing, it's made out of hemp. We want your guys' kids and grandkids to have all the nutrition, not the GMO stuff, and we want to get fluoride out of the water like we did everywhere. We want everyone to know what's going on with the bureaucracy so we're not overwhelmed with so much that we can't even take on this concept of such a no-brainer, where we should have the fuel, fiber, all the stuff we need. Medicine is to each his own. They are poisoning people openly right in front

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of McDonalds with all the GMOs. They put silicon in chicken mcnuggets and there's nothing being done about it. We'd like to get your guys' input, have you guys be involved, if you knew what you were involved with, that you guys are going to be making history, being involved in a way where we're working together. I'm inviting you guys to take part in caring about hemp in a way where we get excited about it and say hey, how can we make this enjoyable for your guys' families. If they got involved and everyone in your family knew about the benefits of hemp, they would be out there telling everyone they knew and eventually it wouldn't be a big deal. We need to get you guys on our team. Regardless of this permit or whatever, we need you guys caring about it so we get your guys' voice in the mix, you will make an impact for everyone, for my kids, I'm not going have kids until I have people like you standing up for me. I feel kind of hopeless if you don't see that your voice is going to affect future generations. I'm counting on you guys to make the right decision, and it's beyond this, it's like you guys are voting with your dollar, and your dollars are being spent in ways you don't want to have it spent, when taxpayers' dollars get spent for things like wars and things we don't want. But this is a war we're fighting on the ground here and we actually have a say in it. And it's not over our heads. If we can actually get excited and put our name down on something that we can feel good about, it'll be remembered in history. And I am excited about it because I have attended this event, like, three times I've had booths there and I didn't pay for a slot to have a booth because it cost too much, I paid for a little slot to educate people about hemp. I was super stoked to have this event possible. It inspired me to put forth my mission into the world. If it wasn't for this event I would never be involved as much. I'm going to do everything I can to protect you guys' families. And I'm going to be sad if this thing isn't going to be available for people to go to. And sure, we need a watch out for people, we should really be concerned about is that people are poisoned right and left for legal things and we're worried about these little things when we should be concerned about being protected and safe. There's no way to control and monitor every single thing people put into their bodies. We should try to be safe, and if people, if there are cops there, they should be doing the job. They say they didn't want to be involved in monitoring people and they can talk to people and say, you're not supposed to do that and they can do their job as police officers, if they are paid to be there, they should do something. If they're there do something and it's not enough, go get more people. I'd rather my money go towards having it be run in an ethical way. Let's go through everyone's stuff and touch everyone, like at the airports they make me get touched and I say I don't want to go through the x-ray machine. You know what they say to me? You have to go get frisked and you're going to get a patdown. And this guy has a little kid under 12 gets to walk through the metal detector, and I'm like that's prejudice just because he has a young kid. We need to come together on this. I elected you guys to take a stand. This is a chance for you guys to put your voice on the side of freedom, which is hemp is not for everyone but it should be. If you don't know about it, you're missing out. We need you guys to help spread the good news, we're counting on you for the future of our country.

**Hales:** Thank you. All right, welcome.

**David:** My name's David, I'm the account service manager for doing better protective services. As a small business in the state of Oregon, it's mandatory that our clients pay us and help us grow. We take clients to help grow, we take it to help form the community and bring more jobs and environment to the community. One of the things I wanted to touch base on, the gentleman up before this guy, he mentioned a bunch of judgments against Paul Stanford. After multiple attempts after Hempstalk 2013, us ourselves had to go to the Multnomah county courts and get a judgment against Paul Stanford, case number 1300178465 for the payment of Hempstalk because they have yet to pay the small business that was not only mandated by the city for their permit to have security there, but for us to help protect their event and protect their right to get their permit next year. They have not done that as of yet. So that's what I wanted to add.

**Hales:** All right, thank you.

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**Fritz:** I just wanted to note for doing better protective services, it takes courage to come to a meeting like this and talk about the issues that you encountered. And I appreciate that you are an honest business in the city of Portland.

**Hales:** Okay. Let's ask the appellant team to come back up because you have an opportunity for some rebuttal. And probably some questions from the council. So, come on back up, please.

**Steinman:** I wanted to start off by apologizing to Commissioner Fritz, that things were out of order and that's an embarrassment to me. This is my first time really getting involved being a lawyer. It's crazy.

**Fritz:** Thank you, but I've been doing it for five years and that's really not unusual. [laughter]

**Hales:** Sorry to say, it's not unusual. And not always directed at her, either.

**Fritz:** I appreciate [inaudible] but I appreciate it a lot.

**Steinman:** I wanted to thank you guys for giving us a chance to hear this appeal. This isn't about Paul Stanford the individual. This is about Hempstalk and a permanent event. And, I mean, what are we really talking about here? There's people on our side going off to who knows where, and people on the other side talking about things like, there was a life flight a few years ago and that really shows how bad of a risk Hempstalk is to public safety. The life flight was for Jack Herer, who's a world famous cannabis and hemp activist, he wrote *The Emperor Wears No Clothes*, it's a pretty famous book in the movement to legalize. He passed away a couple years ago, and he was a speaker that year. And beyond that, I'm not aware of any deaths.

**Hales:** He had a stroke, it wasn't an overdose.

**Steinman:** And I think the police are arguing the law was being violated. There was all this illegal marijuana-related behavior and they are couching it in terms of public safety. Does public safety mean law enforcement or enforcement of the law or does it mean people getting hurt or dying or having an emergency situation? I think if we were given some sort of objective metric or criteria to look at relative harm of permanent events in public parks and compare and contrast things that are related to parks, and not a closed convention center, but a free speech event at park, open to the public, or you know, a paid event or whatever, you would look at -- if we could have access to the special event reports in time for the meeting today, we would be able to tell you there was this many fights or this many broken bones or people that had to go to the hospital or deaths or overdoses. And what we have is police saying, yeah, it wasn't really that bad but it was, though. And that's talking out of both sides of your mouth. You know, I saw a picture that I would have submitted if I didn't think we were going to get the procedural postponement I thought we were going to get so I can do some research and we, as a team, can go over everything together and have that sort of fairness that would allow us a fair shot to provide our side of the story, instead of just kind scrambling. I have a picture of that police officer right here hanging out with the wrestlers. For the record, I guess.

**Fritz:** I'm not sure what the purpose of showing this is.

**Steinman:** I guess the point is that was a pretty relaxed --

**Stanford:** Police spent a lot of time watching the wrestling is a point.

**Fritz:** In order to target your comments, the issue is about compliance with the permit, it's not about comparing this event with others, it's about whether you said you were going to do what you said you would do in complying with the permit.

**Steinman:** All right. We just would like to be able to see if we violated the permit so egregiously compared to anybody else. We have not had that opportunity prior to today. And that's perhaps the stuff that's left unanswered.

**Hales:** Other things you've heard, I realize you want more time than this to respond, but are there things you've heard today that you particularly want to respond to?

**Steinman:** I would like to say that we were very interested in working together with the City to get this permit. We would like to get a location on Waterfront, which we think would completely take care of a lot of the issues. The Port of Portland parking issues on marine drive, it's because we're



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talking about a peninsula, it's a bottleneck. We're not talking about a park that is more open and right in the heart of town on the water where we could close it off, and solve a lot of the security events. We could careen people however we want to have people all searched as they entered, however we want to work together to do it, we are willing to collaborate. And we are asking you to collaborate. We think it would be -- an outright denial is a rare thing, this is like a first of its kind that anyone can remember. And without extending an opportunity to stage Hempstalk at some sort of alternate location that would mitigate a lot of those issues and make a lot of those moot, we are afraid that would be unfair and maybe a burden on some first amendment rights.

**Fritz:** So in a future application or this one, you would agree to have everybody searched on entrance?

**Stanford:** Yes.

**Steinman:** Yes.

**Fritz:** Good start.

**Steinman:** We care about public safety too, and we do care about minors using drugs illegally. Legalizing and regulating are ending prohibition. It's different than promoting drug use by children.

**Fritz:** How would you deal with issues that there are people who are legally entitled to use medical marijuana and others who are not. How would you sort that in a public event like this?

**Stanford:** They shouldn't be using it at the public park.

**Steinman:** That's a complicated question, I think it's outside the realm and scope of what's at issue here. I think it's fascinating and curious, but it's not what's at issue here today. And maybe what Paul said would be correct.

**Fritz:** Mr. Stanford, you would commit there would be no marijuana use at the park at all?

**Stanford:** Yes.

**Fritz:** Also another good step forward.

**Steinman:** Thank you very much for you guys' patience.

**Novick:** I have a request for Mr. Stanford. Ms. Hiatt said you prevented her and her team from trying to prevent illegal activity during Hempstalk. Was she lying?

**Stanford:** At one point they were going without cause and without any indication and just saying, I want to search your bag. Just walking up to people out of the blue. I had complaints, I asked that they stop that if they didn't have cause, just to walk up to someone walking around and say, I want to search your bag. I didn't think that was proper. So I did make that -- I'd also like to say that we have made -- I know at least one significant payment, and here it is 100 days after the event and they say they already have a judgment. This shows the combative nature of doing better.

**Hales:** So this is -- I think that is a relevant question. You were in Waterfront Park before. You've applied to be in Waterfront Park this time. It's expensive to be in Waterfront Park. I think -- I don't remember exactly but I think one of the criteria is something about financial capacity to manage this event and to put it on. Because we made this kind of event more expensive at waterfront park because we put in a sand base. We expect the turf to get beat up. Then we charge events that beat up the turf because that's what it's there for. Their pro rata cost of bringing it back after the event. We deliberately created this space to be able to accommodate these kinds of big events but it costs a lot. It costs the rose festival, costs the brew festival, costs the pride parade, anybody else who gets to take out a permit for the use of this park has to shoulder a pretty heavy financial burden. I assume you were subject to that before because that's not a new thing, it happened when I was parks commissioner 20 years ago. I assume you understand the deal on the city's side, in terms of if you apply for the use of this park it's pretty financially burdensome.

**Stanford:** Yes. And in fact, we have a number of expenses that we take care of. For the event at Kelley Point Park that we won't have at the Waterfront. One is \$25,000 for busing costs. \$4000 for parking patrol. There's the other expenses of the golf carts. All together we're looking at a \$45,000



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savings for expenses that we've already paid in full that we won't have at Waterfront Park. Those expenses could be directed elsewhere, those revenues and expenses could be directed elsewhere.

**Hales:** Appreciate that, that makes sense. Other questions? All right. Thank you. Commissioner, have you got thoughts about how you'd like to proceed here?

**Fritz:** Thank you, you can return to your seats. I supported the decision of Parks to deny the permit because it seemed very obvious in the record that the conditions were not met for the permit application for the past event. So this is a separate action to decide whether to uphold the appeal. The problem I've heard identified today is the inability and unwillingness of the permittees to deal with noncompliance of the permit conditions this past year. I'm hearing some new willingness to completely ban the use of marijuana, to have everyone searched, to put up fences, to have security, to do a lot of other things, and including, Mayor, as you suggested, perhaps putting up a bond to make sure the expenses are paid for ahead of time. That to me seems to be a separate application rather than a revision of this one. So we have two choices here. We can either continue the hearing and keep this application viable. Or we could uphold the appeal and I'm looking at the city attorney

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**Hales:** Maybe the city attorney and parks staff could come up and help. I think this may be a first, council appearing on the denial of a permit for the use of a park so bear with us while we try to figure out our own procedural rules here on horseback. Also I think it should be noted that the parks bureau's inclination is to approve permits and they try to do that. That's another reason why this is unusual, they are not usually in the business of saying no. It's usually, what about this instead. So I think you're hearing some interest on the council in what other scenario might be possible, if you think there is one. But then there's the question of how should we proceed, two separate questions.

**Harry Auerbach, City Attorney:** How you proceed is of course entirely discretionary with the council as to whether you continue the hearing. If you feel that you heard sufficient evidence and that the appellant had substantial opportunity to make its case, and you don't think there's a need to continue the hearing, then you're perfectly justified in saying you're not going to do that. If you want to hear more you're perfectly justified in continuing the hearing. With respect to the question about future permits, there's nothing that prohibits -- the denial of a permit or the upholding of a denial of a permit does not prejudice in any way the applicant's ability to go back and apply for a permit for an event. The parks folks can tell what the schedule is, what's available at this point. Waterfront Park, as the Mayor pointed out, was redeveloped to accommodate large festivals. We're limited to half a dozen or so a year that it can accommodate. I don't know what the schedule would allow for at this late point in the process. But certainly they could come back and apply for another permitting.

**Hales:** So what's the situation with respect to Waterfront Park? Is there a date available that this event could be held if the council were to grant this appeal or if they were to apply for a different date?

**Rogers:** I'm pretty sure the dates in question that were available for the request for proposal, I believe the date is actually taken. I'll turn back to -- yeah, it's taken already by dragon boats, is that right? Yeah. That's what I thought, dragon boats. It's a very long-standing event that's worked very well at the waterfront.

**Hales:** Well that happened every year so I would assume that they are --

**Rogers:** It happens every year, but they wanted to change their times so they could have a larger presence in the park.

**Hales:** So was there another date available if the council were to grant the appeal or if they apply for a different date?

**Rogers:** Not under the current schedule. We have a very tight schedule where we try to leave time between events, so there's time for recovery. So at the moment those dates that we put out for proposal have all been taken.

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**Hales:** I guess under those circumstances I'm inclined to continue the hearing and see what possibilities there are. Because if there's only one option before the council then -- which is to deny the permit, then okay, I understand that. I'm not sure if that's where I would want to go. But I guess I would like to understand what other options might be available. Here what's I'm thinking. We don't have to be quite as constrained as we would be in a land use hearing. Sounds to me like there have been serious problems with the event. I hear that. I understand what the police bureau's had to say and what you've had to say. I also know from unplanned experience in my office in managing a street festival this summer, namely we ended up managing the last Thursday event, sort of against our own intentions but we ended up doing that -- that the community has a hunger to get together in these kinds of events. And it's both a community obligation to try accommodate them and public safety problem that has to be managed every time we have a crowd. We set Waterfront Park up for this kind of event. And by whatever trail they ended up at Sellwood Park or Kelley Point Park, their idea, our idea, frankly, I don't think they were good ideas. Because trying to accommodate 50,000 people in any of those places seems like a sketchy proposition no matter who's managing it. If the event is manageable at all it seems the place it ought to take place is Waterfront Park. [applause] That's an if. It's not completely clear to me this set of organizers is capable of meeting our standards, with all due respect to your earnest presentation here today. But if we're going to have an event where 50,000-plus people show up, then we want it on the transit system and we want it where the turf can be beat up and restored. [applause] That was the whole idea behind Waterfront Park. That's why it troubles me that the council is in a position where if we were to grant the appeal they may not have a place to go. So that's why I'd be inclined to continue this and ask the parks bureau to at least look at the question of, if not no, then what? And if the answer is there's no other possibility but no, that's unfortunate but so be it.

**Fritz:** The challenge is that the application is for a date now given somebody else.

**Hales:** Right.

**Fritz:** And they haven't addressed the fact that the 2013 security plan was not held to. They didn't have an alcohol-cannabis drug-free event, they didn't have the required number of certified staff.

**Auerbach:** I think one of the decisions the council may want to make in this regard is precisely the issue Mayor just highlighted and I think Commissioner Fritz is commenting on. Which is whether -- notwithstanding their professed interest in working something out with the permit center -- they are capable and actually willing and able to make that happen on the ground. What I believe the park experience is, is they haven't been able to do that in the 10 years they have had this event. They were in Waterfront Park before. We had a prior incident in 2006 I believe it was, when they erected a medical marijuana tent after having been expressly told they could not do so. It's against state law to do that in a public place. So they recognized that they were not allowed to do that. They did it anyway. And Mr. Stanford is on record as saying he did it knowing he wasn't allowed to do it. The parks bureau has some concern about whether, notwithstanding what they are saying about their willingness to comply, as the commissioner noted, their existing security plan specified in the permit, specified in numerous places there would be no alcohol and no marijuana. It was demonstrated to be prevalent at the event, whether they can and will in fact make that happen on the ground, and you all can decide whether that can change in the future or not.

**Fritz:** Mayor, my thought is that the Parks staff is correct in looking at the criteria for why it should be denied, and that this permit application should be denied. That doesn't preclude the organizers coming forward with a new application for a new date in Waterfront Park. Because I agree with you, if it can be managed anywhere, it can be managed appropriately at Waterfront Park. They can come forward with a plan for proper security, a plan to make sure there's no use of marijuana at all, and then we can evaluate that.

**Novick:** That seems to me to be the cleanest way of doing it as well.

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**Hales:** I'd be interested in that scenario. What I would ask of you and the parks bureau staff is that if we're going to do that and at least open a negotiation about holding the event in Waterfront Park, that you make a date available. There's no point in negotiating something that couldn't happen.

**Fritz:** Well, it's subject to what we've already promised. You know, we try to keep our promises, so if we've already got contracts, it has to be on a date where we don't have a contract.

**Auerbach:** So what you'll have to do is go outside your policy and make a date available that's not within the window that you usually keep between events, or that is after the last one that's currently-

**Fritz:** So, we're fully booked except for the--

**Auerbach:** Right. There's what, a half dozen, yes, six major festivals allowed in the park each year. The Parks bureau does an RFP process on the events, propose on them, and they choose based on published criteria, and those dates have been awarded for 2014. But you would have to make an exception to your policy to allow a date that otherwise wouldn't be available for one of these events in order to accommodate this.

**Fritz:** We can commit to looking to see if we can make an alternative date work.

**Auerbach:** There's no legal reason not to do that.

**Hales:** That's good enough for me.

**Fritz:** With that, I move to deny the appeal.

**Hales:** There is a second?

**Novick:** Second.

**Hales:** Let's take roll call on that.

**Item 48 Roll.**

**Fritz:** I appreciate everybody who came, and as I mentioned multiple times, I'm a strong supporter of medical marijuana and will support that as long as I have breath to do so -- which, in the past couple of days, has looked a bit iffy at times. I'm also a strong supporter of following laws and making sure everybody is safe in public parks. And it doesn't seem like that -- the evidence doesn't suggest that happened in this case, and therefore, although we're willing to work with the organizers to see if they can design an event that would be well managed and safe for everybody, at this point we don't have that on the table and therefore I support the denial of the appeal. Aye.

**Novick:** I want to say I was concerned about the allegation which, to be honest, I did not then explore with park staff -- actually I could do it now. Is it true the applicants did not get the after-event reports until 72 hours ago?

**Fritz:** They were posted online on Friday with the council agenda on Friday.

**\*\*\*\*\*:** It was when they requested it.

**\*\*\*\*\*:** Commissioner Novick, to be clear, police don't typically give out after-action reports. We went outside the typical protocol of an after action-report and posted that online to make it available to the public.

**Novick:** Normally it does make me a little nervous to have us relying on material that wasn't available to the appellants until recently. However, in this case, even if I hadn't seen those reports, based on the letter that Parks sent and the testimony for today wouldn't have reached a different conclusion. So based on that, I vote aye.

**Hales:** I'm going to support the motion but it's conditional. And there are some things I want the bureau to do and that I want the applicants to do. I'll elaborate a little more on my earlier statements. It was a learning experience for my office to end up managing the Last Thursday festival, because it had been organized by a community group who frankly proved incapable of meeting the logistical challenges that an event like this requires. And so we as a city were faced with, do we let this happen spontaneously and clean up after the aftereffects, or do we try to manage it or better yet foster management of it by the community? That's what we tried to accomplish. I'd say we had a limited success. What worked best in that environment was when the community -- and it's

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something I know we all believe, when the community took more ownership of it and there was this actually amazing group of bicyclist whose rode in front of police bureau to clear the street at the end of the event, and that was much more -- a much nicer way to end the event than if it had been a phalanx of police officers, even if they were smiling. There's some real value to founding these events in the community in the form of a nonprofit organization or volunteer group. Parks believes this, they work with a thousand of them. The other side of the deal is those folks have to really step up and meet some requirements here. I'm sensing a real willingness to try to do that. I do believe this kind of event should be held in Waterfront Park because we've set it up for that, it's on the transit system, I'm kind of a transit guy. I like people to get to and from events, particularly the ones that involve alcohol, without their motor vehicle. So, I like having big events there. That's why one of the conditions of my vote is that the Parks bureau make a set of dates available -- or hold a set of dates where, if the applicant is able to meet reasonable permit requirements, they can go ahead and have the event this year. [applause] So there's a negotiation. It's not guaranteed that you'll be able to satisfy the Parks bureau. But I guess I want to give them a shot at that. And then, they'll need to adjust the usually policy of how many event are held in that space each year. Mr. Walsh is free to throw the constitution at us, literally in this case [laughter] but I think there does need to be at least a special extra measure of accommodation for free speech events that we, again, try to accommodate in the parks system, everything from lawn bowling to motorized airplanes and all kinds of sports to free speech events. And free speech events, to me, get an extra measure of consideration. Doesn't mean they don't have to follow the rules. But there's a little bit of extra deference that's owed to any kind of free speech event. And actually, when you look at the criteria that Harry put up on the screen earlier, the way that section of the code is set up, I like. And I like the way our law reads, which is there's actually a bias in favor of granting of the permit. If you read the language, it says shall be granted if. So, it's a little different than some kinds of permits where if we feel like it, you can. In this case the presumption is the community good gets to use the park in this way by applying for the space and following the rules. We've had some problems with following the rules in this event. I think frankly it's got a better chance of success in Waterfront Park for all kinds of reasons, the management of the space, the physical layout of it, the transportation, all the rest. So again, I hope this negotiation that we're opening here, a second round if you will, is successful. And that we get to yes on a safe and successful event. I'll vote to deny the appeal in this case, and wish everybody good luck and god speed in that discussion. Aye. [gavel pounded]

**Hales:** We're adjourned and thank you all very much.

At 4:25 p.m. Council adjourned.