



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11<sup>TH</sup> DAY OF MARCH, 2015** AT 9:30 A.M.

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

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

On a Y-5 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>252</b>	Request of Ronault LS Catalani to address Council regarding youth leadership at Harrison Park Elementary School (Communication)	<b>PLACED ON FILE</b>
<b>253</b>	Request of Janis McDonald and Tim Schulze to address Council regarding Safe Routes to School and Harrison Park Elementary School Jade Journal Project (Communication)	<b>PLACED ON FILE</b>
<b>254</b>	Request of Jacoby Zamora to address Council regarding Harrison Park Elementary School Jade Journal Project (Communication)	<b>PLACED ON FILE</b>
<b>255</b>	Request of Justis Hudson to address Council regarding Harrison Park Elementary School Jade Journal Project (Communication)	<b>PLACED ON FILE</b>
<b>256</b>	Request of Jeremy Phan to address Council regarding Harrison Park Elementary School Jade Journal Project (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>257</b>	<b>TIME CERTAIN: 9:30 AM</b> – Proclaim March 15-21, 2015 to be Young Audiences Arts for Learning Week (Proclamation introduced by Mayor Hales and Commissioner Fish) 15 minutes requested	<b>PLACED ON FILE</b>
<b>258</b>	<b>TIME CERTAIN: 10:00 AM</b> – Accept report on Portland Parks & Recreation Park Ranger Program (Report introduced by Commissioner Fritz) 30 minutes requested <b>Motion to accept the report:</b> Moved by Fish and seconded by Fritz. (Y-4)	<b>ACCEPTED</b>

<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Charlie Hales</b>		
<b>Office of Management and Finance</b>		
<b>259</b>	Authorize a competitive solicitation and contract with the lowest responsible bidder for construction of the Rose Quarter Planter Box Project (Ordinance)	<b>PASSED TO SECOND READING MARCH 18, 2015 AT 9:30 AM</b>
<b>REGULAR AGENDA</b>		
<b>Mayor Charlie Hales</b>		
<b>Bureau of Police</b>		
<b>*260</b>	Authorize a grant agreement with Janus Youth Programs, Inc. for \$15,000 to support one Outreach Specialist to continue outreach to homeless and runaway youth and ongoing training and coaching of volunteers (Ordinance) 10 minutes requested (Y-4)	<b>187044</b>
<b>Commissioner Amanda Fritz</b>		
<b>Position No. 1</b>		
<b>Portland Parks &amp; Recreation</b>		
<b>*261</b>	Authorize a contract with Land Morphology PC to provide planning, design and construction administration services for improvements to Leach Botanical Garden not to exceed \$433,314 (Ordinance) 10 minutes requested (Y-4)	<b>187045</b>
<b>Commissioner Nick Fish</b>		
<b>Position No. 2</b>		
<b>Bureau of Environmental Services</b>		
<b>262</b>	Amend contract with Brown and Caldwell, Inc. for additional work and compensation for the SW 86th Ave Pump Station and Appurtenances Project No. E09051 for \$316,194 (Second Reading Agenda 244; amend Contract No. 30002215) (Y-4)	<b>187046</b>
<b>263</b>	Authorize a contract with lowest responsible bidder for the construction of the SE Hawthorne-Salmon Sewer Reconstruction and Green Streets Project No. E08668 for \$4,590,000 (Second Reading Agenda 245) (Y-4)	<b>187047</b>
<b>Water Bureau</b>		

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**264**

Authorize a contract with Raffelis Financial Consultants, Inc. for the Water Bureau Cost Allocation Audit Project in the amount of \$169,490 (Second Reading Agenda 246)  
(Y-4)

**187048**

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At 11:51 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11<sup>TH</sup> DAY OF MARCH, 2015** AT 3:00 P.M.

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

Commissioner Saltzman arrived at 3:05 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, City Attorney; at 4:30 p.m., Lisa Gramp, Deputy City Attorney; and Wayne Dykes, Sergeant at Arms.

<b>265</b> <b>TIME CERTAIN: 2:00 PM</b> – Amend timeline and Case File Review for Independent Police Review Citizen Review Committee appeals (Ordinance introduced by Auditor Hull Caballero; amend Code Sections 3.21.140 and 3.21.150) 1 hour requested	<b>Disposition:</b>  <b>REFERRED TO CITY AUDITOR</b>
<b>266</b> <b>TIME CERTAIN: 3:00 PM</b> – Transmit report on a potential city-wide policy for removing barriers to employment for individuals with criminal histories (Report introduced by Mayor Hales) 1 hour requested	<b>PLACED ON FILE</b>

At 5:38 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12<sup>TH</sup> DAY OF MARCH, 2015 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

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

<p><b>*267</b>      <b>TIME CERTAIN: 2:00 PM</b> – Add definitions and permitting requirements pertaining to Transportation Network Services to the Private For Hire regulations (Ordinance introduced by Commissioner Novick; amend Code Section 16.40.030 and add Code Section 16.40.720) 15 minutes requested</p> <p><b>Motion to accept Novick amendments:</b> Moved by Novick and seconded by Fritz. (Y-5)</p> <p><b>Motion to accept Saltzman amendment:</b> Moved by Saltzman and seconded by Novick. (Y-5)</p>	<p><b>Disposition:</b></p> <p><b>187049</b> AS AMENDED</p>
<p><b>268</b>      <b>TIME CERTAIN: 2:15 PM</b> – Approve the Eleventh Amendment to the Central Eastside Urban Renewal Plan to add plan area and projects, extend the duration of the Plan and increase the maximum indebtedness (Previous Agenda 225; Ordinance introduced by Mayor Hales) 1 hour requested for items 268-273</p> <p><b>Motion to amend CEIC URA – Affordable Housing Covenant / Clinton Station: Upon the sale or transfer of any Fire Bureau land in the Clinton Triangle, an affordable housing covenant shall be recorded against the deed. This would ensure that future use of the land would include affordable housing:</b> Moved by Saltzman and seconded by Fish. (Y-5)</p>	<p><b>PASSED TO SECOND READING AS AMENDED MARCH 25, 2015 AT 11:00 AM TIME CERTAIN</b></p>
<p><b>269</b>      Approve the termination of the Education Urban Renewal Area Plan (Previous Agenda 226; Ordinance introduced by Mayor Hales)</p>	<p><b>PASSED TO SECOND READING MARCH 25, 2015 AT 11:00 AM TIME CERTAIN</b></p>
<p><b>270</b>      Adopt the Fourth Amendment to the North Macadam Urban Renewal Plan to add to the plan area, add projects and extend the time frame of the Plan (Previous Agenda 227; Ordinance introduced by Mayor Hales)</p> <p><b>Motion to amend Table 10a – Estimated Project Expenditures: remove Commercial Redevelopment Loans &amp; Grants from Redevelopment Through New Construction/Conservation. Remove Infrastructure/Open Space, and Target Industry, and add Infrastructure/Open Space/Redevelopment to Public Improvements:</b> Moved by Novick and seconded by Hales (Y-4; Saltzman recused)</p>	<p><b>PASSED TO SECOND READING AS AMENDED MARCH 25, 2015 AT 11:00 AM TIME CERTAIN</b></p>
<p><b>271</b>      Approve the Eleventh Amendment to the Airport Way Urban Renewal Plan to reduce plan area by approximately 970.5 acres (Previous Agenda 228; Ordinance introduced by Mayor Hales)</p>	<p><b>PASSED TO SECOND READING MARCH 25, 2015 AT 11:00 AM TIME CERTAIN</b></p>

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<b>272</b> Approve the Second Amendment to the Willamette Industrial Urban Renewal Plan to cease collections of tax increment (Previous Agenda 229; Ordinance introduced by Mayor Hales)	<b>PASSED TO SECOND READING MARCH 25, 2015 AT 11:00 AM TIME CERTAIN</b>
<b>273</b> Approve the Fourth Amendment to the Amended and Restated River District Urban Renewal Plan to reduce plan area by approximately 36.4 acres (Previous Agenda 230; Ordinance introduced by Mayor Hales)	<b>PASSED TO SECOND READING MARCH 25, 2015 AT 11:00 AM TIME CERTAIN</b>

At 3:21 p.m., Council adjourned.

**MARY HULL CABALLERO**  
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.

**MARCH 11, 2015 9:30 AM**

**Hales:** Good morning, everyone, and welcome to the March 11th meeting of the Portland City Council. Would you please call the roll, Karla?

**Fritz:** Here. **Fish:** Here. **Saltzman:** Here. **Hales:** Here.

**Hales:** Good morning, everyone. We have some very pleasant non-Council item business to do this morning because we've got students here. We're going to talk about literature and publishing and studying our city, so I just want to welcome everyone here.

First, I want to welcome back to Portland -- with another group of students -- Professor Atsuya Yoshida from Tokushima University. He is here again with his students. Welcome to Portland, it's nice to have you here. [applause] And then we also have a proclamation up front and another one in the Council calendar, this one is also about literature and actually involves one person in particular on my team. So, I'm going to exercise this privilege.

It says, whereas, Portland is a city of readers and a city of writers; and whereas, Portland is home to Powell's City of Books, one of the greatest independent bookstores on the planet, as well as a wide array of smaller but also excellent independent bookstores; and whereas Left Coast Crime, an annual gathering of mystery authors and mystery fans, has chosen Portland for its 2015 convention; and whereas, the longstanding book club in Portland, Friends of Mystery, is being honored for its contribution to the genre; and whereas, mystery authors Chelsea Cain, Timothy Hallinan, and Gar Anthony Harwood will be honored at the convention; and whereas, who-done-it fans from all over the country will gather March 12th through the 15th at the Doubletree by Hilton Hotel in the Lloyd district -- and this is not in here, but -- whereas, one of the participants will be our own Dana Haynes -- now, therefore I, Charlie Hales, the Mayor of the City of Portland, Oregon, the City of roses, do hereby proclaim March 11th 2015, to be Left Coast Crime Day in Portland and encourage all residents to observe this day -- not by committing an actual crime, but by reading one of these great author's books about crime. [applause] Dana, this for you. Dana has an amazing life discipline in which he is in his very little spare time writes books. [applause]

**Fish:** Mayor, normally in a moment like this, the guest that you've honored would hand out free copies of his books and take autographs.

**Hales:** [laughs] I'm sure that could possibly be arranged. Let's move on next to communications items because we have a group here to speak to us, as well -- also students.

**Item 252.**

**Hales:** Polo, come on up. Why don't you bring the first of your team? Speaking of writers and writing.

**Item 253.**

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

**Ronault L.S. Catalani, Office of Equity and Human Rights:** Thank you, Mr. Mayor. Good morning, City Council. Thank you, Ms. Moore-Love, for your patience and persistence in getting us on the calendar this morning -- for getting our Harrison Park

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students, their teacher sitting to the left of me, and our staff to the right in front of our City Council.

My name is Ronault Latang Sayang Catalani. I facilitate our City's immigrant and refugee integration programs. It's a constantly-changing set of eight City bureaus and newcomer community partnerships integrating our city's 70 or so vigorous ethnic streams into the life of our robust mainstream. Key word here is "integration," the integration of subtle Portland's wealth in parks and environmental stewardship, our nationally-envied livable neighborhoods and transportation alternatives, our priceless community policing blended deliberately with our new Portlanders' abundance of social, cultural, and spiritual wealth. This mix, this joint bank account is enormous and it's growing every day. It's complicated, but that content is for another discussion for another time.

This morning, I'm humbled to present to City Council the central ingredient of all of our equity and practice partnerships -- the love, of course, of Harrison Park teacher Mr. Tim Schulze. His love of education but more to the point, at the core of his curriculum is teacher Tim's love for his students' families. It is, of course, your Transportation Bureau staff Janis McDonald's love of biking, running and walking; but it's really about her love for our shamelessly ambitious immigrant families and their bright and brave children.

So, I'm really humbled. I'm honored to introduce my colleagues in this field. We want to make sure to thank Marc Moscato from Know Your City, who worked with a grant with the Regional Arts and Culture Council to deliver these children, to deliver these newspapers, to deliver this morning. We're so proud of everyone. And Janis, as folks may know, grew up in the Mexicano barrios of Houston -- I thought she was just another Mexican chica with crazy curly hair for years and years; and Tim has only one vowel in a family name of seven letters, and I'm happy to sell him some of my vowels. [laughter] So, I think we'll start with Mr. Schulze.

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

**Tim Schulze:** Hi, my name is Tim Schulze and I'm a teacher at Harrison Park. I'm here to speak out for bald people everywhere -- just wanted to lighten it up for my students there a little bit.

I'm here to help give my students a voice with issues affecting their community. I want to share with you how the Jade Journal came to be and explain why my class wants to speak with you today.

In working with Marc Moscato and Travis Neel from Know Your City, we created a curriculum to create a classroom newspaper. Marc, Travis and I sat down with the writing curriculum and worked to integrate it with our newspaper project. We also organized guest speakers to teach the students specific skills that they would need to be able to create a newspaper.

Before each lesson, Marc, Travis and I would go over our goals for the newspaper project to make sure that we were staying focused in working together. We discussed how we wanted the paper to help all students understand and to feel a pride for their community and neighborhood. We wanted to give all of our students a voice to share what they think is important in their lives in the community.

It's really important that you know that the Jade Journal and the articles in it came from the students in the class. It was not given to the students by adults, these came from the students -- from their hearts and from what they cared about. Articles such as "How the Internet is Making Us Dumber" came from a homework assignment from one of the students in my class. Every class we had, we spoke to the students about how this newspaper would only be successful if it came from them and their hearts. The articles are a reflection of what the students in my class felt were important for people to know.



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The Jade Journal was created by the students of my class and is a reflection of the challenges they face and information they hold. It was inspired by kids who are incredibly talented and knowledgeable each in their own way. I sincerely hope you enjoy what my students share with you and are inspired by them like I am every day in their class as their teacher. Thank you so much for having us, it really means a lot to us.

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

**Janis McDonald, Portland Bureau of Transportation:** Good morning. Thank you for having us here. My name is Janis McDonald and I work in the Bureau of Transportation on Safe Routes to School.

As you know, Safe Routes to School is a partnership of schools, communities, City of Portland, community organizations, and agencies to make it safer for people to walk, bike, and roll around their neighborhoods and to school. The program started in 2005 with eight schools in three different districts, and has grown to over 100 schools in five different districts. Safe Routes encompasses six Es -- education, encouragement, evaluation, enforcement, engineering, and equity -- but I think it's time to add an A for advocacy.

In the Jade Journal, the students from Harrison Park are advocating for the livability of their city, neighborhood, and school. They are advocating for themselves and their safety of getting to and from school. The youth are becoming leaders in their community by voicing their concerns and taking initiatives and finding solutions.

In our work with schools, Safe Routes staff are building youth and adult partnerships. We have attended student council meetings and organized focus groups with students. We are asking how Safe Routes can benefit their school communities and the livability of their neighborhoods. We are listening to their voice and working together to come up with solutions.

We are excited about the initiative that these young people from Harrison Park have taken to get to know their city. The Safe Routes to School staff look forward to collaborating with these youth to build upon their efforts so students are safe to walk, bike, and roll to school. Thank you.

**Hales:** Thank you. Thanks all three of you. Appreciate you being here and having our kids understand they own this place and they have a stake in steering its future. So, thank you for taking that approach to these young people. Look forward to hearing from a few of them, as well. Thank you very much.

**Catalani:** Tim, maybe you and Karla can orchestrate what happens next.

**Moore-Love:** Why don't you bring up the children you have on your list?

**Hales:** You want to stay there, Tim? Tim, we can pull up another chair if you want to bring all three up.

**Schulze:** First up, we have Joe Chan.

**Hales:** Good morning.

**Joe Chan:** Hi, my name is Joe Chan and I'm a student from Harrison Park School. I am here to talk to you about our safety and how we can make it better and safer for people.

The first thing that I think will make our community better is more sidewalks. I think more sidewalks will make us more safe because we can walk on them so cars and trucks don't drive where we walk. One time when I was walking to my grandma's house, a car almost hit me because the street I was walking in had no sidewalks. It's really important to walk on sidewalks because it will prevent death and kids, teens, and grownups could walk to school or go to work easily. In our community, most kids get hurt because kids walk to school and home. There was a kid in my class who nearly got hit by a car while walking to school because there were no sidewalks.

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There should also be police around places where kids walk and play, but the police should be nicer to us and help us out more. And to do that, they can watch out for bad people and help us when we get hurt.

The last thing that I think will make our community safer is more streetlights and crosswalks. It will make us safer because it'll stop cars from speeding, and people can cross without watching out for cars. I also think that the crosswalks should have more time for people to walk because some old people walk slower.

So there you go, those are the things that I think will make our community better. Remember, safety is important to everyone. I really hope that you make a change to our safety. It is really important to us and it might be for your family, too.

**Hales:** Thank you, thanks very much. [applause] Good morning.

**Samantha Martinez Mendoza:** Good morning. Hi, my name is Samantha. I am a student here at Harrison Park. I am here to speak up for what I think is wrong in my community. I want to share with you how unhealthy food affects my neighborhood.

I always have one of my friends inviting me to eat Hot Cheetos or Takis when I don't want to eat them. I live really close to a 7-Eleven and I sometimes wonder, why don't I live next to a healthy grocery store? I want to be able to walk to a store that has good and healthy food for my body. When we are almost out of our fruits and vegetables, my mom has to drive far to get what we need. Me and my family want healthy food because it's not only healthy for you, but you get nutrients and vitamins in your body.

I want my community to know that they are going to be able to walk to a healthy grocery store. I really do hope that when I'm playing outside, my friends are eating healthy snacks, not all those chips and candies. I hope that you can make that change in my community. Thank you for hearing what I have to say. Have a wonderful rest of the day.

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

**Joey Chambers, Jr.:** Hello, Mr. Mayor and City Council. My name is Joey Chambers, Jr. I highly doubt you know who I am, but I know who you are.

I'm just a normal fifth grader that have a lot of the same thoughts about Portland that other fifth graders have. The school that I go to is called Harrison Park. Our school is in the Jade District on 87th Avenue. I'm here to share my thoughts on the Portland Police department with you.

My thoughts on the Portland Police department are first, I think that the police need to be more social and observant because some people are walking around the streets scared of being killed, mugged, raped, kidnapped, or attacked. An example would be one day, my sister was walking to come and see me and my little brother at our old house on Powell. On her way to our house, a man in a blue car said, "hey, baby, get in." After that, she ran all the way to our house, and was OK once she got to the house.

Second, my old teacher, Miss McCormack was about nine when a man in a car started to follow her and her friend to school. So they started to run, and they eventually got away safely but almost got kidnapped. That's why the police need to be more vigilant and patrol more often and not just on one street. They need to patrol all the streets of Portland because if bad people can't do one thing on one street, they'll do it on another.

The reason I care about this stuff is because first of all, I don't want my hometown that I'm from to have a bad reputation because I'm going to be a famous baseball player when I grow up. Second of all, I don't want my kid to grow up the way I did. I hope you put some thought into what I said, instead of just listening to what I said and be done with it, thank you.

**Hales:** Thank you. [applause] Thanks for that.

**Fritz:** Perhaps you saw the announcement we're going to have a new baseball team in Portland that will be playing in Lents Park starting in 2016. So, you'll have a lot of good

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college players coming to play over the summer. There will be 30 home games in Lents Park and better little league facilities, too. So yes, we are listening, and thank you for your testimony.

**Hales:** Good job, all. Good morning.

**Andy Nguyen:** Hello. My name is Andy Nguyen. I'm a student at Harrison Park School. I'm here to give a voice in my community. I'm here to talk about police.

There are things happening in my community that shouldn't be, so I'm here to put that to a stop. I want people to know kids and teens are getting hurt. Police should be driving around neighborhoods -- people are mugging other people on the street. Robbers are breaking into houses with guns and scaring families.

Police should also walk around schools. Homeless people are just sitting around and looking for cans. Police should be more focused on kids.

Police should also worry about things on the ground. Kids see all types of things -- they find gun shells, drugs, and broken beer bottles. They might get cut or even die.

Other things are when people speed. Last week, I was walking home in a car almost hit me. I had to jump out of the way before I got hit. If the police were on that street at that time, they could have stopped the person in the car. I'm just worried that kids in my neighborhood aren't safe, so I'm going to stop that.

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

**Vicki Tran:** Hi, my name is Vicki Tran. I am here to tell you that we need a change in our school lunch. The food makes me sick. We need a change in our food.

I want you to know that our food is bad. The food is dirty when I eat it. I find hair in my food. We need real food because some of the food is fake -- like, for example, cheese, because won't stretch like real cheese. The cheese that we have breaks.

People need to donate money for real food and better food to eat like a fundraiser.

We also need cooked food because the food is sometimes uncooked and it makes me sick sometimes. Lunch ladies should be able to cook the food. The food we eat is boxed, and it should be made, not boxed. Boxed food is unhealthy for your body. I get sick when I eat the food.

Also, when I eat the food, it's either dry, uncooked, soggy, or dirty. When I eat the food, it dries out really quick, like macaroni and cheese, for example -- it dries out within a minute.

I think that we should have better foods to eat because the foods are not clean. Portland Public Schools serves snack leadership every day, and when I get the fruit, it's either dirty or rotten. The lunch ladies need to wash the fruits better so we can eat them. We also have different drinks besides milk, like juice. Thanks for listening to what I have to say. I hope you make the changes soon. Have a great day.

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

**Elaine Tang:** Hi, my name is Elaine Tang. I am a student at Harrison Park School, and I am worried about the community's eating mostly unhealthy food. I want you to know that we need a change in our food.

I want everyone to know that they are putting unhealthy foods in their body. I also want some more healthy foods added into stores. Also, removing the unhealthy food. A lot of people are eating sodium, calories, fat, sugar, uncooked, and overcooked.

Some stores are even hard to get to. Where I live, there are not a lot of healthy stores around. Healthy stores are at least seven miles away from me. I think that there should be more healthy stores around for the community to get to. I think healthy stores should be somewhere around 82nd street.

Our community is getting sick eating the unhealthy food. What people eat gives them bad or good health. One time, I saw a group of guys eating unhealthy junk food. After

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an hour, the group of guys were getting sick and laying on the ground. After that, the group of guys got help.

Our community means a lot to me, that's why we need a change in our food. The food is very unhealthy for kids like us. I sincerely hope Portland, Oregon could help my community.

**Hales:** Thank you, thank you very much. [applause] Thanks for doing this. Thanks so much for bringing these kids today and for getting them involved in our community, making really good points to us as community leaders about healthy food and safe streets and better police protection.

So, we get a lot of testimony in this room -- not all of it is this well thought through or this well presented. So, nice job. Let's hear it for the kids. [applause] We have copies of this here for everyone, the wonderful publication that was mentioned. I read it yesterday, and I think it's great. Nice work. Keep up the good journalism as well. Thank you all very much. Let's hear it for Harrison Park. [applause] Thank you.

Well, that was a great start, and we really appreciate them being here and for all of us to have the chance to hear that. So, we'll move on to the regular calendar. We have a proclamation and then a report as time certain items. Very brief consent calendar, and a few regular agenda items. So, let's start with item 257, please.

**Moore-Love:** Did you want to dispose of the one item on consent first?

**Hales:** We can do that. We have one item on consent -- anyone want to take it off consent? OK. Going, going -- roll call, please.

**Roll on consent agenda.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye.

**Item 257.**

**Hales:** Commissioner Fish.

**Fish:** Thank you, Mayor. This morning, I'm pleased to welcome our honored guest. Would Cary Clarke, Young Audiences' executive director and his special guests please come forward?

2015 is an important year for the arts. We're celebrating a number of milestones, including Portlandia's 30th birthday, the 35th anniversary of our Percent for Art program, the 10th anniversary of Work for Art, and thanks to the generosity of Portland voters this year, approximately 70 teachers will be in schools spread out over six school districts teaching the arts to over 30,000 children. That's quite a year.

Today, we get to take some time and recognize one of our great local arts organizations, Young Audiences of Oregon and Southwest Washington. Before I introduce Cary, who is no stranger to this building, I'm pleased to read the following proclamation that the Mayor is issuing today.

Whereas, Young Audiences of Oregon and Southwest Washington has been inspiring the young people of Portland and expanding their learning through the arts since 1958 -- 1958, by the way, was a pretty good year -- and whereas, the City of Portland recognizes the critical role that the arts plays in the development of young people by fostering creative thinking, grit, collaboration, and the 21st century skills they need to succeed in school, work, and life; and whereas, Young Audiences of Oregon and Southwest Washington is the region's largest and most dynamic arts in education nonprofit organization serving nearly 80,000 young people in over 200 schools annually; and whereas, Young Audiences leverage the considerable artistic resources of Portland to benefit children in partnership with educators through innovative programs such as Arts for Learning, the Run for the Arts, the Right Brain Initiative, and the new Live SET, which stands for sound engineering for teens; and whereas, the nation-wide network of 30 Young Audiences affiliates is rallying together for national Young Audiences Arts for Learning

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Week to raise awareness for art and education initiatives in the schools and community venues; and whereas, the City of Portland stands proudly with other cities, counties, and states throughout the country to celebrate the vision of, quote, "all the arts for all the kids," end quote, to consider how far we have yet to go to achieve that goal and to thank Young Audiences for its leadership in making real progress towards it; now therefore, I, Charlie Hales, Mayor of the City of Portland, the City of Roses, do hereby proclaim March 15th through the 21st, 2015, as Young Audiences Arts for Learning Week in Portland, and encourage all residents to observe this week. Let's give them a round of applause. [applause] Cary, congratulations, and take it away.

**Cary Clarke:** Thanks so much for the proclamation and for making the time to have us in the important work that you have going on both to mark a milestone for Young Audiences, and to celebrate the work that our community is doing to ensure the arts are part of all kids' education and life. Joining me today are Judy Rompa, the president of our board of directors; and Audrey Kuo, our development director.

We're honored to be here to commemorate Young Audiences Arts for Learning Week with you, as is happening in many communities across the country. But before we get to that, we wanted to share just a bit of information about how we at Young Audiences of Oregon and Southwest Washington are doing our best to serve this community about which we all care so much.

Young Audiences has been bringing the creative resources of the community into collaboration with classroom teachers for the benefit of kids since 1958. We are the largest and most comprehensive arts education nonprofit in the region, serving as you said nearly 80,000 children annually, and nearly 200 schools, in partnership with over 100 teaching artists and arts ensembles. That service takes many different shapes, and I'm pleased that you've actually seen one example recently here in council chambers.

Just the other week during the Regional Arts and Culture Council State of the Arts presentation, Young Audiences' teaching artists, Aaron Nigel Smith, led a classroom of fourth graders from King Elementary in a civil rights resistance song, which they'd learned as part of the explanation of civil rights issues in their class. This was a part of a Right Brain Initiative residency program that we at Young Audiences couldn't prouder to be a partner on.

Across Portland and beyond, Young Audiences teaching artists are working with students and teachers in countless different art forms from theater to music, animation to textiles, and beyond -- all to explore all manner of curricular and cultural questions.

You can see that service taking place in the shape of residencies, workshops, and performances and classrooms throughout the city, but some of Young Audiences' most important work take place behind the scenes, through our professional development offerings for classroom teachers and teaching artists. We're proud to be the go-to resource for quality teaching artist training in this community.

Now at this point, I would like to turn the mic over to Audrey to share with you about a new signature program that we're launching and an exciting milestone that we've just crossed.

**Audrey Kuo:** Thank you, Cary. Good morning, Mayor and Commissioners. My name is Audrey Kuo, and I'm the development director for Young Audiences.

We've very excited to be launching a new program next month called Live SET, which is a live sound engineering training course we're producing at Mississippi Studios in North Portland. Live SET will offer 10 underserved Portland high schoolers from North and Northeast Portland this spring an opportunity to get real world hands-on experience in the art and science of live sound engineering, giving them an employable skill in connection with the professional community and a cohort of peers. We're excited that this program will

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be free for students, and we invite you to join us on May 3rd at Mississippi Studios for a concert that the Live SET students will engineer to showcase what they have learned.

I'm also delighted to be able to make an announcement here for the first time anywhere. Many Portlanders are familiar with Young Audiences' program, Run for the Arts, which has been helping students raise money for their schools for their arts programming for 37 years. Just this year, we have hit a critical milestone, and the Run for the Arts have now raised more than \$15 million for the arts over its history. And it just happens to be great timing that's happening in 2015, so hopefully we'll raise another million in 2016, and we'll come back and announce the 16 million mark.

But that \$15 million is helping schools engage students through the arts, which has been proven in study after study to approve academic performance, literacy, graduation rates, and just about every other positive outcome you can name, especially for English language learner students and those coming from low income backgrounds. Young Audiences very proud to be a part of that. With that, I will yield the floor to Young Audiences board president, Judy Rompa.

**Judy Rompa:** Thanks, Audrey. Good morning, Mayor and Commissioners. Young Audiences of Oregon and Southwest Washington is part of a national network of Young Audiences affiliates who are uniting together across the country to draw attention to the importance and power of arts education next week. By proclaiming March 15th through the 21th Young Audiences Arts for Learning Week, you are helping Portland declare its support for arts education and the role of creativity and joy in the lives of all children.

As the board president of Young Audiences, a parent, violinist, teacher, and lifelong Portlander, I want to thank you for your steadfast support of the arts and arts education. The work of our organization simply wouldn't be possible without the critical grant funding we receive from the Regional Arts and Culture Council, the Arts Education and Access Fund, and Work for Art. Your support is truly making a difference in changing young lives, opening up worlds of possibility. Please know your support is vital, and that we appreciate it tremendously.

**Clarke:** Now, it's one thing to hear thank you from us, so we wanted to try to bring you one step closer to the thank yous that we represent and that really matter, those of Portland students. And to that end, we've brought each of you an individual thank you note from the students from Woodstock Elementary School that they wrote to Young Audiences' teaching artist ensemble, Dragon Arts Studio, who visited their school recently to share the art of Chinese puppetry with them. And I think you'll agree that these illustrated thank-you notes are pretty darn special -- and we'll bring those to you in a moment.

We are also extending an invitation to the Night on the Town with Young Audiences gala that we have coming up this Saturday, March 14th at Pure Space in Northwest Portland. We'll be celebrating 56 years of inspiring children and expanding their learning through the arts in Oregon and Southwest Washington and we'd love for you to be a part of that. So, thank you once again for having us and for all that you do to help service organizations like ours ensure that creativity is a part of every child's life.

**Fish:** You know, Mayor, I have the honor of representing the City Saturday night at the gala, and I will read the proclamation you have issued. But I just want to take a moment to reflect on a number of events that we've celebrated over the last two weeks. And this was not intentional but it's just played out this way. It began with the State of the Arts presentation where, as you noted, there were the young people from the elementary school who sang, and there was also is a young woman who won the poetry slam contest. And we were very inspired by that.

Fast forward -- Portland Public Schools hosted a showcase at the Newmark Theater where artists from all throughout the school district came and performed, and the visual

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arts were displayed throughout the theater and they're now downstairs. We have paintings and sculpture and representative work. And then Friday night, Josh Alpert and I were at the Schnitz for a concert of the Metropolitan Youth Symphony, which is a world-renowned symphony. But what was truly amazing about that night is that they were joined by artists and musicians from Beaumont Middle school and Grant High School and Wilson, who all participated with them both as musicians and choirs celebrating the arts.

Every one of those events highlights something very important, which is the importance of investing in young people at an early age through the arts. And when we got our report a number of months ago on the Right Brain Initiative, the Council was flabbergasted by the data because it turns out that young people were performing well in all kinds of areas because of the arts. And so we know that's working. We know that the kinks in the arts tax have been worked out, and more money is now going into the classroom and going out as grant money and then we have all of these nonprofit organizations that are doing amazing work.

I've had the great pleasure on two occasions of writing a check for one of my children who did Run for the Arts and then going to every house in our neighborhood contributing to that \$15 million.

Cary, you made a big difference when you were here in this building working with Mayor Adams and working on arts issues, and you are now continuing to make a great difference at Young Audiences. So on behalf of the council, I want to thank you all for your great work.

**Hales:** Thanks very much.

**Fish:** Can we get a photograph, Mayor?

**Hales:** Yes, please.

**Clarke:** Can we acknowledge the rest of our Young Audiences supporters in the room, and would they be welcome to join us for a photograph?

**Hales:** Of course.

**Clarke:** Great, thank you. Come on up, gang. [photo taken]

**Hales:** Great, thanks very much. I suspect Commissioner Fritz was reminiscing -- those of us who are veteran parents of the Portland Public School system and many, many Run for the Arts efforts with our kids.

**Fritz:** Yes, I was explaining it to my staff yesterday, some of whom do not have children, and basically children run around in circles. And the question was, well, how is that different? And the answer is the parents count how many circles they have run around, and those of us with extremely competitive children practically drop dead at the end because they've run so hard to do so many laps.

**Hales:** They do, they work hard at it. Thank you very much. Let's move on to Item 258.

**Item 258.**

**Hales:** Commissioner Fritz.

**Fritz:** Thank you, Mayor Hales. This is in response to your request in the budget to have our report on Portland Parks and Recreation's Park Ranger program. Here to present this morning is Galina Burley, the Parks security manager; and Parks supervisor Hasan Artharee. Assistant Director Warren Jimenez will be manning the PowerPoint.

**Warren Jimenez, Portland Parks and Recreation:** Good morning. Thanks for having us here today. My name is Warren Jimenez. I am the assistant director of Portland Parks and Recreation, and it's a pleasure being here with a couple of colleagues, Galina Burley, who is our security manager; and Hasan Artharee, who is our Ranger supervisor who gets to go in and give you that update today. So, it's a pleasure being here to talk about the Ranger program.

**Fish:** Warren, are you doing a PowerPoint?

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**Jimenez:** I am.

**Fish:** Because apparently our monitors don't work. Do you want us in the audience -- oh, here it is.

**Jimenez:** We are pulling that up right now.

**Hales:** There we go.

**Galina Burley, Portland Parks and Recreation:** We'll go ahead and get started. Thank you for having us here today -- and I should say "Доброе утро" which means "good morning" in Russian -- I just had to do that.

Before we go into our report, this report is just a synopsis of current state and some history. We will provide you information about our current staffing levels. What's very important in this report is that we had to divide the city in eastside and westside -- basically the river is the dividing point -- and that's going to be very helpful when we talk about the data and our staffing numbers.

In front of you is a really nice quote from one of our community partners. I'm not going to read it, it speaks for itself. And then I'm going to go ahead and dive into a few points that we'll cover in this presentation.

As I mentioned earlier, we'll go through the program overview and background, we'll talk a little bit about performance measurements, current staffing levels, and a few policy options for City Council to consider.

In Portland, our rangers are ambassadors, which means that they are charged with providing information and educating park users, gaining voluntary compliance, as well as enforcing park rules throughout the city of Portland.

I don't know if you knew, but our program started about 25 years ago. Back in the early 1990s, the program was started to provide support, eyes and ears on our growing system. At that time, we did not have any permanent Rangers. We had one ranger supervisor and about 10 seasonal staff. Our program continues to have a seasonal component March through approximately October.

In 2010, thanks to Commissioner Fish, we were able to receive our very first permanent ranger in Forest Park. In 2011, again thanks to Commissioner Fish, we were able to convert some of our private security dollars from central business districts -- I will refer to it again in my PowerPoint -- and that helped us to create three more full-time Rangers.

In 2013, we had converted our contract to lock up bathrooms. Citywide, we lock up approximately 60 bathrooms all over the City, and that led to a creation of a few seasonal positions.

And very recently, in 2014, we started our Washington Park program. Dedicated funding from parking revenues pays for three full-time rangers and approximately 3000 hours of seasonal staff up there.

So, what does all of this mean, all of this history and all of these great commitments? It means that today, we have about 14 rangers on daily duty available to patrol our entire system -- 11,000 acres, 200 plus properties. Those 14 rangers -- that number varies a bit. Again, I mentioned that we have a seasonal program. We have a few extra rangers in the summertime but we have seven full-time rangers paired up with seven seasonal rangers. We do work seven days a week, by the way.

So, as I mentioned earlier, the previous commitments in Washington Park, Forest Park, and CBD let to all of our fulltime rangers being on the westside of the city -- again, use the river as your dividing point. And on the eastside of the city, typically on a daily basis we have a couple of rangers available to respond to what we call calls for service, and our capacity east of the river has been very limited.



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Calls for service is something new to us. We've always responded to calls for service, I should say, but we started a new customer service program a few months ago. It really came to fruition to help us be a customer service point -- a storefront, as well as a place where residents could call and make a report about any issue in the park system. We get about 200 to 300 calls for service per month, and we are educating community members as well as our partners to use our dispatch customer service function to make their phone calls to the program so we could then prioritize our resources and deploy rangers to places where we have chronic problems.

In the next visual, you will see that our calls for service at the moment are much higher for the eastside, an average base that's about 60% of all calls that come for the eastside of the city. This illustrates the points that I made a little bit better -- the city is divided on west and east. Again looking at the westside, you will see that calls for service average rate is about 36%, 86% of our rangers, again, mind you, it's daily staffing level. We do use management discretion to assign them to different parts of the city if need be, but most of them are assigned to westside. And then eastside --

**Fritz:** That's because of the funding -- it's dedicated.

**Burley:** Dedicated funding, there's commitments that were made over time -- yes, ma'am. Eastside, which again geographically includes all of North Portland, all of East, inner Southeast, Southeast -- we have 14% of our rangers assigned. The model has been very reactive, to be completely honest. We have to dispatch rangers to different parks like Lents Park when things come up. And then as I mentioned earlier, the calls for service are a lot higher for that part of the city.

I think that I have a couple more slides to go. One of them is our performance measures. I should add that we have quite a few more performance measures, and they're all noted in the report, the document that you received earlier. Some of the measures we are developing currently and making some changes to how we track that in general.

But for the purpose of today, what we will cover our percentage of residents feeling safe walking in the park alone -- that's an auditor survey outcome. It's a very important outcome to us, the number of positive and educational contacts. As I mentioned earlier, rangers are ambassadors and counting positive contacts is very important.

Number of park warnings and exclusions we write -- we do have authority to issue both; nuisance abatement -- Hasan will talk more about what that means; and then various camping contacts we make throughout our system.

Before I turn it over to Hasan -- I know I've pointed to him a couple times -- very last thing for me is we have this slide here. It's the City Auditor's survey. I don't know if you can see the different colors, but if you look at the very, very top line -- it's blue on my end -- you will see that the overall perception of safety according to the Auditor's survey -- and they do it based on the neighborhood coalitions, I believe -- has gone up. We've gone up over the last few years from 79 to 83. A small margin, but a good one.

If you look at North Portland below that and East Portland, way below at the bottom on the dotted green line, you will see those two are tracing behind the rest of the city. East Portland, gone up in [indistinguishable] currently tracking at about 57%. Now, Hasan will tell you a little bit about our performance measures and our successes in the field.

**Hasan Artharee, Portland Parks and Recreation:** Thank you, Galina. As we review the next few slides and data, please note that one-time funding to increase the ranger staffing in 2012 carried to 2013 and created additional capacity to respond to and address more issues in the field. As such, in June of 2012 and 2013, we have more rangers -- excuse me, in the summer of 2013, for example, the program had close to 30 seasonal staff, compared to the summer of 2014 with a program capacity decreased to only 12 rangers.

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The reports by rangers typically go up in the summer months because of additional seasonal capacity for March through October.

As Galina mentioned earlier, rangers are trained to be ambassadors first and do their work on an enforcement continuum. Their primary job is to ensure that each park user enjoys their time at Portland parks. They attempt to make positive and educational contacts first and use exclusion authority only when is necessary.

As you can see in the data, the number of positive and educational contacts rangers make greatly outweighs the number of exclusions and warnings. With that said, the top three parks where exclusions and warnings were issued in 2014 include Washington Park, Governor Tom McCall Waterfront Park, and South Park blocks. The top three reasons for warnings or exclusions include alcohol, controlled substances in parks, and camping.

Rangers also address about 2500 nuisance issues per year. These activities range from litter pickups to the disposal of hypodermic needles. In addition, the rangers work with community groups and agency stakeholders such as the Office of Neighborhood Involvement graffiti abatement and the Willamette Riverkeepers to keep parks clean and safe.

In addition, rangers assist people living outdoors with access to social services, and they also address to attempt to abate property-related impacts. All rangers are trained to assess the situation and attempt to help campers find alternative sleeping arrangements, and most contacts made in the field do not lead to camps needing to be posted or removed. If a posting of a camp is necessary, rangers provide those individuals with information to JOIN and also let them know of other social service opportunities. We work with JOIN to find shelter for anyone who is medically fragile or with child.

Rangers also provide advanced notice prior to cleaning -- up to seven days but at least 24 hours unless there is a significant safety risk. We provide campers time to gather their belongings as well. Rangers coordinate removal of trash and if campers have any salvageable personal property, we tag it and take it to a storage for 30 days. Now, I will turn it back over to Galina to let you know how the ranger presence makes a difference.

**Burley:** I think you've already covered how it makes a difference -- let me highlight a couple very special examples. And really, the key here is consistent ranger presence. Most of my examples are going to be west of the river or nearby.

In Washington Park, we started the program as I mentioned in January of 2014, and we put three full-time dedicated rangers, as well as a number of seasonal staff to support about 500 acres of property in various venues. What we've seen in Washington Park is refreshing. According to police data, the number of reported crimes -- type one and two -- for the park has declined by 50%.

Now, I will tell you more research is needed to understand the link between rangers and crime data and it declining by half, but it certainly is refreshing and these early results are encouraging.

Another great example -- how many of you know Holladay Park? Holladay Park had a great private and public partnership there last summer. We received funding from a private partner who paid for both ranger security capacity and for programming in the park -- I need to make sure that both of those are included. Rangers were in the park seven days a week, approximately eight to 10 hours per day, and we also did programming, everything from yoga to various activities for kids, and we had a little library in the park.

What we have seen during the Holladay Park pilot program is that ranger presence combined with programming in the park made a huge difference. We've seen a decrease in gang activity and park violations. We've seen an increase in the number of people coming to the park just to enjoy it and to participate in the programs. And certainly, we've

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seen that the not so positive activity was displaced, and positive use patterns have emerged.

Another great example -- in 2015, thanks to Commissioner Saltzman's Office, we participated in the 2015 street count outreach. We did it as civilians, we did it for a couple of weeks, all of our enforcement was suspended. Our rangers had a great time and they gave out a number of hand warmers and socks to people living outdoors.

And one that's very close to my heart -- I wish those kids from the earlier presentation stayed because we work with kids a lot. We have a very successful summer playground program and last summer alone, our rangers have made over 2700 contacts with kids. Kids absolutely love to see rangers -- you know, we have those junior ranger badges that we bring with us, and of course we teach them about parks and how important they are for future generations.

Before I turn it over to our Commissioner, we do have a couple of invited guests that I would like to ask to come forward to say a few words. Jean Quinsey, who is a member of Oregon Marine Board and a resident of Portland; and we also have Randy Teig, who's the neighborhood response team supervisor for East Portland.

**Fritz:** Before you do that, are there any questions from Council for this panel?

**Hales:** I have some, so maybe we could wait until the end?

**Fritz:** OK. I'll have you come back later.

**Burley:** Thank you so much. Alright, so Randy and Jean. We also had a few people sign up for public comment.

**Fritz:** We'll have that too, thank you.

**Hales:** Good morning.

**Jean Quinsey:** Mayor Hales and Council members, my name is Jean Quinsey, I am here as a member of Wasabi Paddling Club and as a citizen concerned for our green spaces. I wish to start by expressing gratitude for the additional funding that was allocated to start cleaning up RiverPlace dock. Due to this funding and the additional presence of Park Rangers and law enforcement, we are now hopeful that the RiverPlace area is on the return to being a safe, clean, and enjoyable place to engage with the river. Thank you for making the safety of your boating citizens important.

The funding truly has made a difference. We ask that it become permanent so that the progress continues to be made, as there is still much work to be done. When our waterfront groups reached out to help with the continued lawlessness on the river, it became apparent that there was simply not enough Park Rangers and/or law enforcement officials to get the job done.

And the waterfront is just one of Portland's many outdoor gems. I also bike along the eastbank esplanade and I hike the trails of the park such as Hoyt and Forest. Our green spaces are fabulous, but all of them are prone to this same influx of abuse by those that would use the spaces not for recreation or engagement with nature, but for dealing illegal substances, prostitution, and general lawlessness.

In a city proud of its parks and green spaces, we must ensure that our citizens utilize these spaces in the manner intended and that the spaces are safe. Simply, we need more Parks Rangers and law enforcement. I think we even heard that from the children earlier.

From the website of the Park Rangers -- what do they do for us as citizens? Couldn't be said better than the first two paragraphs. They serve as goodwill ambassadors, provide positive presence in Portland parks. Park facilities rangers serve multiple roles by providing information, helping solve conflicts, and enforcing the City Code. We like to say the rangers are the eyes and ears of our parks.

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Park Rangers work closely with our maintenance crews and other staff, such as those in customer service. They maintain relationships and contacts with the Police Bureau and other criminal justice agencies, animal control, neighborhood associations, youth services, and other social service agencies to identify, prevent, and address concerns within parks.

Parks Rangers are crime prevention. It's like having an ADT sign in my home window -- the presence says, "not here." Please continue to provide rangers and law enforcement in our parks and green spaces and waterways, so that all of the citizens of the city and our visitors may safely enjoy the beauty that we have built. Thank you for your time.

**Hales:** Thank you.

**Burley:** I'm going to turn it over to my partner in crime prevention, Randy Teig.

**Randy Teig, Portland Police Bureau:** Mr. Hales and Council. I was actually coming down here today -- it was gratifying for me to be able to see all these kids and to witness firsthand your commitment to the children in this community. Obviously, in my occupation, sometimes you don't see a lot of these positive things, and I really appreciate that -- just want to say that much up front.

It's important to know that 40% of our children live east of 82nd. And that community is a large immigrant community, and my work with the Africa House -- they've expressed the desire to have positive role models in the community, and the parks are really an opportunity for Council to extend your intent. And the intent that I saw here today can be extended to the citizens.

In working with Galina and Mr. Artharee over the last year, they are very committed and they are doing an outstanding job. These Park Rangers are professionals. They provide me from the law enforcement side a valuable set of eyes and a perspective that is different than law enforcement's perspective. And it's very valuable to see and to have that information, and then along with the green spaces that are a little less controlled than parks -- having these men and women walking around, they provide a safety net that we're unable to provide, frankly. We don't have the personnel to have people walking these green spaces and paying attention to people and the consistency that -- and I know that the ranger program has attempted to have this consistent presence in the community on the eastside and be responsive to the citizens who have complained and really want some -- that vitality in the park they see on the westside.

I've been getting a lot of positive feedback especially on the south end along the Springwater Corridor, and it's really helpful to me to have these consistent eyes that can first spot -- we have people that live along the trail that are displaced, and they have mental health issues, they have physical issues, they have addiction issues. And to have these consistent eyes out there that can see this person on a day-to-day and see that they are starting to decompensate or they have problems -- you know, they are members of the community and they deserve protection -- this gives us some continuity in that effort and it's been extremely helpful.

I've worked with Parks off and on in the 22 years I've been here in many capacities, but in my current capacity and in the last year, especially, working with Galina has just been way more intense, way more engaged, and I appreciate the efforts that Parks is putting out. I really appreciate the ranger program and that's why I came here to talk.

**Fish:** Mayor, I have a question.

**Hales:** I do, too -- go ahead, please.

**Fish:** Is it officer?

**Teig:** Sergeant.

**Fish:** Sergeant -- excuse me. Want to get it right. Sergeant, thank you for joining us.

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Back in 2011 when the Parks Bureau made the change, there was some concern that was expressed that -- and I'll just try to paraphrase it -- some people were concerned that with a more robust ranger program, the communication between the Police Bureau, the Rangers, and Clean and Safe might not go as well as hoped. We heard from Commander Day back in 2011 and 2012 that the communication was pretty good. But since you're here, could you tell us -- since we are talking about coordinating among three different entities -- how is that communication going?

**Teig:** It's very good, actually. A number of the team -- we hold a monthly meeting, a problem-solving meeting that covers the entire community -- so all issues. So Parks always has someone there listening to the concerns and presenting the concerns, and I doubt there is a day that goes by that I don't hear from Galina.

My guys report daily on the days they are working that the Parks Rangers are out there, they communicate specific things, regarding people on the trail, regarding campsites, regarding people who may be becoming a problem. So, my assessment of the communication between law enforcement -- at least, as far as East Precinct is concerned and Parks right now -- is very good.

I think that the management -- I have met with Lynn Barlow, who has come and talked to me and laid out her concerns for the green spaces. I've met with Galina as I said many, many times. I'm very appreciative of the program, and when asked to come down here, I had absolutely no problems. I think that it is improving. I can't speak to 2011, but I can speak to -- I've been on the response team since 2012, and it is just improved incrementally over the years. I'm going to say 2014 has been very significant increase in communications and what I see as outreach from Parks.

**Fish:** Thank you, Sergeant.

**Hales:** That was my question as well, let me just follow up on it a little bit just for you and for the Parks Bureau. I'm glad to hear the level of coordination is good. Now and/or later let us know -- particularly me as the Commissioner-in-Charge of the Police Bureau -- what changes we ought to make in terms of communication protocols or anything else to make it seamless between the two sets of folks. And particularly with respect to the fact that we plan to continue to expand walking beats in the Police Bureau, so we're going to have more officers on foot doing what they did over the last year, and downtown and Hawthorne, other parts of the city. So, as we expand that effort, how does that need to dovetail with what the rangers are doing?

Again, happy to hear we're generally working well together. Good. But what do we need to do to make that better? And then how does the combined effort accommodate the fact that we're going to have more officers on foot or on bikes over time?

**Teig:** Well, I think -- we have had this -- we already talked about this, we had a meeting last month about this topic. In the area of improving, I would like to see -- of course, it will cost you money -- but I would like to see if we can get rangers on ATVs so they're more mobile. It's just a training issue, it's a training program -- I just put four officers on it.

**Hales:** We have a couple of ATVs in East Precinct, right?

**Teig:** We do, we have five ATVs, and I think that having Parks and Police doing patrol together is effective. I also think that having them just out there together -- because our roles are different. I think that that's by design -- you need to do that by design. So, I think it would be up to Parks management how they want to present themselves -- if it's a more enforcement-oriented piece, then I think that you bring blue shirts with you. I think if it's an outreach piece, we govern our response according to that.

I think that there is a fit, I think it does dovetail. I think that the professionalism of the organization dovetails nicely with the expectations of the Police Bureau. And I think that when we start increasing the walking beats, you're just going to increase your

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effectiveness by putting a ranger with a police officer. That's a similar model to what we did in the Fun Center. For some time, we would split gang enforcement officers up with security personnel and with patrol officers in order to spread the expertise around, and I think that the Parks Bureau brings a certain expertise the officers aren't gonna have, and I think that's a positive thing there.

**Hales:** Great, thank you. Thanks very much. Galina, anything that you want to add to that question?

**Burley:** Absolutely. Just to add that we made a number of tactical decisions specifically for that reason to improve upon the amazing relationship that we already had with the Police Bureaus. So, our rangers attend calls for service. We have different expertise. We also attend many of the community problem-solving meetings, we go to every problem-solving meeting at each precinct, and that's been very helpful. The one that we have here in the Central Precinct is attended by Clean and Safe and many of our other partners. So, we are at the able together talking, brainstorming, coordinating, and it's just been really great to have everyone be on the same page. So, that's been helpful.

**Fish:** Can I ask another question?

**Hales:** Please.

**Fish:** This is to either of you or both. One of the issues that the council grappled with a few years ago is how do you measure success? I'll give you a specific example. It was the hope of the council that rangers would be working upstream preventing bad things from happening, building relationships, convincing someone not to escalate a problem, maybe using persuasion to get someone to move along rather than lead to an arrest. But it always raised the question for us -- how do you measure that? How do you quantify that? How do you measure the positive benefits of having someone deescalate a situation or work upstream so that you don't have a downstream problem?

**Burley:** We could look at the outcomes, we could look at specific parks where we have consistent presence. Washington Park and Holladay Park are great examples of that. While you can't really put a number -- and maybe you can, maybe you have to be more scientific than me -- on prevention specifically, the value of the outcome of having Rangers present on a consistent basis is clear. Crime goes down. Positive use goes up. You could quantify that and do a baseline assessment is something that we're considering. We're actually looking at possibly adding to the way that we measure our data -- some of those less concrete measures. But even with concrete data that we have now, we can see a huge difference. We see that the crime goes down and we see the positive use in parks with consistent presence make a huge difference.

**Hales:** Yeah, actually, let me follow up on that. You may have something else to add, Sergeant -- and jump in, please. We've got, you know, we've got location-specific criminal defense data from the Police Bureau. You've got education contacts. Now that we have a performance dashboard system at the City, we might want to consider graphing those two things together. Presumably, if everything is working, we'll see that pattern -- that there will be more educational contacts and less arrests in the same place in roughly the same time. So, it will be -- I think we have -- it looks like now that you provided us with this data, which is good, we ought to be able to put those two sets of numbers together and look at them, and I think that that would be very helpful for us.

**Teig:** Directly on point for this, we have utilized strategic services -- basically, our comp stat people. They have been very good about providing us -- we just did a study of the trail, and what we did was we went four blocks on the other side of the trail just to get an idea of what's happening not only on the trail but how it impacts the neighborhoods. So, we had the ability to capture data from the perspective of part one, two arrests -- those types of things.

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You know, if you asked me this question after I had been here for five years, I probably answered it differently than I will now. I've come to learn that responsiveness is as important as effectiveness. If you measure effectiveness and numbers of arrests or however you measure that, I think that the responsiveness and communicating effectively is extremely, extremely important. People understand that we can't just make problems go away, but when we don't respond, they don't understand that. And our responsiveness is 90% of the battle. The rest of it is easy. I can't emphasize that enough -- if I learned anything in my time, it's that.

Consistency is the other piece to address how do you measure and how do you get to where you're managing civilized and good behavior versus compelling civilized and good behavior? And I think it's just consistency. I spent the first five years of my career in corrections, and you can enforce the rules because there's a lot of them. But you can enforce two rules consistently and get a lot of compliance. And I think that it's consistency, and I think that's what Parks Rangers are asking for, is the ability to provide that consistent coverage. And I concur that consistent coverage is going to go a long way into tamping down the spikes of bad acts and maybe keep those acts into just little things that can be managed on the very lowest level. But it's going to require consistency.

**Jimenez:** I'll just affirm, Mayor, that goal. I think there is a lot of agreement on working towards those performance metrics and finding the right ones. And I think what you see in the report is good baseline type of data, and we want to continue sort of to improve those to determine and measure the success of the program.

**Hales:** Exactly. Thank you. Other questions? Thank you very much.

**Fritz:** Galina, what's the maximum number of hours that a seasonal worker can work over the course of the year?

**Burley:** They could get paid for 1400 hours. They do have sick and vacation and so that's included -- 1400 hours max.

**Fritz:** Right. And so what we do -- since we do have year-round work -- we have to lay people off and hire somebody else, and that also impacts the consistency of coverage.

**Burley:** Yes, ma'am.

**Fish:** And can I follow up on that? When you lay people off, you run the risk that you can't hire them again and we lose talent.

A question that I had is -- the written memo that you have given us concludes with some policy options and some funding options. And my question to my colleague is, do you have any current budget asks in the system for any portion of it?

**Fritz:** Why yes, I do, Commissioner. I want everybody to know I didn't pay him to say that -

**Fish:** Actually, I didn't know --

**Fritz:** No, I know --

**Fish:** I'm asking innocently.

**Fritz:** So, actually what I would like to do is take the public testimony and then get down to those policy questions, if we could.

**Burley:** Thank you very much.

**Hales:** We have no other invited testimony, Commissioner?

**Fritz:** Correct.

**Hales:** So, whoever signed up, please?

**Moore-Love:** We have nine people signed up. The first three, please come on up.

**Hales:** Good morning.

**Susan West:** I'm Susan West, I'm chair of the RiverPlace Condominium Association security committee, and I'm turning in 154 signatures that I've collected this week in support, and you've also received many emails.

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We want you to know that the RiverPlace docks, parks, and waterfront are loved and used by thousands of Portlanders as well as hundreds of us residents. But in the last five years, it has gone downhill. The waterfront has gone from being a jewel to an armpit. It is an embarrassment to our city and a danger to our citizens, and citizens are in an uproar down here.

My 90-year-old mother, visiting teenagers, paddlers, and tourists cannot safely walk alone now in our RiverPlace neighborhood on some days and most nights. My family and friends are offered narcotics on the esplanade. There is human excrement floating near our docks. I pick up drug needles all the time and see excrement all over our neighborhood. Our cars are prowled and our residents are intimidated. Bikers with children going to OHSU daycare or the international school right here, Portland State students, and commuters pedal on dangerous roads and sidewalks to avoid the new vagrant population that have taken over the wonderful and expensive new bike path under the Harrison overpass.

Enough. Volunteers have been cleaning this area weekly, but we want the City to pass a budget sufficient to consistently clean up and care for high-use areas like RiverPlace. Our parks need enforcement -- which calls for an adequate budget -- and our citizens need protection. Galina Burley, Parks security, has been very responsive to our efforts to improve things, the contract between Parks and the Sheriff's River Patrol putting deputies and the crew down 10 to 20 hours a week has been a huge improvement. In the month, we have gone from 25 boats controlling the dock to now that we have 15 on the dock and around it, plus eight dingies tied up there. It has made a huge difference in safety, so please renew the contract. It's a little dangerous. We want the rangers safe, and we want other people to back them up to come in, which is the Sheriff's River Patrol.

Please put money in the budget to clean up parks and city public places. A very few people are holding hundreds of us hostage as they use our public spaces as their living rooms, criminal stashes, and drug dens.

Now, we're doing our share really supporting the City of Portland. Down there, we've started RiverPlace walking patrol, under ONI's [indistinguishable]. We've started a SOLV partnership and are cleaning up continually, and we're doing a wonderful spring cleanup headed by the Portland Parks on April 11th. So, we're volunteering. We love you and back you, but we want you to pass budgets that your City and the Parks staff need to do their job. We're 100% in support of the parks and your police and the walking patrol. Please give them more money in the budget. Thank you.

**Hales:** Thank you, thanks very much. Thanks for your volunteer effort as well. Good morning.

**Joe Walsh:** Good morning. My name is Joe Walsh, and I represent individuals for justice. We are in full support of the Park Rangers. We would like to see Park Rangers on the eastside. We were stunned to find that you have seven positions -- if I understood it -- and zero on the eastside except for hollywood park, apparently, being paid by one of the corporations on that side.

So, we're also mindful that -- to have seven Park Rangers as permanent positions and then laying off people -- as Commissioner Fish pointed out -- you lose that talent all the time. And that's sad, because you need the Park Rangers, and you need them permanently. I know Commissioner Saltzman gets nervous on this, about having more Park Rangers, but to have seven permanent Park Rangers and how many parks?

**Fritz:** 212.

**Walsh:** I mean, that's obscene. And the Park Rangers obviously do a better job than our police department, where we're more friendly being advocates from the homeless with the Park Rangers than we are with the police department. And they do act as ambassadors,



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but we are concerned that they don't move into law enforcement. We are a little bit nervous about them excluding people and having that power and not going to their heads. We're all human beings and when we have power, it's hard not to misuse it.

So, we would like to see the program expanded. We would like to see permanent funding. We join in the question about can we clean up better and can we patrol our parks better? You can't do it with seven permanent employees. Again, that's obscene. You know, we spend so much money on so many other things -- we need more and they should be permanent, and we should keep them and value them and thank them often. Thank you.

**Charles Johnson:** Good morning, Commissioners. For the record, my name is Charles Johnson. And as has been pointed out, what's really behind the employment and staffing level of the rangers is human beings in crisis. So, it's actually -- although we have to look at budget figures according to the department and such, what we really know is that we're not managing the City of Portland budget well enough to deal with human beings in crisis.

Some of these people are hopelessly addicted to drugs that they're injecting and leaving their needles around, and that means -- with the County and the State -- that we have to find more money to put them in treatment in rehab. We don't yet want to find that money, so we push them around from an area that's enforced by rangers to an area that's enforced by private security to an area that's enforced by the police. So, when we talk about budgeting for the rangers, we have to remember that -- joy of joys -- it's a competitive situation.

We're also talking about creating more stabilizing housing, like we have in the Bud Clark Commons, and now is not really the right time to get into the discussion of substance abuse in that building. But rangers are deprived of effective tools -- just like the police are - - to manage these things because they know that when R2D2 is full, the only option is to send people to jail, depending on what level the arrests officer or ranger charges them with. They will either be released in a few hours on recognizance or they'll sit in there eating up spaces.

So, while I'm very supportive and glad that our fellow voters have found additional funding for programs in parks, mostly capital programs, we need to realize that the situation that was talked about with the RiverPlace docks is not going to be fixed citywide by more enforcement. We're just going to push troubled and addicted people off the RiverPlace dock to the next place that has a slightly lower level of enforcement. So we're really just chasing our tail.

What we need is for the rangers that are going to speak after me to keep the pressure on you and to educate all of our fellow citizens about how we need to shake loose money for stabilizing housing and for treatment programs so that there aren't as many injecting drug-users being pushed around from one place to another, being transient and vagrant as they try and escape from different levels of enforcement. Thank you.

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

**Maggie Skenderian, Bureau of Environmental Services:** Maggie Skenderian, I am the Johnson Creek watershed manager at City of Portland's Bureau of Environmental Services. So, I'm here really not to provide public testimony, but really want to provide some perspective from BES. We only recently found out about the report and wanted to be sure to have the opportunity to highlight the important multi-bureau, multi-issue nature of the implications that are here.

In the nearly 20 years that I have spent working in the Johnson Creek watershed, it's hard to identify any issue that's been as troublesome or as entrenched as those that we faced in the last three to four years keeping our city natural areas safe and clean. BES has partnered with Parks for decades to acquire and protect hundreds of acres of sensitive

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natural areas citywide, with about 140 of those acres specifically in the Johnson Creek watershed. Additionally, BES has acquired over 300 acres that support our ability to implement the Johnson Creek restoration plan, which helps us reduce the impacts from nuisance flooding in Johnson Creek.

As a result of that land acquisition, we've done a number of restoration projects, and some of the land that's been purchased simply is protected to maintain the natural benefits that it provides. The lack of ranger coverage for our eastside property makes it nearly impossible to keep up with the calls that we get about illegal camping and other dangerous situations on the eastside.

I would ask you to pay a particular attention to page 20 of the report that discusses the camping and the dramatic increase that we have seen in this situation all the time. As the last speaker mentioned, the ranger program -- these folks are doing an incredible job, and I just want to make sure you all know that the staff of these various different bureaus work together remarkably well. Astrid Dragoy is an amazing individual at Parks -- she and I talk multiple times a week. We're at wit's end, and we really feel like there is just a compelling need for a comprehensive approach to this problem.

And as the last speaker said, we can get more rangers and we can then do additional enforcement, but what we're doing is moving people from place to place and really not addressing the root problems. So, if we could get folks together from Housing, Parks, BES, Police -- we already work together to some degree, we would like to work to go more. We would like to have tools that we could use to help actually address the problem.

So, I hope that there would be some funding in place to not only increase the Parks Ranger coverage but help us address the root problems that are creating a fair amount of the demand upon them and that puts them quite frankly in danger and doesn't do anything to address the public health and safety issues that are at play. Thank you.

**Andrew Jansky:** Hi, I'm Andrew Jansky, also known as Andy Jansky. I wanted to be a Forest Ranger my entire life, and I handed out the drawing I did when I was in Raleigh Park grade school in 1974. This is a gem. It's pretty hard to find those things -- save those little drawings that kids give you. Anyway, right there I say I like nature and animals. I like trees. I would like to study trees and animals.

**Hales:** And then you did.

**Jansky:** And then I did. I'm here to support Parks about funding rangers. I'm involved professionally in parks management, and it's a very challenging job. I've done a lot of parks where we end up pushing people to the next park that we have to build, and then do the same thing.

So, I know that they get to deal with problems that no one else will, they're not paid enough, and it can be extremely scary when they're out on the patrol. They provide a key role as being an ambassador, being seen and visible, and the members requested probably don't accurately touch what is needed. But I do have one idea how to fix the problem.

I'm part of an organization that provides volunteer trail patrol -- imagine the ski patrol with little red shirts on. Four or five volunteers roam the trails. They have positive contacts, they wear red shirts with crosses and are trained in first aid and help direct people. They call police and rangers when they need to. They're all volunteers -- limited cost, save the City money. What's the problem? They are on bikes, and they're part of the IMBA National Mountain Bike Patrol and certified volunteers. We could easily get 25 of them around here.

Bikes have been systemically excluded from Portland for 25 years. The next exclusion is coming up on Monday, provided by Commissioners Fish and Fritz, so rather

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than solving problems and saving money, this action will just add another place that Rangers need to focus their enforcement. It's a lose, lose, lose.

So at this point, we need some leadership from the top. We need a ranger to put on his hat and say we're going to solve this problem, not divide the community. Thank you.

**Hales:** Good morning.

**Scott Gibson:** Good morning. My name's Scott Gibson. I work with Laborers Local 483, and I'm here today to speak out in support of the ranger program. It's a very good program, and we really hope that Council sees their way to move more seasonal Park Rangers into permanent positions and give them some job security and good jobs. And we look forward to working with the contingent workers task force to look at the seasonal Rangers and their duties. Thank you very much.

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

**Allen Field:** Good morning, Mayor Hales and Commissioners. My name is Allen Field, I'm on the Richmond Neighborhood Association board, but I'm not here speaking for them at all.

I've been very involved with Sewallcrest Park over the past 10, 15 years -- everything from Movies in the Park to the community garden to being the site steward for the off-leash area. I have close contact with Jeff Milkes and Betsy Redfern about park upkeep.

Galina asked if I wanted to provide any comment related to rangers, and my focus has always been dogs. I did have a very bad, troubling experience with rangers a year and a half ago with my leashed, very old arthritic dog. And since then, I've worked a lot with Brian and Galina and I have to say, over the last year and a half, the quality and training of the rangers has improved.

My message has as always been -- for rangers concerning dogs, education is always the key, the ranger program isn't a dog-catching group. And that's not what it is, so it's very encouraging to hear that. What's always important is somehow if the City can involve the off-leash site steward groups, that would be great. Dog owners patrol themselves. We have a 45-person list serve, and the rangers should show some discretion in dealing with dogs.

One issue that's focused in Sewallcrest that probably happens at other parks is in the mornings, you have a group of transients camping in the off-leash area. And for the most part, they're harmless and want to be left alone. But what happens is the dog owners will stay away from the off-leash areas, saying that the transients scare them.

So, I don't know if there's an easy fix to that, but it's nice that the rangers know that that's a problem and they show discretion and don't necessarily ticket people.

For Sewallcrest, what I've been telling people -- trying to educate them that homelessness is not a crime. If you see a crime in presence, call 9-1-1. What I've been telling people -- another way to do it is to ask the Mayor and the Police Chief to expand the Hawthorne foot patrol to cover Sewallcrest Park. So, it's encouraging to hear Mayor Hales say that they're going in that direction. I think that would really help to have a growing partnership between the police department, the foot patrols and the rangers so it's not just the rangers' responsibility to deal with the transients in Sewallcrest.

This last year, there was a noticeable difference in the quality of the transient population. It's a younger crowd, many obviously in an altered mental state. A lot of metals collecting. And if the Hawthorne foot patrol could expand to cover Sewallcrest, it would help out the rangers and help all the neighbors who write to me as a neighborhood association and complain about that. So, that's going to be a growing issue this summer and I'm optimistic that that can be a new focus this summer.

**Hales:** Thank you, appreciate that. Mr. Boyer?

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**Michael Boyer, Office of Neighborhood Involvement:** Mayor Hales, Commissioner Fritz, Commissioner Saltzman, Commissioner Fritz, appreciate the time. My name is Mike Boyer, I'm an employee at the Office of Neighborhood Involvement. Up until this past January, I was the crime prevention coordinator assigned to the downtown area -- in particular, from 2008 through 2014. So, I was there for the inception of the funding through the central business district to improve the ranger staffing.

At ONI, we are all about partners. And the men and women behind me right now have been phenomenal partners. They have been engaged in trainings with the community, showing up the community meetings, anything you need in terms of problem solving on particular issues with Parks, clear communications -- I can't say enough positive about the work that they've done in the downtown area.

I'm here on behalf of myself, I don't necessarily speak for the entire bureau. But I can say at ONI we definitely value the Park Rangers. Personally, I'm a little indebted to Galina Burley. She was a crime prevention coordinator, she hired me as an intern, which is how I ended up here at the City. As much as I am not a fan testifying in front of Council with the TV and all, I would do anything for the Park Rangers and Galina.

I think Galina's report made it very clear the equity issues that are going on with the rangers. In downtown, we've been able to have the resources there -- their services -- and they have been a tremendous asset. And seeing those stats up on the big screen -- how clearly there's a disproportion of what's going on on the eastside -- I can't say enough how important their services would be for the issues that the police are expressing in their report to help them address public safety and livability issues.

Beyond that, they have been a tremendous skill set in dealing with vulnerable populations. Being involved in their training processes and hiring processes in the early phases, that was such a huge emphasis. And to see how they have interacted with the social services, the houseless community and other vulnerable populations has been impressive, and they've carried through on the training. Again, I appreciate your time this morning in hearing me provide some support for the Park Rangers.

**Hales:** Thanks. Good morning.

**Lightning:** Good morning. My name is Lightning, I represent Lightning Watchdog X. Seven rangers per 212 parks -- I mean, anybody can look at that number and have a concern about that.

One of the issues I haven't heard today is where does Multnomah County fit in on this type of funding? We are talking about a shortage of Rangers on the eastside. I think it's time that Multnomah County steps up and offers funding to do an IGA with the City of Portland and offers funding on the eastside parks.

Another issue I have again is pertaining to Multnomah County River Patrol. Again, I am absolutely against any funding going from the City of Portland to Multnomah County River Patrol. If you hear the term Multnomah County -- they have a surplus of funds. The funds need to be coming from Multnomah County to River Patrol for more security patrols in various locations on the river -- which is their job to do anyway, not to be funded by the City of Portland. They have ample funds to fund this.

Another issue I have is that we're getting up to that July 1st no smoking in the parks. During those discussions, everybody said there won't be any additional Rangers needed to do that. Obviously, you can see by the numbers here there needs to be additional Rangers. So, let's not focus on the smoking issue, let's focus on the fact that the eastside parks have a limited amount of Rangers and there needs to be ample funding. I see seven full-time -- it needs to be probably 14, if you're looking at the eastside. I think that's a reasonable assessment to look at and get the proper data to determine that.

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But Multnomah County needs to step up to the plate and begin to fund this and they need to begin to fund the River Patrol and make sure that they have adequate funding. They've saved over 85% of their overtime pertaining to the suicide watch. That is up in the millions of dollars in savings alone right there just on one issue that they have ample funding to fund additional Rangers to handle this problem. Thank you.

**Hales:** Thank you. Others?

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

**Hales:** OK. We would like to have staff back up for a couple of questions.

**Fritz:** OK. While staff is coming back up, I just wanted to tell you a couple of reports that I had regarding the Park Rangers working with people living in parks. One was in Forest Park, where there was a couple with a baby, and the rangers tried to connect them to services. There weren't any services available, and so the rangers went above and beyond and were able to connect with the families of the man and woman who were in the park. There had been some estrangement and the rangers were able to work with them to get the family to come together. And the parents of those campers then came later to thank the rangers for their intervention. So, that's one example of a happy ending.

One with a less happy ending was a camper, a mother with a small baby in Lents Park. The rangers tried to connect her with services and were told that the wait for a mother with a baby is six weeks to get into housing. And in fact, about a little less than six months ago I was in Lents for a neighborhood association meeting and talking about the challenges of people living in Lents Park, and there's just nowhere for them to go. So, I did appreciate the suggestion that there needs to be a multi-bureau look at how we help people who have live outside pending finding more affordable housing.

Certainly, there is a challenge on the Springwater Corridor, in particular in Foster flood plain, and I agree with Maggie Skenderian's characterization of Astrid Dragoy and her amazing work trying to find services in partnership with the rangers. If we were to get funding for additional full-time rangers, I think certainly assigning one or more to the Springwater Corridor would be a high priority for me.

But first, let's go to questions from Council and then I'd like to frame the discussion.

**Hales:** OK. Great, thank you. First of all, great report. I think you've done a good job of following the direction that we gave and that I asked for in asking for this in the first place. I want to see some additional data to follow up on this, and that is I asked -- you know, this sort of conversation sort of got started when I asked Mike Abbaté, "so the Park Rangers program is great. How will we know when we have enough of them?" I mean, we clearly don't -- everybody gets that -- but how will we know when we have enough of them? And that's obviously a matter of judgment as well as data. We are not going to be able to do that by data alone.

But I'm very interested in seeing what national best practices are. What other cities our size larger or smaller who have both a police force and ranger program -- how are they allocating that effort? How are they measuring level of effectiveness, level of coverage? And what lessons we can learn from them?

In policing, there are some ratios like two officers per thousand that are crude and imperfect but at least they're commonly used. So, we can at least look at those ratios and say, OK, well, Denver has 1.6 officers per thousand and we have -- you know, that's not enough and it isn't even all that helpful, but at least it's something. It's something sort of numerical.

Again, you've provided some great data here. I think when we start cross-referencing those data with police calls for service with arrests -- you know, one of the great successes of foot patrol work in the Police Bureau is they had a huge number of contacts and very few arrests. Success! That's great -- we don't want crimes, we don't

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want to arrest people. The more situations that are intervened early by rangers or police officers that don't result in an arrest is a better outcome for everybody.

So, please keep trying to find those kinds of data or those kinds of national best practices, and let's see how our ranger program compares to others in the country. Again, that won't necessarily dictate what we do, but it should help inform it.

Second question that I have is, what did we learn from the Holladay Park experience? I don't know if you want to take that up now, but this was kind of a one-off of a single property owner, Cypress Equities paying for enhanced services. How did that work out? What did it cost?

**Burley:** A couple of things. In reference to your first question, absolutely. And we recently became members of International Ranger Federation, so that will give us an opportunity to not only look within our national programs and local programs, but also internationally. So, stay tuned.

Holladay Park -- one of the significant I believe take-aways from that was when you put rangers and programming together, you see a tremendous change in the use of the park. That rangers alone do change the dynamic of behavior -- not-so-positive behavior is displaced -- but bring in the positive usage back up? Very important to have that programming component.

Hasan did a lot of work with my predecessor, and I don't know if you want to add something more specific?

**Artharee:** When we looked at the issues that Holladay Park had previous to a ranger presence, it was negative image of the park even though it's in a beautiful area next to a mall around a lot of businesses. A lot of people avoided walking through the park just because of the element they perceived was in the park. Once ranger presence was consistent on a daily basis and we provided programming and just a happy face for people to see, we saw people walking through the park that normally would walk around from the MAX station just to avoid going into the park just because of who was in the park.

And so, it was great to see people really coming in, eating lunch in the park, spending time with the rangers, talking to the rangers. People really asking about the ranger program. How do they -- people also inquired, how do they become a ranger? Because they saw the work we did in the parks, they saw the impact we had, they saw the negative element that was in the park basically go away, and so we received a lot of great compliments from the Portland Police that work in that area because we were the eyes and ears there, a consistent presence where we worked closely with them and some of the issues that they normally had to deal with were no longer an issue because there was a Ranger presence in the park. I do believe just that presence alone and consistency does make a difference.

**Burley:** Mm-hmm. We do have a pilot program planned for this next summer as well. Our goal is to look at exactly what you said earlier, look at the data from the police perspective and then our own data and compare it and see what kind of changes we will be able to actually measure in terms of decreases in crime and criminal activity. We did not do that for the pilot last summer.

**Hales:** How much did that program cost this summer -- last summer in Holladay Park? Do you remember?

**Jimenez:** I don't remember off the top -- we will get you that, though.

**Hales:** Later. So, Janet Bebb is here, so we are going to invoke the spirit of Fred Kent for a moment, and that is -- most people know the story of Bryant Park in New York, right? Surrounded by a high berm, lots of trees, big grass lawn in the middle. It was drug deal central.

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Fred Kent, under the Lindsay administration, removed a lot of trees, lowered the berm, added entrances, and put a thousand folding chairs in the park. Behavior changed radically overnight. Notice there was no mention of police presence -- Rangers or otherwise. So, I hear the voice of Charles Jordan in my ear, and I want to pose a question to the Parks Commissioner and staff later.

Love the ranger program. Want more of you. I stopped by Holladay Park with my wife and played ping-pong on national night out. Here's the tough call: would you rather have a rec worker out there supervising ping-pong or a ranger if we're going to put more effort into Holladay Park? I know what Charles Jordan would say -- sorry, Rangers. He would say, "put that rec worker out there and give the kids something positive to do and you will never need the ranger."

So, the principle that Fred Kent demonstrated in Bryant Park is still true, which is positive activity drives out negative activity. So, I want to pose this fairly rhetorical question now for when we get into the budget process and make choices about how to enhance the level of programming in parks, because the right solution to a park with unsavory activity might not always be more rangers.

**Fish:** Mayor, can I respond to one part of that? Because I actually was involved in in the Bryant Park transformation. I think the one thing you left out is that the City of New York decided to privatize Bryant Park. It is not a public park. And just to give you an example, there is one of the safest restrooms in the City of Portland in Bryant Park, and that's because it has an attendant. The reason Bryant Park is safe is that have actually private security force.

One of the things I was going to ask our friends in terms of data is when you follow through on the Mayor's request for data about the ratio of rangers to parks or park space or whatever the national best practice is -- which I think is very important data -- if you could drill down and ask the question, how many of those rangers are publicly funded and how many are privately funded?

And I'll give you an example. New York City has made a judgment that they are gonna to allow businesses to pay for rangers in Manhattan parks. Now, there is an equity component to that because the fact is if a major company is located across from a park, they can afford to pay for a ranger. But if you're in a low-income section of the Bronx, how do you have the same model? So, it raises equity concerns.

But a lot of the rangers that you see that are full-time dedicated to parks in Manhattan are actually paid for by private companies. And you know that because as you enter the park, there's a sign saying "the Gap company is paying for this ranger" or whatever. So, I would also ask you to consider to what extent in those ratios at peer cities are the rangers publicly funded or privately funded. And I'm not advocating for privately financing, but for example, at Holladay Park in Northeast Portland, Dan Biederman -- who is the gentleman who actually did Bryant Park -- has come out to Portland hired by the company that is revitalizing the mall and he wants to bring a Bryant Park model.

I think that's great. The only problem is we can't do that in every part of the city. It's additional resources because there is a public spirit of business that wants to do that, but that doesn't help Commissioner Fritz build parks in East Portland or maintain those parks.

I would also like to see the ratios but I would also like to also separate out the privatization. And in New York City, there are now -- I don't know -- two dozen business improvement districts? And almost all of the public spaces, all of the major parks have a private partner. And you can do that in a city that has that kind of wealth. That's not currently our model. And I'd love to see more private support for our parks, but if it is something that we are going to fund publicly, let's also figure out how we can afford it and what is the right model.

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**Hales:** Very good point.

**Fritz:** Thank you, Commissioner. That's very helpful framing. I would like to respond to the Mayor's question. I would absolutely go for more rangers, and I'll tell you why.

When we went to Shaver Elementary to announce that Beech Park was going to be built next door to their school, I got up there and I'm in charge and make decisions for the city and, you know, polite applause. The Rangers got up in their uniforms talking about how they're going to be present in the park -- every single kid afterwards -- there was a conversation about what do you want to do when you grow up? "I want to be a ranger. I want to be a ranger." So by being uniformed and by being in green uniforms -- and what we heard today was a great respect and even love for our ranger program. That's unusual for people who have to deal with some behaviors that are not right.

I agree with your question, when will we know when we have enough? I know right now we do not have sufficient. That we shouldn't wait to figure out what's enough because if we did, I think the number would be overwhelming.

So, thank you very much for your presentation and thank you to the rangers who are here today in support of this report. I would like you all to -- and if the cameras -- we don't have our monitors going on here, but if the cameras could just pan to the front row here -- this reflects the beauty of our city with the people that we serve are people reflected in the rangers that are here today. And I'm really proud of you.

Commissioner Fish, you were the birth parent of this expanded program. I've been honored to be the adoptive parent of it, and Galina has done an amazing job since she has been appointed to be the manager following in the footsteps of Art Hendricks, who is now the equity and inclusion manager for Parks.

And these things don't just happen. Galina's experience with the Office of Neighborhood Involvement -- we're talking about building communities through parks, which is one of the reasons that I feel so honored to be in charge of the Parks Bureau.

So, to summarize, we have only 14 rangers on duty for over 200 parks. Twelve of them are assigned west of the river because of the funding sources. So, the parks east of the river are underserved.

We have a few options. We have the status quo, which leaves the glaring inequity and underserved. We have more flexibility from historical commitment to patrol Forest Park and central business district. That then would leave those areas underserved, and we heard from RiverPlace that the temporary funding there much-needed and appreciated. And we can add additional funding and FTE. And what I have in the Parks Bureau budget is a conversion of seasonal rangers into full-time ranger -- \$80,000 to create six permanent positions.

**Fish:** 80,000 of ongoing?

**Fritz:** Yes, and that's for six positions and that's because of the great work done by Laborers 483 and the formation of the union and the great work done by Human Resources to set the salaries and the benefits of the seasonal rangers pretty close to the full-time, because essentially they do very similar work. But the offset that we were required to put into the Parks budget -- because we weren't allowed to just ask for new ongoing -- the offset is to have fewer seasonal rangers. So to be clear, that request does not expand services. In fact, in some ways it will decrease service.

**Fish:** In fairness to you, that request was made before the City announced they had a \$31 million surplus in the budget to carve up.

**Fritz:** Right --

**Fish:** I think that's a big issue for Council to grapple with.

**Fritz:** We now have additional ongoing resources which I would hope that we would have a discussion on the principles of how we're going to decide how to allocate those



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resources. I would like -- so what we really need is seven more full-time rangers in addition to the seasonal rangers. We have done the analysis of what is the coverage citywide and what do we need in the winter. Clearly, the challenges in the winter are more people sheltering outside -- not having enough sheltering space for them, and how do the rangers help them to live where they are?

And we are going to be having a contract with Right 2 Dream Too to further improve our training of rangers on how to interact with people living outside. I appreciate Hasan and Galina working on that.

We need -- we have city that we have, not the city that we wish we had. We are working toward the city that we wish we had. In the meantime, we need to give the rangers the compensation and the tools to do what they can given that the many of the 2000 people living outside in Portland are living outside in parks.

**Fish:** I'm a little concerned, Mayor, we're going to lose a quorum. I know you have a commitment coming up and we have --

**Hales:** I do, but I have a couple more questions. I do want to get them on the record. One, you're going to be preparing a business plan. Please include in that what you envision as the role of volunteers in addition to rangers. I want to see that -- don't have to see it now.

Secondly, when we get to implementation and budget issues, we're currently have an intergovernmental agreement with the Multnomah County Sheriff for \$98,000. Is that in your packages as a proposal to continue that?

**Jimenez:** It isn't currently right now.

**Hales:** So, that will go away at the end of this fiscal year?

**Jimenez:** Correct.

**Hales:** So we probably need a package to come forward from the Parks Bureau to continue that intergovernmental agreement with the Sheriff's Office unless you have some other solution for how that service is --

**Jimenez:** It's not-to-exceed, so it could carry forward into the next fiscal year depending on how we've much we utilized it.

**Hales:** OK, let's take a look at that. Because if the Sheriff is backing our play, obviously, there are people in the community -- and I agree with them -- that don't want that to go away. I'll save the rest of my comments for when we vote, I have more instructions for the budget proposals.

**Fritz:** Great, thank you very much.

**Fish:** Mayor Hales, I move the acceptance of the report.

**Fritz:** Second.

**Hales:** Any further discussion? Roll call of the three of us, anyway.

**Item 258 Roll.**

**Fritz:** Thank you, most of all to our Parks Rangers and the work you do on the frontlines every day. I'm really proud of the work that you do. And thank you, Galina Burley and Hasan Artharee for preparing this report -- it's excellent. And thank you, Commissioner Fish, for really starting this program and giving it the attention that it deserved even during the course of the recession. Let it be noted that we funded extra services through the ranger program during the recession and it's now paying benefits, so thank you everyone. Aye.

**Fish:** I want to start by thanking Andy Jansky for this -- [laughter] -- I archive all of my son's art and schoolwork, and he thinks I'm nuts. And so I really appreciate this. I can take this home and say this, is why we do it, because someday you will want me to reclaim something you did when you were younger. I love that.

I am so proud of the work of the rangers, and I want to echo what the Commissioner-in-Charge said thanking our team here for the excellent presentation and

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thanking the men and women who wear the uniform. While the presentation was going on, I had my office pull a few things from the internet because I want to be reminded about a different conversation we had in 2011. And I pulled some of the press coverage.

It was pretty scathing when the issue first came to Council. We had some very big critics, there were some very caustic editorials, and there are a lot of people scratching their heads saying "if it ain't broke, why fix it? Why shift away from the Clean and Safe model? Why expand the ranger program?"

One of the things I learned through that exercise was we need to do a better job articulating the why. And so we did, and we took the challenge. And we articulated the why and when we were finished, we had the whole community telling us we were on the right track. And that wasn't because we were making the case any more thoughtfully, it's because they were experiencing what it meant to have rangers performing these functions, building relationships.

In effect, I would say, Mayor, this is the essence of community policing except they don't carry a gun. And instead of arresting people, they build relationships and go upstream and they prevent things from happening. And we started to hear from people all over the city saying, "I know who my ranger is, I have their phone number and I can call them when there is a problem." And we hired great people to lead this effort.

In fact, I think -- I can only find one story that was positive and it was from The Mercury. And Dennis has now gone over the dark side, he's now over at another newspaper. But when he was there, he did a story saying, "the City succeeds with gentler touch in the parks." And what he did was he interviewed all of the stakeholders -- and this is in 2012 -- and they to a person said this program was making a difference. Law enforcement, business, community -- everyone was saying this was making a difference. You are the ambassadors doing great work in our community.

And we have a basic principle in this city, which is when people demonstrate that they are providing a valuable basic service and they do it as efficiently as you do, I think we are compelled to support your mission. I think we're compelled to. This is a basic service and you've made a case today that you have exceeded our expectations. So, I think we have to invest in your success and I will look forward to working with Commissioner Fritz and my colleagues in the budget to do that.

Finally, someday I hope to get a hat that says "ranger" on it, but I'm reminded that until I give Sam Sachs my head size, he can't order one. And I am prepared to pay for it.

All of us spend a lot of time out in the community. And when we're in our parks, particularly at official events, it is a point of great pride when our rangers are there with us and when they are doing such a great job and seeing how they interact with the public. This is our chance today to thank the team for the report, thank the men and women who do the hard work for their service, and I hope have this Council commit to continuing to improve the terms and conditions of the folks who serve.

And one final note -- in 2011, when we were getting a lot of flak for talking about doing something different, Commissioner Fritz stood shoulder-to-shoulder with me, and everything we did she supported. And then when she became the Parks Commissioner, she put this program on a stronger foundation and she ensured that the men and women who work for the City got to choose the representative of their choice, and through the bargaining process, secured better terms and conditions of employment. So I thank you, Commissioner Fritz, for being such a strong supporter of this program. And as long as I'm on the Council, I will be a strong champion of what you are trying to do. Aye.

**Saltzman:** Thank you. Aye.

**Hales:** First, I have to start with two warnings for Commissioner Fish. First of all, we should check the City Code, Commissioner, because I know it is illegal to impersonate a

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police officer and it might be illegal to impersonate a ranger. Before you put that hat on we should make sure that you won't be arrested for that. [laughter] Secondly, someone whose as son's --

**Fish:** I'll be sending a letter to the Iranian government on any nuclear deal, Mayor.

**Hales:** Please -- don't on your own email, either. Secondly, as a father of sons older than Chapin, I'm sorry to report you can take this home all you want -- [laughter] -- but it won't convince your son that you're not crazy until the testosterone starts to wear off around the age 25.

Let me go directly to some issues here. Sometimes, I'm flummoxed in this role of being a community leader, because you say things and you think you say them clearly and people pick them apart and say "what he really meant was" -- so I'll try to do this. I'm not smart enough to do that, I want our folks from the press to know that -- they probably already do -- I'm not smart enough to not say what I mean.

So, I'm going to say what I mean. I love the rangers program. I want to see more rangers. I want to pay them properly and we should have more of them full-time. No argument about those issues. But --

**Fritz:** And -- [laughter]

**Hales:** But before we get to simply funding more rangers with the money we have, we have some things to work out. The Sheriff is backing our program right now. Lightning is right, we've got to sort out the question -- and this is partly my job, I sit down with the County Chair and figure out who does what. We've gotten through the last couple of City-County budgets by getting a little more clarity about whose lane is which. And frankly, we've fuzzed this one up again because of an urgent situation on the docks and river that required the rangers' help and we had to pay for it in order to get it. So, that's an issue to put on the list for Chair Kafoury and I and others to talk about, but we have to figure that one out before we write checks to solve problems.

Secondly, I am not suggesting that we privatize parks when I bring up the question of the Holladay Park example. But we have three business improvement districts in Portland in which property owners tax themselves to pay for enhanced services. I think we have three. We have the Downtown Clean and Safe district and we have two transportation management associations, one which is in the Lloyd district. Seattle has 28 BIDs. Let me say that again. A city same size as Portland 150 miles north of here has 28 such districts in which businesses tax themselves extra to pay for enhanced public services.

I will be very favorably inclined -- I'll say this sentence as clearly as I can -- I will be favorably inclined towards budget proposals which leverage other funds in addition to the momentary good fortune of us having more of our own. I will be very favorably inclined towards having BIDs and other localized revenue measures pay for enhanced local services. I want those who want more to help more.

I think Cypress Equities demonstrated that there is capacity in the Lloyd district and probably elsewhere to ask property owners to help fund enhanced services in places where we don't now. I think if you look at the situation in the Central Eastside, you would reach the same conclusion that I've reached, which is it's time for a Central Eastside Business Improvement District to fund enhanced services there. So, I'm going to be pushing that idea and I want us to not simply rush to pay for services elsewhere in the central city that people in the Downtown Clean and Safe district are paying for through a BID. I hope I have been clear about that.

So, I will be very interested in budget proposals which rely on those principles of leverage because good times means others have more resources, not just the city general

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fund. Great work so far, more conversations to come. Thank you very much. Aye.  
[applause] Good work everybody. Let's move on to the regular agenda.

**Item 260.**

**Hales:** Do we have a presentation on this? Yes, we do -- Sergeant DeLand. Good morning. It is still morning.

**Ric DeLand, Portland Police Bureau:** Apparently I have been abandoned by Dennis again. [laughter] So, I'm here today -- I was supposed to be here with Dennis Lundberg from Janus Youth. I'm not sure where he is at, but I'm here representing the Police Bureau and giving our support for this proposal.

As you know from previous testimony, due to a clerical error through their grant program the Yellow Brick Road portion of Janus Youth was unfunded as of October of last year, and they're not able to apply again until October of this year. In response to that, we spent the fall campaigning for funds from other sources. The Clean and Safe board responded by donating \$15,000 for the program, and I'm very proud of Council for matching that. I think that speaking for the foot patrol of Central Precinct, the program was vital to our success and to give us additional options in trying to address the various things that we were addressing in downtown Portland.

They were our greatest partner in this. Not once did I call and not get exactly what I needed from them. And so if I may call it a personal crusade of mine to continue this program and to continue funding of this program, they have my full support.

**Hales:** Thank you very much. Questions for Sergeant DeLand? Thank you.

**DeLand:** Thank you.

**Hales:** Anyone else want to speak on this item? Come on up.

**Joe Walsh:** Joe Walsh, I represent individuals for justice. I just want to take advantage of speaking in a positive sense twice in a row.

Obviously, our organization would support the continuation of this program, and we urge you to support it. Unfortunately -- our understanding is it was some kind of a clerical mistake that they were excluded from applying and to keep the funding going. So, we hope you support it. We need more of these things. I know we're always asking for more money but that's kind of what we do as activists -- we ask you for money and more involvement. So, we would just support your continuation of this program. Thank you.

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

**Charles Johnson:** Good morning -- still morning, I think. My name is Charles Johnson for the record. There is some connection between this and the earlier item where we had the 25-page good report from Galina, the new Parks security director.

We didn't talk about distressed juveniles that are encountered by the Rangers, an area that really should get specific attention. And although it's one particular agency -- Janus here who had a paperwork glitch -- I want you to know that all citizens want to see tight cooperation between you and the different semi-private organizations such as NAFY and Janus that are not just a safety net, but a lifeline for homeless children. So, I'm glad that the police officer was able to come up here and present the fact that we did find a bridge solution. That's certainly what needs to happen in a City that just talked about its \$30 million revenue ahead of projection and surplus.

I hope that Janus and NAFY will be facilitated in the conversation with the Rangers to really make those numbers and reach out. Social science research shows -- as you mentioned in the past couple of weeks -- that when children have adverse experiences, that really sets them up for failure. So, I hope that in addition to this bridge financing, we can expand the program and cooperate with the rangers to get more outreach to distressed youth.

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**Hales:** Thank you very much. Anyone else? Then it's an emergency ordinance, roll call, please.

**Item 260 Roll.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Great partnership. Aye.

**Item 261.**

**Hales:** Commissioner Fritz.

**Fritz:** Good morning, thank you for your patience. Kia Selley?

**Hales:** Go ahead.

**Ross Swanson, Portland Parks and Recreation:** My name is Ross Swanson, capital project manager for Portland Parks and Rec --

**Fritz:** Sorry.

**Swanson:** I am joined by Kia Selley, the planning and development manager for Portland Parks and Rec, and we are here for questions.

But I am here today to request City Council approval for the contract with Land Morphology landscape architects for the Leach upper garden development project. Again, the contract amount is \$433,314.

The contract's scope of work will provide design for the recently-expanded upper garden property. Recently, we acquired 1.3 acres adjacent to the garden and this kind of catalyzed the need for this design work. The second task as hand will be to develop a strategic development phasing plan for the garden, and then finally we will have construction documents prepared for catalyst project to help provide better access to the garden.

In particular, I'm excited about this design firm because they occupy a niche market in botanical garden design, including they've designed gardens for the Brooklyn Botanical Garden and [indistinguishable] to the north of us. But more importantly, their lead designer -- a guy putting pen to paper worried about scope, schedule, budget like myself -- has also been an executive director for small gardens himself. So, while he is worried about my worries, he is also going to be worried about David Porter's worries and how to move forward in the garden.

Some of the nuts and bolts. The contract has 23% MWESB participation. The contract is funded through a combination of Parks SDC and PDC's TIF funds through the Lents district. We anticipate construction to start in spring of 2017, and we do already have a rather extensive public outreach committee put together, and we will be meeting on March 19th. It's an 18-member committee with broad diversity. That's it. Thank you.

Questions?

**Hales:** Other questions? It doesn't sound like there are any. Thank you. Anyone want to speak on this item? Come on up.

**Linda Morrow:** Hi, I'm Linda Morrow, and I'm president of Leach Garden Friends board. Most of you were here in 2010 when the Leach Botanical Garden master plan was approved by City Council. The master plan has served as the City's guide for the future development of Leach. In 2012, the plan was updated to further define the upper garden development project. And with the approval of this contract today with Land Morphology, we will begin to realize the vision for Leach outlined in this master plan.

We feel this is a critical importance to the community immediately surrounding Leach, but it will also have benefits for all of Portland because botanical gardens offer a needed respite from the nature deficit that's talked about so much these days because so many people live in urban areas.

Botanical gardens are places of stunning beauty and sources of education and conservation. They inspire people to preserve and to conserve. But in order for people to

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embrace these values and pass them on, they need to have access in their own neighborhoods to places like this.

Realizing the potential of Leach is critical to this East Portland neighborhood -- a highly diverse, underserved area with few amenities currently in place. I think we need to keep in mind that Leach is more than a park, more than a natural area. It's a botanical and cultural treasure where education happens, where culture happens, where art happens, and healthy communities are formed.

Raising Leach to the standard of our other world-class botanical gardens here in Portland, like the Japanese Garden and Chinese Garden and Hoyt Arboretum will enhance Leach's financial sustainability and it will make Leach a regional attraction, which will enrich both East Portland and the city as a whole. We are very excited to move ahead on this project. It's been 30 years in the making, and we are grateful for your support.

**Hales:** Thank you.

**David Porter, Portland Parks and Recreation:** I'm going to defer for a moment to Carol Herzberg.

**Carol Herzberg, Portland Development Commission:** Hi, I'm Carol Herzberg. I'm a PDC project manager and I'm working with Ross on this Leach project.

Just very quickly -- Leach is very important to us because it is a key cultural landmark in an area that has few, and many are unknown. And Leach I'd say outside of the immediate area is unknown, and we want to change that.

The other thing that excites me about this project is it is a real partnership between Parks and PDC. And this is a new model that we would like to follow and we are really, really thrilled that it's happening.

**Porter:** I'm David Porter, executive director at Leach Botanical Garden. First off, I would like to thank Kia and Ross and the City Parks staff. We could not do this project without their leadership and organization and wisdom. It's very important.

Second point that I'd like to make is that in many ways, Leach's partnership -- as I think all of you know, we are the host also for Portland Audubon's eastside operations. The wonderful TALON youth program operates there, they have bird programs and education programs, and their eastside base is there. We are growing relationships that make Leach a resource, a platform in which many different things can take place, not just the beauty and the botanical collections. It's important but it's a very nuanced place.

I'm very, very excited about the outreach program that is accompanying this new design, and I'd like to introduce James Draznin, who is our new development director who will be helping us raise private sector money to match public money for the garden. James has some printouts that he would like to hand to the Mayor and Commissioners.

We are so conscious of being in East Portland in a very extraordinary place in the city, and one of our donors was kind enough to give us an anonymous donation to support really significant outreach to people in East Portland. So, we are engaging with a community engagement group called the NICE, Northwest Institute for Community Engagement, who will be doing surveys at places like New Portland Mercado and the Jade District, talking to people in their places and in their languages about Leach Botanical Garden.

What you are seeing almost finished version of a full-page ad that will be in the East Portland News dropping to 50,000 East Portland households on April 15th. The ad will be in four languages -- one of them being English -- Vietnamese, Russian, and Spanish identified by an AmeriCorps person that we had working who showed that the city's most prominent language other than English were Russian, Vietnamese, and Spanish.

So, there will be ways for people to participate in talking and learning about Leach that will help inform our really great design team as we move forward. I think it's going to

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be one of the most exciting phases of Leach Gardens' existence. We will learn a lot and we hope that Leach will no longer be Portland's secret garden after all of those people hear about it. Thank you.

**Morrow:** Sorry, I forgot partnership is absolutely with Friends of Leach Garden, too.

**Porter:** Goes without saying.

**Hales:** Thank you all very much. Questions for the team?

**Fish:** I just want to note, Mayor, that one other thing about the Leach Garden is it has a terrific gift store. And they have holiday sales during the year and you can actually buy herbs, you can buy -- there's a beautiful book about the Leach legacy and family, and the space in their home is available for rental. And it's really one of the gems in our system. Congratulations.

**Hales:** Thank you. Anyone else want to speak on this item? If not, then it is an emergency ordinance, let's take a roll call.

**Item 261 Roll.**

**Fritz:** This is an emergency because we want to get the money out of the door and get going on the project as quickly as possible. Thanks to Kia Selley and Ross Swanson. I have to say, as the Leslie Knope of Portland Parks and Recreation, I enjoy having an R. Swanson in the bureau.

Thanks to Commissioner Fish, whose vision and insistence on assigning Portland Development Commission's tax increment financing money to this project was visionary and it is the reason we're able to do this today in partnership with some Parks system development charge money that we now have, recognizing that the community around Leach Botanical Gardens and the business district in Lents doesn't have the capacity to help fund things like this absent public resources.

This is an underserved area of the city and it does indeed have an absolute gem both in the house and garden. It's open for business even today, so I encourage folks to go out the next beautiful day that we've been blessed with and enjoy it. Thank you for your support. Aye.

**Fish:** Commissioner Fritz, I love what is on the handout that we've been given: Leach Garden is an East Portland public garden. And that's why it is very important to us. In addition, as I learned, it is one of the great botanical gardens in the world. The Leaches were really visionaries, and it's a wonderful place to visit and we're lucky to have such great leadership.

Ten years ago, you wouldn't have said that if you went out to Lents and beyond that you'd need more than a day to hit all of the great attractions, necessarily. But today, in addition to Leach Botanical Garden, the Foster natural area, Zenger Farm and the new urban grange, Lents Park, the Mercado -- all of the vitality that's going on because of the community members advocating to make sure that they got their fair share of resources is very exciting. Congratulations to all and we look forward as a Council to joining you when the work is completed. Aye.

**Saltzman:** This is a great step forward and I appreciate all of the efforts to make and keep Leach Botanical Garden a great place to go. Thank you. Aye.

**Hales:** Great place, great team. Look forward to more great results. Thank you very much. Aye.

**Hales:** OK, we have three second reading items remaining.

**Item 262.**

**Hales:** Roll call, please.

**Item 262 Roll.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye.

**Item 263.**

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**Hales:** Roll call, please.

**Item 263 Roll.**

**Fritz:** I particularly appreciate the extra effort to ask the community about the hours and duration of this project. So thanks, Commissioner Fish. Aye.

**Fish:** We're also -- based on the conversation we had during Council -- we're going to schedule an event before the construction begins just to make sure that the community and the businesses understand what is planned and give us one last chance to fine tune it. I was pleased -- and I think in response to your question, Amanda -- that they confirmed that holidays and the business and the community festivals have been carved out as days that there will not be construction. So, we will be trying to limit the impact. Aye.

**Saltzman:** Aye. **Hales:** Aye.

**Item 264.**

**Hales:** Roll call, please.

**Item 264 Roll.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye.

**Hales:** The Auditor has requested that Item 265 scheduled for 2:00 p.m. be referred back to her office. Without objection, I am referring that item to her office and we will reconvene at 3:00 p.m., not 2:00.

**Fish:** Mayor, do you have a sense how long that program will last?

**Hales:** I would estimate an hour and a half. We're recessed until 3:00 p.m.

At 11:51 a.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.

**MARCH 11, 2015 3:00 PM**

**Hales:** Good afternoon, everyone, and welcome to the afternoon session for Portland City Council on March 11th. Would you please call the roll?

**Fritz:** Here. **Fish:** Here. **Hales:** Here.

**Hales:** Commissioner Novick is away. We expect Commissioner Saltzman to join us shortly. So, welcome everyone. We have one item on the calendar this afternoon. Would you please read that, Karla?

**Item 266.**

**Hales:** Thank you. Well, I'm very pleased to kick off this discussion this afternoon and to welcome folks here who want to talk about this subject and about this important idea. I think this is one of the times when we as a community come together and do the right thing, and we do it in consultation with everyone involved. There are advocates here that we'll hear from today. There are business people who have figured out how to bring new people into their workforce who have come out of the criminal justice system. I think we're going to learn a lot this afternoon and we're going to move forward on something where this community once again does the right thing.

The City of Portland has already adopted policy which we call banning the box. We'll hear a little more about why we can't quite use that phrase to describe what we do here in Oregon. We've already banned the box for City employment, and Multnomah County has done the same. Our Human Resources Director reports that that's a great success, and we want that success to spread.

It's our intention to have first our City Attorney who's worked on this idea come up and make a presentation, then to be followed by invited testimony from a number of people who are here today, and then have public testimony after that. We want everyone obviously to try to be as succinct as possible because we have a lot of people lined up. So, I don't make any longer speech than that to kick this off other than again to say thank you for caring and for being here today about an area where we can do the right thing for our friends and neighbors. I'll invite Judy Prosper from the City Attorney's Office to make a presentation to get us started. Welcome, Judy.

**Judy Prosper, City Attorney's Office:** You gave me a promotion! The City Attorney is Tracy Reeve, I'm actually a deputy -- [laughs]

**Hales:** I know you're a deputy -- we use that term of art. We didn't promote you yet and Tracy is doing a great job. [laughs]

**Prosper:** Good afternoon.

**Hales:** Good afternoon, welcome.

**Prosper:** Again, I'm Deputy City Attorney Judy Prosper. It's always my privilege to be before you, especially today to discuss a very important policy initiative to eliminate barriers to employment for people with criminal histories.

Many Americans have had contact with the law either by being stopped or arrested by police, prosecuted in courts, and convicted of varying degrees of offenses. The purpose of this proposal to amend the Portland City Code that I will outline will be to remove barriers to employment so that people with criminal histories may provide for themselves

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and their families, to reduce the impact on people of color that result from the use of criminal history information in hiring and employment decisions, and to assist with the reintroduction of formerly incarcerated persons into community life and to reduce the recidivism rate.

Even those who do not spend time in prison or jail can be adversely affected by employment practices that exclude candidates with criminal histories. The policy proposal I will lay out would create a fair employment process to evaluate these candidates.

Full-time employment is the best predictor for reducing the chance that a person with a criminal history will reoffend. Questions about past criminal history can be a deterrent for applicants, and can be used too easily by employers to screen out people before their other qualifications for a given position are fully considered. Blanket exclusions also do not take into account any rehabilitation.

The City of Portland -- as you mentioned -- and Multnomah County have already implemented internal policies for delaying inquiries into a person's criminal history until the conditional offer stage. There are exceptions, of course, for law enforcement related positions, positions that involve vulnerable populations, and where otherwise required by state, federal, local laws or policies. 109 cities and counties in over 30 states also have policies that delay a review of a person's criminal history.

The National Employment Law Project has been at the forefront of advocating for what are colloquially known as "ban the box" initiatives. The box refers to the question often asked on employment applications "have you ever been arrested or convicted of a crime?"

Over the last few months, I have reviewed ordinances and laws passed by other municipalities and states. Portland would be at the forefront of this growing trend to require that inquiries into a person's criminal history be delayed until later in the employment process. Nine cities, including San Francisco and Seattle, have been pioneers in instituting this policy in their private sectors. Two other cities -- Newark, New Jersey and Chicago, Illinois -- later had their policies superseded by statewide laws. Six states and Washington, D.C. have instituted policies to delay criminal background inquiries. Two counties in Maryland have done the same.

Most jurisdictions impose an outright prohibition on having such a question on an employment application, be it in paper form or online. Oregon's expansive free speech clause article one, section eight, would arguably trump any effort to impose such a limitation on an employer's speech here in Portland. Instead, we have outlined the substantive process for delaying the consideration of a person's criminal history until after a conditional offer of employment has been extended.

Portland has often been a leader in Oregon, extending protection to ban discrimination against vulnerable populations before other Oregon cities or the state legislature in Salem. This Council enacted code prohibiting discrimination in employment and public accommodations on the basis of a person's sexual orientation, gender identity, source of income well before our state leaders. We continue to be ahead of the state in prohibiting discrimination based on familial status. We passed and successfully implemented the sick leave ordinance.

Portland should be proud of its leadership role in advancing employment rights and continue its track record by considering this proposed policy initiative to remove barriers for people with criminal histories.

Let us be clear, employers would never be prohibited from reviewing a person's criminal history, nor would they be required to hire a person with such a history. The proposed policy would merely delay inquiries so an employer and applicant could together flesh out a person's qualifications and experience first.

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So, the following slides -- there are a few of them so we could fit all of the states in - - will demonstrate some of the statistics that I just spoke of. I'll just flesh out -- obviously the first column are states and cities or counties. The second set of columns -- private, vendor, or public -- indicate in the respective places whether the delaying of consideration happens just on the public level, whether it relates to vendors, or whether it relates to public sector employers.

So, as we go through, we will see places like San Francisco, as I mentioned; the state of Hawaii; the state of Illinois; Baltimore, Maryland; the two counties in Maryland; the entire state of Massachusetts. Also, I'll go across all of the columns.

One of the important ones that I'll speak more to later is the last column, the EEOC criteria. You'll see that's a very popular criteria -- I'll flesh that out for a little bit later.

As we go through, we find places like Kansas and Michigan. It's state law in Minnesota. State law in New Jersey. North Carolina. Ohio has extended it for the public sector. We here in Oregon, as you mentioned. Pennsylvania, Rhode Island, Tennessee. Places like Texas and Virginia.

This slide shows a summary. Since we are a municipality, I decided to compare other municipalities. This chart shows the cities that have passed ordinances that extend to the private sector with their populations, the effective date of these ordinances. If you'll see, Philadelphia's effective date was in 2011. They hold the longest ordinance for this type of delaying of the review of a criminal history. Their process is a little bit different than some of the other processes, they only receive complaints and there is a fine imposed of \$2000 per violation, and that \$2000 goes into the Philadelphia coffers.

So, as you can see, these have been implemented as of 2013 and 2014, so there is not a lot of history or case law following those. So, the next --

**Fish:** Can I ask a question off of that slide?

**Prosper:** Absolutely.

**Fish:** I hadn't seen this slide before -- it's very, very helpful. We know that in the civil rights arena -- and let's use Oregon as an example -- there are some statutes that the federal law applies to employers of 50 or more employees. The Oregon counterpart in some instances is 25 or more employees. There are other statutes that are tailored to the unique jurisdiction. We have a requirement on earned sick leave at the City that has a magic number of six. So, you are proposing that this only apply to employers of six or more employees?

**Prosper:** Yes, sir. We've ticked it to the sick leave ordinance. We don't want employers to have a whole bunch of different requirements that differ from ordinance to ordinance. So, we did use that number just to relate to another ordinance recently passed.

**Fritz:** So let me dive in right there and say that was a real mistake and we shouldn't have done that. It makes it very difficult to do. So I recommend that we look at everybody. Our experience with sick time was it's so difficult to figure out when six and five and other disincentives for people to then hire more employees. My recommendation and what we've been asking at State level in their sick time ordinance is not to have that.

**Fish:** One of the questions that comes up is the profile of the workplace so that we know who's impacted. And I think the data point that will help guide our deliberation on that is it's just some updated numbers on the profile of our workforce -- workplace. So, how many companies do we have that are six or fewer? How many of the next size? And the like.

Do you happen to know, though, in having done your research why San Francisco settled at 20 or Philadelphia at 10? Those are not numbers that are pegged anything that we're familiar with at the federal level. Were they just compromises worked out by the jurisdictions?

**Prosper:** I think you've got the word.

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**Fish:** Thank you.

**Prosper:** You'll see on the chart that the fourth criteria, when in the process employers allowed to review criminal history, varies from the first interview or good faith interview all of the way to conditional offer. And that's something I will talk a little about a little later.

You'll also notice that all of the jurisdictions except for Rochester and Portland have an administrative agency that handles the first line of complaints. That's very important for talking about enforcement later on today. The penalties range from \$50 to 90 days in jail as a misdemeanor.

**Fritz:** And to clarify, this box says when the employer is allowed to review. That means not only asking on an employment form, that means during -- they're not allowed to do a background check on everybody?

**Prosper:** No, they are not allowed to do a background check on everyone. Moving it to the conditional offer scale -- which is what we're proposing -- is after candidates have been fully evaluated on their merits, their experience, and qualifications. A conditional offer would be extended, and the condition would be that you need pass a criminal background check. And again, I'll flush out some of the other details later. There could be other criteria, like you have to pass a typing test and prove you can type the 60 words a minute you said you did or some other kind of test, but it's at that stage after the employer is satisfied with the candidate and really wants to hire them.

The jurisdictions are split about half and half -- we're talking about eight -- as to whether a private right of action exists. But to be noted is that the jurisdictions without a private right of action have robust administrative procedures. And I put the titles of the ordinances so that we could -- just to make it interesting, actually. [laughs]

So, I'm going to go through and highlight the policy being proposed now by the City. The City Attorney's Office and the Mayor's Office have reviewed these statutes and ordinances, and we are proposing today -- and I'm sure there'll much discussion on the various pieces of it -- a process. And here it is.

When it comes to advertising and applications, employers would be encouraged to remove the box on their employment applications, whether they be in paper form or online. While this proposed policy would not impose a ban on the question of whether a person has a criminal history, in assessing whether an employer violated the policy the presence of the box could be evidence that criminal history was improperly considered.

**Hales:** Again, the reason you're suggesting that we take that approach is that the Oregon constitution's free speech provision probably does not allow an outright ban as a mandate, right?

**Prosper:** Exactly. And the ban itself does not necessarily lead to more hiring. You can remove it from your application and then ask them when they drop the application off or early in the interview process. So, removing the box from the piece of paper or on an online questionnaire may not actually achieve such a great result.

Our proposal is that the employer could only consider the criminal history of a person after making a conditional offer of employment. And as Commissioner Fritz asked and I mentioned earlier, the conditional offer means that you have the job, but you'll have to -- now, as I do an assessment of your criminal history, that it's going to be contingent on that assessment and there may be other contingencies as well, as I put here -- a drug test or some kind of skills test.

**Fritz:** Could you tell me how criminal backgrounds are checked? Are there companies that are like rental checks?

**Prosper:** Yeah, it's a very good question because I believe it's scattered. It used to be you could only get the criminal background either from the FBI or state or local law enforcement agency. But there's a website called ZabaSearch.com -- I'm not sure, I'm

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digressing a bit -- but what it does is it pulls public records from all over and puts them online. And so, companies have decided that it is profitable to cull criminal records -- which are public records -- and create data bases, so if you pay them, you can get a criminal record check.

The unfortunate thing -- and I'm sure people who are much more versed in this will tell you after my presentation -- is that they tend to be fraught with mistakes. Arrests are on there, things that were expunged might be on there. Again, this is not something that I'm expert in, but I do know anecdotally that they tend to be fraught with errors.

**Fish:** Can I ask you a practical question? Someone who has been incarcerated for a period of time may very well have a gap on their resume. So, what's the interplay between the resume and the review of a resume by an employer? And secondly, is it typical that an employer checks references before or after a conditional offer is made?

**Prosper:** I'm going to be careful not to say I know what typically happens. I'm not an employer. And I know there'll be employers here who can speak maybe a little better and some advocates who will speak more clearly than I can on the interface.

**Fish:** OK.

**Prosper:** I agree that that is an issue, and those are the kinds of things that need to be fleshed out in the education piece we are offering as part of the proposal. And I think advocates for people who were formerly incarcerated will have to work with crafting resumes and talking about different ways to put your best foot forward without highlighting the gaps in your employment.

**Fish:** And I think one of the things we'd be interested in is how other cities have crafted administrative roles to deal with that. So for example, one of the things that we often highlight in job interviews -- let's say someone has had 10 jobs in five years and they're in a job every six months. I mean, that might prompt a question about "gosh, you've had a lot of different employment things. Why?" Right? "Well, I kept taking the wrong job or forgot to show up for work" or whatever. But you'd ask that question. Here, you may very well have on a resume a gap that someone would naturally ask, and how do you deal with that? That's a big question.

**Prosper:** Again, I think that's a question we can flesh out a little bit later, and where advocates and employers can talk about ways when we do an education pieces and training on how this is going to go about, go forward.

To answer your second question about when in the process -- I think that when there is a box on the application, sometimes that's the point in the process because that application is never considered if the box is checked.

**Fish:** Right. Thank you.

**Saltzman:** So, I'm not sure I understand about checking references. Does that have to wait until a conditional offer or can that occur at the first step or the second step or whatever?

**Prosper:** References can be checked. An inquiry into whether or not the candidate has a criminal background would not be allowed.

**Saltzman:** So, if I don't do a criminal background, check out the references, and the references are bad, I don't have to -- I have no further obligation --

**Prosper:** You would have no further obligation. The point at putting it at the conditional offer stage is that all of those things are "yes." You've had a meeting of the minds with this candidate. They have the qualifications. You like their personality. You think that they're going to fit in well in the office. It's the last step or one of the last steps of the process and not one of the first steps or one of the eliminating factors off the bat. Does that answer your question?

**Saltzman:** So references can be an eliminating factor.

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**Prosper:** References can absolutely be an eliminating factor. If you called my old boss, and they said, "no, she is not a good candidate" there would be no reason to get to a conditional offer. You would never get to that stage.

**Fish:** Here's an example of how it works in the civil rights context. Someone says, I didn't get the job because the employer wouldn't hire me because I was gay, because I was African American, because I was a woman with children, because I was over 40 years old -- whatever the category. The employer then has to have a neutral nondiscriminatory reason for the action taken. Employer says, I had a requirement that you lift 100 pounds on the job. You couldn't do that. I required X or Y, checked your references and they weren't so good. But the employer's burden is to show that that impermissible factor was not driving the decision making. That's what I understand you are trying to structure here -- a way of making sure that that factor does not automatically disqualify someone. It doesn't preclude someone from saying there's other reasons why you are not a good fit for the job, but we're trying to eliminate the front door being closed on someone to even get to the point about whether they're qualified.

**Prosper:** Said better than I could have. [laughs]

**Fish:** I'm just restating.

**Prosper:** Thank you, sir. So, we've reached that individualized assessment criteria. What would happen after the conditional offer was extended -- an employer could now inquire into the criminal history. They could simply ask them, "do you have a criminal history?" Or they could obtain a criminal history report.

An employer would then be required to make an individualized assessment to determine whether a specific offense has a direct relationship to the person's ability to perform the duties and responsibilities of the job they are seeking. So, conviction matched up with what the duties of the job are.

This individualized assessment analysis comes from the EEOC's paper that recommends -- it's a 2012 guidance relating to the disparate impact of the use of criminal histories on protected classes that an employer can utilize --

**Fritz:** Can you tell me what EEOC stands for?

**Prosper:** Sorry -- Equal Employment Opportunity Commission.

**Fritz:** Thank you.

**Prosper:** Thank you. So, the EEOC recommended some guidelines to use when cases of use of employment history came up and there was a disparate impact on a particular protected class. And the factors in the seminal case Green are the nature and gravity of the offense, the time that has passed since the offense occurred, the conduct or the completion of the sentence, and the nature of the job held or sought. So, that links into the individualized assessment that I spoke of a moment ago.

What kinds of things should not be considered by the employer? Again, these are the common factors among the ordinances that have been passed around the country An arrest not leading to a conviction except where crime is unresolved or where charges are pending against someone -- if they haven't yet gone to trial for the charge that they were arrested for; convictions that have been judicially voided or expunged; and charges that have been through resolved through the completion of a diversion or deferral of judgment program.

I just want to say a little bit about the judicially voided or expunged. A lot of statutes talk about juvenile offenses. The reason we didn't put that in here because in Oregon unlike some other jurisdictions -- New York, for example, which I'm familiar with -- juvenile offenses are sealed. If you committed a crime and it was adjudicated in family court, no one's ever going to see that record. It shouldn't show up on a criminal background check.

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In Oregon, you have to take active steps to expunge your record. So, if you committed an offense as a minor, after five years of a clear record, you apply for expungement. So, the reason you don't see juvenile offenses on there is because we'd have no way of removing them from the record unless someone actively expunged it. And that may be a question that others later will talk a little bit more about.

**Fritz:** And what's the reason for allowing in when charges are still pending given that we have an innocent until proven guilty ethic? Why allow discrimination based on something which may or may not turn out to be true?

**Prosper:** That's a good question, and I think that is another one of these compromises because most employers -- and again, I don't want to speak for employers, they'll speak for themselves shortly -- want a quick turn-around. And maybe there's sort of this unknown question as to whether the person will be convicted. Will they be able to continue the job? Are they going to be incarcerated? That kind of iffy question is put in as one of these exceptions to give the employer some confidence that the person that they're hiring is going to be available to do the job long term.

Exceptions. The proposed policy would not apply where a federal, state, or local law regulation requires or authorizes the consideration of a person's criminal history. Such situations will include employment of law enforcement or people working in the criminal justice system; private security employment where a license is required by the Oregon Department of Safety Standards and Training; employees that would have direct access to or provide services to the children, elderly, persons with disabilities, persons with mental illness, or individuals with alcohol or drug dependence or substance abuse disorders; employees required to be licensed, registered, certified, or otherwise authorized to practice a profession or trade in this state; and individuals applying for licensure, certification, or authorization to practice such a profession or trade in this state; and lastly for now, positions designated by the employer as part of a federal, state, or local government program designed to encourage the employment of those with criminal histories.

**Fritz:** Is this an example list or -- are these the only --?

**Hales:** They're the typical.

**Prosper:** These are the typical. They come in all shapes and sizes. I pulled these from existing state law that has prohibitions on its funding of such service providers. So, for example, a nursing home that receives state funding with need to be accepted because they have actually a matrix, a list that was compiled by the Department of Human Services with actual offenses. And so a facility could not avail itself of state funding if they didn't follow those guidelines. So, each are more individualized to their state. I put this in sort of Oregonese so that we could look to something as guidance and not sort of makeup categories.

We're proposing a process. If after a conditional offer is extended, an individualized assessment of job relatedness is made, and an employer decides "I'm not going to hire this person" or "I'm not going to promote this person," "I'm not going to transfer them to a different department," or "I'm going to discharge this person after finding out about this criminal history." If all of that is the case, here is what would have to happen.

The person would need to be informed of the adverse employment decision, and the portions of the criminal history would need to be outlined -- outline is the wrong word. Would sort of need to be pointed out. How I describe that is if you have a written criminal history, you take a highlighter and you circle or put a checkmark next to the convictions that influence the adverse employment decision.

The person would need to get a copy of the criminal history report. As I mentioned earlier, a lot of times they have errors, so it would be good for them to see it and be able to say "yes, this is true" or "this isn't true." A written notice of rights with a timeline for an

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opportunity to request reconsideration. I don't want to go back to the other slide because I may not be able to get back here -- but there are various deadlines. They go from two days to 14 days. We thought two days was reasonable. Folks talked about too much time between offer and reconsideration would not be good for either the job seeker or the employer. So, we put in two days to request reconsideration.

**Fritz:** Two days from what?

**Prosper:** Two days from receiving an adverse employment decision, a copy of the criminal history, and an indication somehow of what items in the criminal history caused the employer to make the adverse employment decision.

**Fritz:** And is that two days by certified mail with receipt requested?

**Hales:** Good question.

**Prosper:** That is a very good question.

**Fritz:** Otherwise -- the mail is not necessarily that reliable, or somebody might be out of town for the weekend, in which case you're out of luck. Two days seems a very short time.

**Fish:** Normally, I think we'd have to consider actual notice and then figure out the timeline and then different options. Actual notice is handing something to someone and having them acknowledge receipt -- that's the best. The next is the presumption of delivery of a letter, or certified mail and getting a receipt. That's probably the least efficient for a lot of reasons. So, I think Commissioner Fritz raised a very good question. We should be looking to the extent possible actual notice, because that's the best. There's a receipt that says I got this notice from you, and that avoids all of the sort of complexity of figuring out whether they actually got notice and running the clock.

**Prosper:** I agree, and this is something that we can flesh out in the rules in the administrative regulations that the City Attorney would write up if such an ordinance were to pass. Those are the kind of nuanced details that we can work out.

**Fish:** But the next one on the list has got my attention, because I'm trying to think -- what other areas of our civil rights laws in particular are employers required to give a notice of enforcement options? What's the analogy -- where did you find that and what's the analogous requirement that you can think of? And if you can't think of it now, perhaps at some point we can come back to it. But you know, employers are required to do reasonable accommodation analysis. They're required to do many things. I'd be interested in knowing currently, when does an employer have to give someone a notice that says, "and if you disagree with me, here are all of your legal rights"?

**Fritz:** Land use notices, for sure.

**Fish:** I'm talking about employment law.

**Hales:** There are people look like they can answer that question, too. I'm writing these down. That's a good one.

**Prosper:** I'm writing them down, too.

**Hales:** OK.

**Prosper:** So, reconsideration. If the person requests reconsideration in whatever we decide is a timely matter based on your comments, the employer would then have two business days to reconsider the adverse employment decision, and they would again conduct an individualized assessment of relevant factors that could be offered by the person.

And this isn't an exhaustive list, but these are the kinds of things that other jurisdictions have put as rehabilitative or mitigating factors. So, the facts and circumstances surrounding the incident; the number of offenses; the age of the person at the time of the conviction or release from prison; that the person perform the same type of work post-conviction with the same or different employer with no known incidents of criminal conduct; the length and consistency of employment history before and after the



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offense or conduct; the person's participation in rehab efforts such as education, training or substance abuse treatment; employment or character references and any information regarding a person's fitness for a particular position; and whether a person is bonded under state or federal or local bonding program.

Unless the employer reaches a different decision after reconsideration, the adverse employment decision would become final four business days after the initial notice. Again, we will keep in mind that notice requirement and how many day lapse between the request for reconsideration and the final decision.

**Fish:** Can I raise a little red flag here?

**Prosper:** Absolutely.

**Fish:** I think we have to think about some safe harbor provision so that these cases don't get litigated on the question of the timeline and instead around the substance. I think there has to be some safe harbor around reasonable compliance with these rules, otherwise what you're going to have is a game of "gotcha" about whether the two days, the three days, the four days, the notice, and everything else. And hopefully someone later will lay that out, but I would want to at least consider a safe harbor provision so that we're not just getting hung up on these deadlines. These deadlines are designed to bring this process to a prompt conclusion, to be respectful of both parties' interest, but I don't think we want to have that be the primary issue in dispute going forward. So let's -- we'll come back to that.

**Prosper:** Definitely, and I totally agree. That brings us to this enforcement. And again, that timing -- remember, we are talking about only after a conditional offer, so we're not talking about the universe of people who applied for the job, we're not talking about the universe of people who were interviewed, but specific people. And yes, that timing issue has to be addressed.

On to suggested enforcement. We have two outlined. There could be action by the City Attorney who already has the authority to bring code violations. So, if the City Attorney determined that a violation of the policy occurred, she could initiate a code violation proceeding after giving the employer notice of and an opportunity to explain the allegations. Again, we don't want it to be a "gotcha" -- we are giving you a summons. We envision some kind of back and forth, like a letter outlining the allegations and some time for response before a code violation proceeding would be initiated.

**Fish:** Let me ask you on this one -- because this one got my attention because it's not typically what City Attorney does in this arena, and yet we do have an agency that typically does these kinds of things which is the Bureau of Labor and Industries. Was there some considering to simply contracting administratively with BOLI to handle the administrative component of this rather than essentially creating an enforcement unit within the City Attorney's office to duplicate what they do routinely?

**Prosper:** Well, historically the City Attorney has not exercised its general law enforcement authority, unlike other cities of our size and offices that actually prosecute criminal offenses. There is currently no law enforcement capacity within the City Attorney's Office. This is something that would have to be fleshed out.

In terms of BOLI, BOLI is a state entity familiar with the state laws. As the City of Portland passes civil rights laws, having the opportunity to litigate those laws here in the city, having an administrative process that could be quick and efficient to adjudicate those is something that could be beneficial. Again, this is a proposal, and in it we outline sort of a possible way to go about adjudicating these.

**Fish:** The Mayor has invited us to ask the questions. We're having a forum to ask questions not to debate, but to sort of put them out there and see if they stick.

Let me just express the concern. I have tremendous confidence in the City Attorney and in her ability to administer anything that we set up. And I'm sure she would come with

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a specific request that's a budget request, a staffing request. She would set up the administrative machinery necessary to do this, 'cause I'm guessing in the first couple of years we could see a lot of action.

The question I have is since there are people already highly trained to investigate and hear at the administrative level these kinds of things at the state Bureau of Labor and Industries, why not consider contracting so that they would enforce this particular statute on behalf of the City and then test-drive that relationship? I'm just throwing that out as an idea.

**Prosper:** Mm-hmm. My understanding is we already contract with BOLI to do the sick leave ordinances, and they are also handling our civil rights ordinances, if someone brings a claim --

**Fish:** And they will be handling in due course some additional action around fair housing. So, there is -- and I'm guessing some other city -- there's some other jurisdiction that has done something similar. I'm just raising it as an issue.

**Prosper:** You mentioned the term contracting. It costs the City money to asked BOLI to adjudicate those cases, they don't just do it. So, part of it --

**Fish:** One of the questions would be is, it a better or not as good remedy in process? That's a question. And then two is, is it more cost effective to have them do it or create a parallel administrative structure at the City Attorney's Office? I don't know the answer to that.

**Hales:** That's worth fleshing out. Good point.

**Saltzman:** You didn't talk about private right of action.

**Prosper:** Did I not? I'm sorry, I just skipped right over it. Thank you, sir. The other enforcement mechanism we envision is a private right of action under Oregon revised statute 659.885, which is a civil rights action on a court of competent jurisdiction.

**Fish:** That one got my attention, too, because I've sued a lot of people in another life under that statute. So, you're just laying this out as a concept, right? Because it's currently a seven page statute that has carefully tailored remedies and procedures according to the kind of claim. So, you get jury trials with some, not others. You get punitive damages with some, not others. Compensatory damages, you get caps on damages for some claims and not caps on damages for others and on and on.

I take it what you're saying is this would be the statute we would look to to craft the remedy, but right now, we would have to decide what is this most like in terms of state law? Because there's seven pages of tailored remedies depending on the claim. Am I right on that?

**Prosper:** Absolutely.

**Fish:** OK.

**Saltzman:** Wait a second. I'm a little confused. Are you are saying that statute is what becomes the basis for a private right of action? Are you saying we would create a private right of action that would be modelled after that statute?

**Prosper:** We would create a private right of action as happened with -- tell me if I am saying it wrong -- the [indistinguishable] case, where sexual orientation was the class of person at issue. That case has been litigated, and the City of Portland passed a statute extending that protection and the case was able to be brought under 659A.

**Fish:** In a --

**Prosper:** In a circuit court, Multnomah County Circuit Court.

**Saltzman:** Describe for me just in ordinary English what a private right of action would look like to somebody who receives an adverse determination? What would the attorney writing the demand letter to the employer say -- in English, not legalese?

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**Prosper:** You got me on the fly, so here we go. They would have received a conditional offer of employment, and the argument would be that the individualized assessment was not reasonable. That their offense was not reasonably related to the job description. So, the case I like to use -- it's very simple -- a former bank robber recently released to prison who applies for a bank teller job. The employer, the bank, could reasonably say, "I've done an individualized assessment, and I'm not offering you this job." You would never get to the -- I'm sorry, the conditional offer would be revoked. So, it's what I mentioned earlier, and I'm going to dare actually -- oops. I knew I shouldn't dare to do anything because --

**Hales:** Karla will help you.

**Fish:** Now you've done it.

**Prosper:** I know. Thank you, Karla. The little things. See, this is what happens when you give me technology.

**Saltzman:** So just sticking with your example, if the potential employee responded well -- I robbed a bank when I was 17, now I'm 40. Is that a basis to file private action -- or I guess prevail?

**Hales:** Let me try to create an opposite scenario. So, that would be a reasonable decision by that employer not subject to a private right of action, because the previous conviction was reasonably related to the likely risk of that employee being employed there, right?

**Fish:** Not quite, Mayor.

**Hales:** Stick with me because I'm trying to paint the opposite picture.

**Fish:** I know but just to be clear -- whether you think it's reasonable or not, the private right of action is just the door to the courthouse.

**Hales:** Right.

**Fish:** Anybody can file a claim saying anything they want.

**Hales:** You may not win, but --

**Fish:** You may not win. But you'd have to establish your protected party -- that is, someone covered by the law. You'd have to establish that you were given a conditional offer -- they have to prove that. You have to prove -- you have to then allege that it was then discovered or disclosed that you had a prior criminal conviction, and that the employer did not exercise a reasonable -- was not reasonable in saying that that disqualified me from the job when they withdrew the offer. And that that constitutes a violation of the law and I'm entitled to damages. What we haven't figured out if we do have a private right of action is what kind of damages, jury trial, attorney fees -- what do you get? But that would be the prima facie case.

**Saltzman:** If you were the bank robber and you were only 17, you could sue, but you may not prevail in the courts.

**Prosper:** You bring up a really good point, Commissioner Saltzman, and that is the nature time nature test, which is part of that individualized assessment. The nature and gravity of the offense -- so, the robbery -- and I'm sorry if the example -- but the robbery having occurred 25 years before would bring you to the second criteria, which is the time that has elapsed since the offense took place.

Now, remember that after the rescinding of the conditional offer, there's that opportunity for mitigating circumstances and evidence of rehabilitation. That would be a mitigating circumstance. You know, "I've lived a law-abiding life. At 17, I made this error and I've lived a law-abiding life. Now I'm 45 years old." Those would be the questions that would decide whether the decision was reasonable.

**Fish:** And currently, if you've received an offer and you request a reasonable accommodation because you have a disability, the employer has to go through a reasonable process to determine whether you get that accommodation and that can be tested in court. So, the legal question would be a judge deciding whether the time limits

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have been followed, you qualify as a plaintiff, the law applies to you, and you've alleged that it is not reasonable and there is some basis for that. And that potentially could then go forward but that's a lot of burden to get to that point.

**Prosper:** Which is why the first option was presented, the option of the City Attorney or another administrative process. In a lot of the jurisdictions that have an administrative process be the last step or as far as you can go on your claim, they have robust administrative agencies that are adjudicating these cases -- investigating and adjudicating them. So if as you said a place like BOLI could be contracted, then that could be the final level of adjudication. That's an option.

**Fish:** Well, it's going to be a better option for most people because most people have trouble feeling an employment lawyer to take a case like this. It's a case that's typically taken on a contingent fee basis, because most people don't have the attorney fee. If you don't have an administrative process that's relatively easy -- and by the way, the employer sometimes benefits from an administrative process because you get a quicker outcome.

**Prosper:** And they don't necessarily have to pay lawyers --

**Fish:** Yeah and there's mediation, there's a chance to get it right before you're stuck in a two-year piece of litigation, and -- so.

**Prosper:** I think you're talking about the access to justice piece, where people who are not typical plaintiffs could still bring a case somewhere and have it investigated and adjudicated without having to seek out a lawyer who's going to make this cost/benefit analysis.

**Fish:** And again, I'm not saying anything out of line here. Most people with claims like this have trouble finding a lawyer who will take the case. Let's just be clear, there's not a lot of people who do these kinds of cases and they're very careful in their screening. That's why BOLI and the EEOC are so important to people seeking to have their claims resolved.

**Hales:** OK, so let's finish you last slide. Sorry we -- not sorry, but we got on to a good discussion there.

**Prosper:** So, a public education and outreach piece. This will not be successful if there is not a strong public education piece developed by the City implementing outreach to both employers and people with criminal histories to explain exactly what it is such a policy would do, what rights each party would have. So I'm going to end there and just say if this is something that the City would pursue -- and I hope it is -- that piece would be essential to the success of such a policy. Thanks for your attention.

**Hales:** Thank you.

**Fritz:** Just going back to the beginning of the presentation where you said that we couldn't ban the box. What's to stop a potential employer putting in their ad "foreigners need not apply" or "felons need not apply." Is that prohibited in other parts of statute?

**Prosper:** In other jurisdictions, it is. Here in Oregon -- and I am not an expert on article one section eight -- others here are -- but we could not prohibit we believe employers from having that question. But in determining whether a violation took place later in the process, the fact of the box or the question could be used later --

**Fritz:** I understand that part. What I'm concerned about is will employers now go even further upstream and put something in their announcement about don't even apply if you have a conviction?

**Fish:** Only if they have an enormous amount of money in reserve for legal fees, because what they have done is create a blanket class of plaintiffs. Anybody with a criminal background who applies to that employer is going to say, "of course I never got a fair shake because of their advertising." That would be the gold standard for a plaintiff's lawyer to have such a thing. If someone chooses to do that, it would make the cases a lot easier for the plaintiff.

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**Fritz:** Thank you for that.

**Fish:** You can't prevent them from doing it, I guess, under the first amendment. But the plaintiff's bar would be delighted if employers --

**Hales:** If someone exercised their right to be that stupid -- [laughter]

**Fish:** If they hired someone to collect those kinds of announcements.

**Fritz:** I figured, so thank you for clarifying that. That would be part of the public outreach that you go to at the end there.

**Prosper:** And also the EEOC's guidelines are based on disparate impacts. So, such a blanket policy by the employer would probably -- as Commissioner Fish states -- invite a disparate impact claims from all kinds of protected classes.

**Hales:** Judy, thank you. Couple more questions and we will call her back.

**Saltzman:** Would that apply to full and part-time employment or simply full-time?

**Prosper:** It would apply to all employment. We would probably fashion something that would apply to all people in all positions.

**Saltzman:** So if you're hiring summer youth and things like that, we would have to go through this?

**Prosper:** Yes, with the exceptions outlined on that exception slide and if it's a policy. And one of those exceptions was a position designated by the employer as part of a program to encourage employment of those with criminal histories. That is one of the exceptions. So, if you had a youth employment program with that bend that was trying to rehabilitate youth, then it would fall under exception.

**Hales:** Great.

**Saltzman:** Maybe this isn't the question for you to answer, but I guess -- I can see this maybe working in a large company, but I have a hard time grasping how this is going to work in a sole proprietorship corner market. I mean, I don't think you have to answer that question. I'm having a hard time seeing this working outside of sort of typical corporate America.

**Hales:** I think some of the people we'll hear from today are small businesses that already do this, so I think we can hear how they made it work.

**Fish:** We also have a chart that says that every jurisdiction has taken this up has debated that very issue.

**Hales:** Right, set a threshold somewhere.

**Fish:** In San Francisco, which is a pretty liberal place, they said you have to have 20 employees. That would be well above the sort of small neighborhood -- the typical neighborhood small business in Portland has five or fewer employees. So that's just a way of comparison.

**Hales:** Judy, thank you. We'll have you back either at the end of this or at our next phase, but thank you for your great work. Appreciate it.

**Prosper:** Thank you for your attention.

**Hales:** We have some panels lined up, starting with some folks that actually place people now into employment that are coming out of the criminal justice system. I'll call a panel of one first because of the number of chairs and then more people. Let me start with Holly Whittleton from SE Works. Welcome.

**Holly Whittleton:** Thank you, Mayor Hales and City Commissioners for the opportunity to speak this afternoon. I've been asked to speak to SE Works and workforce development efforts with individuals with backgrounds and second chance employers, as we call them, and the impact of employment on recidivism. We know that employment matters and that we want to endorse ban the box or fair chance.

For over 18 years, SE Works has delivered workforce development and youth education and career development through our nonprofit community-based development

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organization. In 2013-14, we served over 3000 individuals with backgrounds including adults and justice-involved youth ages 16 to 24. Our WorkSource Portland metro southeast center serves the highest percentage of those who self-attested in the system to a background, and we have about 17% of our population who are coming through the WorkSource center self-attesting.

We have really moved to pre-release work versus post-release work. Pre-release work is work on securing identification for employment, working with employers pre-release for an individual, and securing health care to ensure that they have a job, that they have housing, and that they have health care in place. We also work around temp programs for re-entry through our integrated workforce development model with drug courts and the court diversion programs and a multidisciplinary treatment and justice program for gang-involved youth in Rosewood.

And these programs really work to empower individuals with backgrounds by teaching them through really relational case management, tailored workshops, and through one-to-one work with their case manager, how to explain their skills and their abilities, not their background. We need to get to that, but we need to start talking about their skill and ability first.

And so, we work with individuals to get them training through the WorkSource center -- that could be anything from forklift certification through to HVAC training -- and then working through employers who have deemed themselves second-chance employers to get those positions so that they're not constantly stuck in transitional or survival jobs. They're looking at career track employment, which is really important.

One of the integrated programs that's been one of our most successful has been the prisoner re-entry employment program actually funded by the City of Portland and through WSI, Worksystems Inc. Through a three-year career track model, which is highly relational with the case manager, the individual is placed in a job and case-managed and worked with the employer on a constant basis to see if there's any issues that are happening with the particular customer who's been placed.

In 13-14, we placed 102 participants in that program and of 102 participants, 76% became employed with an average hourly wage of \$13.71 and we have a recidivism rate of 1%. If you look nationwide, recidivism rates are over 67% in some states. So, we believe its highly relational model, the follow-up, the work with the employer, and the front end which we do a lot of job carving on behalf of the customer to get the proper placement. We're not going to take somebody with a background, you know, as Judy just explained, maybe that had robbery and putting them in a position that the employer is not interested in hiring them. We really try to tailor make the jobs to the individuals.

We've also been very successful with a very large Department of Labor grant over a five-year window that we have tracked. We had 809 participants. 631 or 70% of the individuals were placed in employment. And only 69 out of that 631 recidivated -- 11%. So, we're saying that employment is the answer, along with housing and health care. Employment really does drive recidivism rates.

We've worked for many, many years -- for anyone that knows SE Works -- in cultivating second chance employers. We have a huge database of those individuals, and what we know it takes a lot of time and it takes education and context for the business to embrace hiring those with backgrounds. It really does. There's a lot of mythology with backgrounds, and employers are not well educated in relation to that.

Not all employers are keen to hire, and the box is used as a deterrent to hire individuals that we do put forward. But we do have businesses that do give individuals a second chance, and I think we're really honest with our employers, and we sell skill and ability and not character and that is what we are clear about. And really building that

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relationship with the employer is absolutely critical from our end so that there is a trust between the employer and SE Works that we're going to give them the best candidate possible for the job.

I did get the chance to talk to a few employers before I came here today, and some of them are second chance, and some of them quite large employers who do hire individuals, and they felt they needed to get some of the best champions on this initiative, which are chambers of commerce; PHARMA, the Professional Human Resources Management Association; and get employers to understand what ban the box or the fair chance initiative is really all about. There's a lot of misinformation out there already about it.

When I was talking to employers about coming today, there were just like, nope, don't want to have that discussion about banning the box. So I think there's a lot of work. We did a lot of work on the phone about this, and they asked about City and County outcomes. If this has been endorsed over a year ago with the City and County, what are the outcomes and what were the lessons learned? One of the largest employers wanted to know.

They felt that an education campaign for employers -- that they understand the benefits and that they've really reduced the mythology and fear. One employer asked me, "what is the enforcement? I heard Judy talk about that." Because without enforcement, he called it a toothless tiger.

In closing, I want to say that SE Works is a second chance employer and 16% of my labor force have backgrounds. I've established baselines for hiring. We have a school on premises, and so contractually I have to look at that, but we want to give people a second chance. We really believe that a charge and a criminal background is not a life sentence, and this is what happens when you are checking off boxes for employment or housing.

Applicants are being put in a situation of being screened out before they're able to really describe what they have to give to that employer. They don't have the chance to say how long ago the criminal activity has been or what they were charged or incarcerated with. What they've done since then -- we have many who have come in and done a lot of community work. So, how do they get to explain that if they're screened out? Most of all, what are their skills and abilities? And the ability to sit in front of someone and discuss that.

We also know that this check box really affects communities of color who are overrepresented in the justice system, and we need to think about that as we look at this.

We really encourage employers to ban the box, take a thoughtful look at this, establish a baseline for hiring, and assist those who want to work and be crime-free and overall reduce recidivism and really make that change in the community. I thank you today for the opportunity to speak.

**Hales:** Thank you. Questions? Thank you very much, Holly. Appreciate it. We have some more folks in the business of getting people hired. Patrick Gihring, Andrew McGough, and Pat Daniels from Worksystems Inc. and Constructing Hope, would you come up?

**Jacqueline Whitt:** Hi, Mr. Mayor and Commissioners, my name is Jacqueline Whitt and I'm here representing Constructing Hope.

**Hales:** OK. Who's first?

**Andrew McGough:** I guess I'll kick it off because I'm the more generic spokesperson here. My name is Andrew McGough, I'm the executive director of Worksystems Inc. Thank you, Mr. Mayor, for the opportunity to speak with you today -- and Council members the same.

Part of our responsibility is -- as Holly just testified -- is to oversee the regions workforce development system. We call that WorkSource Portland metro locally. And in

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our five centers last year, we served 101,000 job seekers across the region. Nine percent of those job seekers or more than 9000 people self-disclosed having a criminal background.

Research shows that a good job is one of the best ways to prevent ex-offenders from committing new crimes. Unfortunately, finding a good job is one of the most difficult tasks for former offenders. Recent survey results suggest that between 60% and 75% of ex-offenders are jobless up to a year after release.

Research conducted by the National Institute for Justice has shown that most employers are reluctant to hire applicants with criminal records. In a study conducted in New York City, for example, a criminal record reduced the likelihood of a call-back or job offer by nearly 50%.

In the same New York City study, employment prospects for applicants with criminal records improved when applicants had an opportunity to interact with the hiring manager. The study concluded that personal interaction between the applicant and the prospective employer was a key factor in successful hiring.

While I know there will be some controversy surrounding the specifics -- and I think Commissioner Fish pointed that out quite well today -- I'm convinced we can find common ground and figure out ways to remove impediments for people with criminal backgrounds to reconnect with the labor market.

Basic things we know are effective, like removing the question from the application and ensuring that people have an opportunity to interact face-to-face -- these should be front and center with whatever policy or regulations emerge. As a local employer, I can speak from personal experience to the benefits of these kinds of practices. We have the option to do a criminal background check as a condition of employment. This does not happen until the offer stage, and it is at our discretion. We made an offer to a person where we discovered an extensive criminal record, including spending time in prison. However, through the interview process, we decided to give her a shot. She has turned out to be a great member of our team and she has proven to be the right person for the job. Thanks for the opportunity to testify.

**Hales:** Thank you. Welcome.

**Whitt:** Hi, my name is Jacqueline and I wanted to share part of my story because I think it's imperative that we ban the box to help individuals like myself be able to secure employment so we don't return back to the same behaviors that we had.

I have a lot of skills to present to an employer, and I've done a lot of programs in public service, and I have really began to understand the important things in life and how to go about establishing relationships. I have had wonderful people teach in in organizations such as Mercy Corps and Constructing Hope and Better People, and I'm currently employed at Red Lodge Transition Services, which is an agency that helped me. I volunteered for them when I got out of prison and they actually hired me for a part-time position. Had it not been for them, I wouldn't have an income and I want to ask that ban the box be instated so individuals like myself can raise ourselves up out of poverty and secure a decent income to be able to live and thrive instead of just survive. Thanks.

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

**Patrick Gihring:** I'm Patrick Gihring, I'm also from Worksystems, Inc. We manage the economic opportunity program which is a city program that serves about 700 low-income Portland residents who have barriers to employment. Of the people served in this program, about 300 or 40% are ex-offenders. Ex-offenders are served across the array of partners within the network and, as you heard, there are special projects at SE Works and Constructing Hope that are focused on serving these populations with employment services.



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We provide an array of specialized services through the WorkSource system -- you've heard a little about those earlier from Holly -- that support the employment goals of people served in the economic opportunity programs. These services include job clubs for ex-offenders, workshops to help people communicate with employers about their backgrounds, internships for people with limited work experience, and training in occupations that offer more opportunities and open doors for ex-offenders.

58% of the people who have criminal backgrounds served in this program enter employment during the course of their participation at an average wage of \$13 an hour. We think that's good, but it could be a lot better if there were more open doors for this population.

The approach of leading with strengths and giving job seekers a chance to communicate what they have to offer to an employer before they're screened out or need to talk about the checks against them is something that we support.

I'd also add for the many people we serve who have a 10 or more year gap in their employment history, for them the barrier is bigger than a box. They often need career coaching, job training, and help connecting to employers. That's why I'm also here to support the employment program services you're hearing about today and we believe this is also an important part of the solution.

**Fish:** Mayor, can I ask Andrew a question?

**Hales:** Yes, please.

**Fish:** Andrew, you may have touched on this, but you estimate -- how many people might in Multnomah County might benefit from this change in the law?

**McGough:** If it's 9%, 10% of the labor market, that's 15,000 people.

**Fish:** And from your experience, what are the kinds of jobs that people are competing -- I know it's hard to generalize -- but what are some of the kinds of jobs, categories of jobs that people who are coming out of the criminal justice system are competing for?

**McGough:** Well, we hope they're middle skill jobs that pay livable wages. We like to focus on careers in manufacturing, construction -- there are certain industries that are definitely more favorable for people re-entering the labor market with criminal backgrounds. Health care, for example, is not an industry that we have a lot of success with with ex-offenders.

**Fish:** You have had some with the trades.

**McGough:** Yes.

**Fish:** We also know that there are some programs that the trades are running in facilities, where people can do their apprentice work, get their certification, and be job-ready.

**McGough:** Absolutely, yes. So, there is a lot of that work going on. It's increasing. And, you know, the use of industry-recognized certifications and other sort of competency-based measures are really effective with these kinds of populations.

**Hales:** Thank you all.

**Saltzman:** Andrew, you said we haven't been particularly successful in the health care sector --

**McGough:** With ex-offenders.

**Saltzman:** Yeah. Is there a reason?

**McGough:** I think a lot of the occupations within the health care system require relationships with patients and individuals and access to -- potentially -- drugs and just the environment is a little bit more challenging, I think.

**Saltzman:** OK. Thanks.

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

**Whitt:** Thank you so much for your time.

**Hales:** Thanks for coming. Speaking of employers, let's call a panel of four of them. Jim Houser from Hawthorne Auto, Bill Dickey from Morel Inc., Llondyn Elliot from Family Story,

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and Judd Rench from Bula Kava House. Come on up, please. Jim, I think you're on first if you like to be.

**Jim Houser:** Thank you very much. Thank you for the opportunity to speak to you. My name is Jim Houser and my wife and I own and operate Hawthorne Auto Clinic at 4307 SE Hawthorne Boulevard -- we have for 32 years. I'm also co-chair of the Main Street Alliance of Oregon, a network of 2500 Oregon small business owners working together to lift up the real voices of small business on public policy.

Twenty-eight years ago, I hired an employee who was upfront about his criminal history. He just recently retired after three decades of one of our best employees. Having a criminal record doesn't mean being a bad employee. In my experience, people with criminal records are often model employees. They are frequently the most dedicated and conscientious. A lot of doors are shut to them, so when someone gives them an opportunity, they make the most of it.

Postponing a criminal background check or asking candidate questions about arrests or conviction records unrelated to job duties until after a job offer has been made gives an employer the opportunity to appreciate that the best person for the job may in fact have a record. In fact, company policies requiring early background investigations may not be in the best interest of either the applicant or the company.

From my perspective, why would an employer want to short-circuit the hiring process and deny themselves the opportunity to hire the best person for the job? In the end, what's good for my community is good for my business. As a small business owner, I know that when people have opportunities to succeed, the local community and economy thrives, and in turn, my company thrives. Thank you.

**Hales:** Thank you. Mr. Dickey, why don't you go next?

**Bill Dickey:** Hi, my name is Bill Dickey, I'm the co-owner of Morel Ink our in Northeast Portland. We're a commercial printing company. I apologize, I left my talking points at home so I'm going to have to do this off the cuff.

I think that this banning the box movement itself is just sort of ending a stereotype. I think that from our personal company's experience, we've about 12% of our workforce have criminal backgrounds, one that developed while they were on staff, one that the person came to us and said "I need help getting a job, I have this problem" and we hired them. And in all cases, these employees have worked out to be great people and do a wonderful job, and we haven't had a negative result in the case of any of it.

I think that the -- listening to the ordinance, it got very confusing for me because to me, all this does is just eliminates the out-of-hand -- eliminating an employee out of hand without having a chance to have a conversation with the employee first. If you and the prospective employee have a chance to get to know one another and the employee divulges this thing in his past, then you get to make a decision. But if you're just looking at a stack of applications and this box is checked and you pass that without talking to the person first, it eliminates you from the opportunity to maybe develop a great relationship and have a great employee.

So, I don't think it really changes anybody's hiring practices, it just gives you an opportunity to meet with a person that you might otherwise not get to talk to who could be a great and valuable asset for your business. And I think that pretty much covers my testimony.

**Hales:** Thank you very much. Mr. Elliott?

**Judd Rench:** My name is Judd Rench, I own a business called Bula Kava House. We're a cafe in Southeast Portland. I have an online store as well. This is our fourth year in business. Pretty quickly, we have gone to -- we're projecting about a half million in sales

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this year from my small business. I'm also a convicted felon and I have two other misdemeanors as well on my record.

I was pretty lucky when I had this idea for my business, I had some good support financially and also just some backing otherwise. But a lot of people with the background like mine -- they don't have that same support. And if I didn't have the support that I did have, there's no way I would have been able to do what I'm doing now. I definitely would have a hard time finding any job because I think as he was saying, you know, having that box on an application that's on so many is just -- I mean, people just automatically look at it like "well, this is no longer a viable employee." And I think my story is so applicable because obviously I'm a viable employee. I think if I didn't own my own business, I would be valuable to a lot of different employers.

I think banning the box and -- it's just really important to get past that and to decide if someone is a viable employee based on something else. Right now, I have six employees. I haven't done a background check on any of them. I just don't see it very -- in my business -- and I know it is different in different business, but in my business, I just don't see it as very valuable to know that. I think it's much more valuable sitting down and talking with someone and then talking to their other references. I think it makes a lot more sense.

So, I support this and I think that I am proof that a criminal background check is definitely something that shouldn't exclude you from a job offer in the first place.

**Hales:** Thanks very much. Appreciate you being here.

**Rench:** Thank you for listening.

**Hales:** Thanks for coming. Welcome. A little button on the bottom of that. There you go. Push that button and it will turn it on. There you are.

**Llondyn Elliot:** Good afternoon, Mayor Hales and members of the Portland City Council. My name is Llondyn Elliot, and I am currently a senior at Jefferson High School and also an emerging leader with the Urban League of Portland's social justice and civic leadership program. I urge you to support the fair chance for all ban the box ordinance because I believe it can help families like mine.

I've seen firsthand the problem that people with prior arrests or convictions have finding a job when they come back to wider society. I've seen my grandma struggle with finding a job that would help her support her family as a single mother. I've seen how stressful it is and how hard she has worked to put food on the table, to keep the water on and lights running, to keep a roof over her and her five children's heads.

Currently, my older brother is in jail, and we have to worry if he will ever be able to get a job because he didn't do something stupid when he was 15 years old. Once he gets out, he'll be expected to be a member of our society, which means getting a job.

I have a cousin who is now an award-winning author, but wouldn't have this chance if no one gave him that chance. If they looked at his prior jail time instead of his abilities, he wouldn't be where he is today, an Everybody Reads author. Who knows what my brother could be when he gets out of jail? Without passing the ban the box ordinance, he will be another person in our economy struggling for a job. Thank you for your time, and I really hope you pass the ordinance to give a fair chance to all people.

**Hales:** Thank you very much. Well done. [applause] Thank you all. Questions? Appreciate you being here. Thank you very much. Our next panel are some folks that are also personally involved in the transition -- getting people through that transition: Sonja Skvarla, Meg Worden, and Aidan Worden from A Social Ignition. Welcome.

**Sonja Skvalra:** Thank you. Hello, my name is Sonja Skvalra. I'm the founder and CEO of an organization called A Social Ignition. We teach entrepreneurship and business inside of our incarceration, and we coach members of our class through their transition and into the

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job force. We teach both at Columbia River Correctional Institution up on Columbia Way and in the Multnomah County Jail.

I'm here today to talk to you about this particular issue because it's close to my heart, but not because I've ever been incarcerated, not because I have ever known anybody who had been incarcerated -- although now I know many -- but before I started this work, I didn't. For me, it comes from a place of participation and economic accessibility and the fact that without true economic accessibility for all people, we don't actually have a democracy. In my opinion, the economic accessibility and everybody's ability to participate will actually help us solve all sorts of social problems due to the diverse -- this is making me a little emotional, thank you for bearing with me.

**Hales:** Not a problem.

**Skvalra:** The diverse voices although I've not been incarcerated so I can't speak to the experience of someone who has. So, it is really important for me to hear their voice in all decision-making arenas, which is why I teach this work.

Business is a key to any sort of positive change, it is huge power source in the way that we conduct ourselves in this country. And providing men with an opportunity to speak the language of business will help them move forward in that way. So, the other piece to our program is not only teaching business, but every time we go into the prison, we bring business leaders with us so that the ban the box is not an issue because they're breaking down the stigmas and stereotypes and building relationships based on the language of business and not on any prior conviction. Thank you.

**Hales:** Thank you, thanks for being here. Ms. Worden, welcome.

**Meg Worden:** Hi, thank you. My name is Meg Worden, thanks for letting me speak. I am the director of strategic partnerships for A Social Ignition with Sonja. I have a private health coaching business and speak all over the country and soon internationally to entrepreneurs.

I am very open about my criminal history. I have a felony. I served time in prison for selling drugs from 2003 to 2005. It has been from the beginning of my release incredibly important to me that I would be able to live in a place free of stigma, which has taken a lot of work because that's not where we're living. It was really important to me that my son isn't have the stigma of my criminal activity that happened before he was born and so I've worked really, really hard on being able to tell this story in a way that engenders compassion and support rather than judgment and fear.

Fortunately for me, I have some privileges -- financially and culturally and educationally -- that other people don't have, and I've been able to withstand the long process after prison it took to try to find a job, which never really happened. It was incredibly dehumanizing. It was incredibly discouraging every time I had to check that box without a face-to-face meeting. I never got a face-to-face meeting.

When I did get a face-to-face meeting, I was put in a position -- after having served my time, after having actually done everything I was supposed to do to pay for this crime, I was still paying for it. I was still being asked to prove myself as a person and as a human, and that's an incredibly hard thing to do with the privileges I had. So, I want to say I cannot even imagine what it is like to be in another position, but I've been fortunate enough actually at this point to have worked as a mentor and as a teacher to many people inside and outside of prison.

This is a population that is in huge part incredibly hungry for opportunity. They are amazing workers. They are people who also in large part have done something with their available skill set and tools rather than nothing, and often those available tools were not viable or legal. And I've watched them -- myself included -- be able to take new skill sets and new tools and new support systems and do amazing things with them.

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I'm absolutely in support of this ordinance because it effectively eliminates legal discrimination for our group of people that, when employed, when they're able to have the opportunity to participate in our economy, it not only benefits us fiscally but also gives us the opportunity to live in a society that is richer, more diverse, and more merciful. Frankly, this is a world I want to live in. This work is really important to me and it's a world I really want my son to live in. And I think that's about it.

**Fish:** Is this poised young man your son?

**Worden:** The guy to my right is here to hopefully pull your heartstrings a little. [laughter] He's done a great job and it is my absolute -- [laughter] -- you don't have to say anything if you don't want to.

**Hales:** He looks like a very serious man --

**Worden:** Just his presence is here to pull your heartstrings. But it's really important to me that he gets to live in an environment that is free from stigma, because there is -- you know, I don't have the exact numbers, but it is very common that the children of people who have been incarcerated are incarcerated as well. And also, he doesn't deserve to grow up in a world where he has to live with the stigma of my mistakes.

**Fish:** Can I ask you just to get parenting advice. Because I think your son is about the age of my son.

**Worden:** He is 12, almost 13.

**Fish:** My son is almost 12. When we go to church or we go to special events, he refuses to wear a tie or a jacket. [laughter] Do you have any --

**Hales:** Maybe Aiden has some advice for your son.

**Worden:** Would you like to answer that question, Aiden?

**Hales:** We'd love to hear from you.

**Aiden Worden:** I don't really know, I just am fine with wearing a tie -- [laughter] [applause]

**M. Worden:** He has great style.

**Fish:** Man of few words but very powerful words.

**Hales:** What has this whole experience of your mom being able to finally work been like for you?

**A. Worden:** I don't know. It's been hard to -- a lot of stuff has happened. I don't really know how to explain it, I'm bad at speeches.

**Saltzman:** You're doing alright.

**Fish:** Are you proud of your mom?

**A. Worden:** Mh-hmm. Very. She's worked very hard to get where she is. So, I support the ordinance.

**Hales:** Well, thank you. We appreciate you being here.

**Fritz:** Aiden, thank you for standing up for your mom and for all people who need a little bit of help like her. Thank you for being here. That was really helpful.

**A. Worden:** You're welcome.

**Hales:** Thank you all. Thanks very much. [applause] We have folks who are now in the process of seeking work that we want to hear from, Trenton Anderson and Mike D'Epiro, are you here? Yes, they are. Good afternoon and welcome.

**Trenton Anderson:** Thank you, Mr. Hales, for letting me come up and speak to you today -- and members of the board.

**Hales:** Give us your name and say your piece.

**Anderson:** I'm Trenton Anderson. I'm a convicted felon. I just recently got released probably about three days ago. You know, there's a lot thoughts that go through my mind when it comes to going out and looking for work. That box is one of them. I've made some pretty poor choices in my life. It took me about three minutes to make choices that costed me three years of my life. In those three years, I made a lot of choices that helped me re-

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channel my thoughts and my thinking and become a part of groups that help me make the right choices, which is Phoenix Rising and A Social Ignition.

With that said, I was able to work with them in there. Not only in there, but they were here to support me once I got out. I totally am against the whole checking the box thing because the choices that I made in the past should be left in the past. Whether it gives them the right to discriminate against me for the fact of what I committed in the past, I feel shouldn't be valid at that point in my application or even in my resume. Because I've done a lot of work being in prison. I've gotten 23 certificates of completion. I've spent three years correcting a choice that I made in a matter of three minutes.

So with that said, I think that there is a lot of things that need to be done here. Social stigma to me is the same thing as racism. I think they coincide because it helps somebody make a decision upon somebody for what the appearance of what they look like is, and I don't think that's right. I don't agree with it. So, I'm pretty much on the equal opportunity rights. We're all Americans. We're all here to try to do the right things for the right reasons because that is the right thing to do.

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

**Michal D'Epiro:** Mr. Mayor, members of the Council, my name is Michael D'Epiro. I want to thank you for having me.

A lot of the things that Trent here said -- there is a lot of similarities to my story as well. I was just released in December after doing six years in prison. Before I was in prison, I had an extensive employment history with a couple of different employers. I had a lot of sales jobs that I was involved in, a lot of sensitive customer information that I was used to handling. Now that I've gotten out of prison, it has been absolutely impossible to get back into the field I was in because of the crime that I committed.

I have had a dozen or so employers that have denied me immediately once they found out that I had a felony. I am in the process right now where I actually do have two conditional offers, one from a large company and one from a smaller company, but it's all pending my background. I've been absolutely up front about what I have done. Even in the interview, there was a gap in my employment when I wasn't involved in school while I was in prison, where they questioned me about it in the interview. And I humbly spoke to them about it. They said, we really like you and would like to offer you the job, but it's pending on what our corporation says.

It makes it difficult -- definitely very, very difficult having a felony. Like I said, the dozen or so employers that I have applied with -- for them to just deny me just because I have a felony, I do believe that is a form of discrimination because I'm more than qualified for the positions that I've applied for. I mean, the positions I have applied for -- again, I'm more than qualified to do them but just because I had to check that box, they denied me.

I have four children, and they do live with me. It makes it hard, you know. Luckily, I am in a position where I have somebody in my family who owns a business that I'm able to work for at this time -- not enough to support my children the way they need to be supported, though. I've spoke my piece.

**Hales:** Thank you. I heard great presentations from people involved in this program, including you. And seeing the skills that these programs impart to people or let them polish, and then have them get out in the workforce and not be able to put them to use is wrong. So, we wish you well. Thank you for being here. Thanks for coming.

Our next panel is from a number of organizations in the community that have worked on this issue. From the NAACP, James Posey; from APANO, Joseph Santos Lyons; from NAYA, Carrie Walters; and from Hacienda, Victor Merced. Come on up. There is a fourth chair if you are all here.

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**James Posey:** Mayor and Commissioners, somehow my name got on for the NAACP, and actually we have JoAnn --

**Hales:** Oh, she's here?

**Posey:** She's here. She can talk about --

**Fish:** James, she put you on. It's the only way she can get you to pay the dues --  
[laughter]

**Posey:** I would like to come up and talk about my small business.

**Hales:** We will do that, too. Thank you. Alright. JoAnn, would you like to go ahead?

**JoAnn Hardesty:** Yes, I'd be happy to. Good afternoon, Mayor and Commissioners. For the record, I'm JoAnn Hardesty. And I am not speaking on behalf of the NAACP because of a time period that's required for a membership organization to take a vote. But as long-time community member who has worked on criminal justice issues, I am here in total support of the measure that you're voting on today.

I want to remind the audience that we Oregonians went from a rehabilitation to a punitive state in our constitution as it relates to people being incarcerated. Where we passed ballot Measure 11, we decided that 15-year-olds should go to adult jails. We decided that five years and 10 months because Kevin Mannix at his kitchen table decided that was an appropriate mandatory minimum sentence. When we voted that into law, we forgot that 97.5% of people who go to jail come back to the local communities. We forgot that state law requires them to come back to their home county. Those resources don't follow those people back to their home county.

If we want people to have dignity and be part of our community, part of dignity is having a job. Part of dignity is being able to feed your family. Part of dignity is being able to say, "I paid for my mistakes but today I'm a better person because of it." If we don't believe in second chances, then we are community that I don't want to live in. I think but for the grace of god, certainly myself, my family members, many people could be incarcerated. It's the luck of the draw, especially if you are African American, if you are low income, if you are from communities that investments have not been made in, because those are the people that end up in our criminal justice system. And if you have mental health issues, those are the people that end up in the criminal justice system.

So when people come back and are willing to work -- because we make them work 40 hours while they're in prison, and they're making slave labor wages while they're in prison. We make them do that 40 hours a week. But when people want to voluntarily work, we create barriers for people to do that.

They're from our communities, it's not like these are foreign-born aliens that somebody dropped in to our community. They came from this community, they should come back to the community, and we should do all we can to make sure that they can be productive members of our community.

And so I appreciate this ordinance coming in front of you. I appreciate your attention today to this and I hope that you will set a standard and a model that says that everyone is entitled to a second chance and if you show that you're willing to work, we'll show we're willing to work with you. Thank you.

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

**Cary Watters:** My name is Cary Watters. Thank you for the opportunity to speak on behalf of the Native American Youth and Family Center here today. I'm also a member of the Tlingit tribe and a Portlander, and a former team member of Commissioner Fritz, so it's exciting to be here in this capacity.

For the past 500 years, we indigenous peoples of North America have experienced terrible injustices. We are disproportionately impacted by the criminal justice system at staggering rates, and I know many amazing community leaders and families that have

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been impacted directly and indirectly by the system, myself included, that have so much to give and should not be unfairly impacted by the stigma associated with this status.

Through our engagement on this issue, our community has become very excited and encouraged by this step in the right direction to reverse the injustices of our society. By your action here, you are affirming your commitment to equity and justice. I hope that this is eventually extended to the state and housing as well, but even having this conversation is a victory in and of itself. Thank you for your bravery and leadership on this initiative.

**Hales:** Thank you.

**Victor Merced:** Thank you, Mr. Mayor. For the record, Victor Merced, the executive director of Hacienda CDC. Commissioners, thank you for inviting us to testify on of the ban the box initiative. I will say that at Hacienda, we employ 44 staff. We have some ex-offenders on staff. As a matter of fact, I just recently hired someone to the management team that had an extensive criminal history. One might ask, why would you hire that person? Quite frankly, she was the best and continues to be one of the highest-performing employees that we have at Hacienda.

We have close to 400 units of housing that we have on Killingsworth and Cully, and we have ex-offenders that live in those housing units. We are opening the first Latino Mercado on 72nd and Foster, and there is an ex-offender among some of the micro mercantes. So we believe in giving people a second opportunity, second chance, and not having to repay their debt to society over and over and over again.

I just want to say one little thing about when I was the housing director for Governor Kulongoski. To get ex-offender housing funded was one of the most difficult projects we ever had to undertake at the state. As a matter of fact, it took me three years before we actually funded an ex-offender housing project both in Klamath Falls and Eugene. And it took an extraordinary lift from myself, from my staff, from the governor himself to intervene because of the NIMBYism that was associated with relocating those folks through those projects.

I believe that once you've paid your debt to society you're done and you move forward, so I thank you for taking this initiative forward. By the way, there are about a half dozen television cameras outside waiting to talk to you all and I plan to be one of them because I want to address the issue publicly as well. I think this is a great opportunity for you all to show some leadership, and I'm glad that you are taking this forward. Thank you.

**Hales:** Thank you. James?

**Posey:** Good afternoon, Mayor Hales and the rest of City Council. You know, as I listen to the testimony here, I have so many emotions because I come at this at so many levels. I am actually here as a representative of the Coalition of Black Men.

I'm also a small business owner -- I have a deli on the corner of MLK and Stanton that's been there for 15 years. I had an open invitation to Commissioner Fish to come by, he says he's never been there. But I don't know, 15 years ago on the corner was a cross between prostitution and druggies coming from Dawson Park -- that intersection was really kind of a hole in the wall. So I started this deli restaurant, a place where people can come to the internet and do their laundry. It's really a pretty novel idea.

Most of the people that I hire come from that community and I feel pretty proud of trying to hold down that corner because there really is a stigma about Northeast Portland and especially African Americans, and to be able to overcome that stigma, to be able to provide jobs and give people a productive, insightful look at Black people doing something productive. You know, I hasten to say that the stereotypical view of what Black men do and how they do it is not a good one. And it's another reason why I started my construction business. You all see my crews out there putting down asphalt and doing work -- it's a



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labor of love trying to introduce the idea that Black people can do something positive, constructive.

I don't know if people understand that work defines you and if you don't have a job, if you're not doing anything productive, then it becomes more than a depressing thing for you, it really colors your whole existence. I was struck by the lady's comment about being a death sentence. I don't know if people understand when a person can't get a job, it's not only a death sentence for that individual but it's a death sentence for the entire family. We have grown men living with their mothers who can't feed their children.

This is just the minimum that you can do in terms of changing and turning that around. So, I implore you to continue to make these situations available for people to work who really want to show what they can do in this community, and your leadership is greatly appreciated. Thank you very much.

**Hales:** Thank you. Thank you very much. [applause] We have a few more folks we've asked to come to today -- some more folks looking for work. Welcome.

**Jill Heimensen:** Mayor Hales and Commissioners, my name is Jill Heimensen. Thank you for giving me the opportunity to speak today, I really appreciate it. I live in Southeast Portland.

After a series of unfortunate family events, I was married almost 20 years to a dentist, when we split he decided to stop working the practice, so the practice went under, we went through bankruptcy, foreclosure, and then he got remarried and decided to go after my kids. And that's when I made a huge mistake -- we were in a long, protracted custody battle and I made a mistake and landed with two misdemeanor assault charges. That mistake landed me in three years' probation, which included plenty of taxpayer rehabilitation services including anger management classes, parenting classes, community services, and so forth.

My first point I want to make is having to go through these rehabilitative services and then when you're finished with them being basically discarded by society, it makes it so it's kind of pointless to go through the services to begin with.

My second point is after this incident -- well actually during the incident, I was going to college Portland State getting an economics degree with a goal to earn enough money to take care of myself and children. Unfortunately, I ended up with \$70,000 in student loans that I cannot pay off because I've been applying for full-time jobs in the past year and have barely gotten an interview. And when I have gotten an interview, it's been do I bring the topic up or do I not bring it up? And if I don't, then they hire me -- it makes for a very unfortunate, complicated situation.

So, I admit my mistake, I have taken full responsibility for it and now I'm just really looking forward to having a chance to move on and this ban the box would make a huge difference for me.

I just had a few other points I want to bring up with the testimony. Commissioner Saltzman, you were wondering how this would work with a small business. The last job I did have, I was working at McCullough Research. It's a very small consulting firm, there's only a few people work there. During the interview process, he didn't ask about any of this kind of stuff because he's an economist -- and typically I have an unusual background --

**Saltzman:** Robert McCullough?

**Heimensen:** Yes.

**Fish:** We're the reason he has a thriving business -- [laughter]

**Heimensen:** Well, good -- I'll be sure to tell him that next time I see him. Well anyway, the topic never really came up until several months after me working there and it was just -- this process would give somebody like me a point in the interview process where I can be -- because I am not interested in not telling the truth and not disclosing things to have

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happened to me. But in the same token, I want to be able find employment. This process gives me a chance to be honest with the employers before they're hired and so that everybody knows we're on the same page.

So, the second thing -- Mr. Fish, you had mentioned about the notices -- you were saying the employers with the --

**Fish:** I was just saying as a former employment lawyer representing plaintiffs, I was just trying to think of an example where when you did not hire someone, you were required to give them a document that sets forth all of their legal rights. Because what I was looking for was an analogy that we could piggy back off of. The forms you're talking about are legally required to be posted, like the minimum wage and sick leave, those kinds of things. This would be a separate notice. I'm just trying to figure out where has that been tried and has it worked?

**Heimensen:** OK, I don't actually -- I was just thinking they had the employment notices up there.

**Fish:** Well, that's a good idea. It might be something that is simply posted at the workplace so that that takes care of the notice. It might even be better than giving a separate notice.

**Heimensen:** Correct -- OK. That sounds great. The other thing is the two-day notification period -- I agree with you that it is too short. I've been in a situation where I've been given notice and next day I have to be in court and there's very little time to prepare. I'm thinking at least five business days would be fair -- that's just my humble opinion.

And then of the final thing I wanted to say is about having the administrative process to go through as opposed to having it be a court process because like you were saying, hiring -- I've called on many lawyers, and they all want \$5000 for a contingency fee. If you're unemployed looking for work, it's not going to happen. So, with that, thank you for letting me speak today and I truly hope you will support this.

**Hales:** Thank you. Thanks very much. Thanks a lot. Thanks for coming.

**Thi Vu:** Hi, my name is Thi Vu. Mayor Hales, Council members. My niece and nephew say I'm the greatest uncle in the world. But today, what I am is that I'm a student of Portland Community College, I'm a full-time employed member of society today. I balance my passion for art and my passion for helping others. It doesn't always work the way I plan but in the end, like everyone else, I do my best and leave the rest up to the power greater than myself. So, this wasn't always the case.

As in the past, my being able to be gainfully employed was hampered by many things, the most significant one being a past felony record and the box that read, "have you ever been convicted of a felony?" When I would answer truthfully, I was always denied an interview. When I would lie and get the interview, most times I would get the job. Unfortunately, I always worked hard. I would get promotions and eventually would have to do the background check in order to advance further and my felonies would be found out and I would be terminated.

My employers always said they regretted having to do this because of policy. But when I asked them if they would have given me the interview had I answered truthfully, the answer was always no. So when the campaign came for ban the box, I saw this as a solution not only for myself, but for many others that will come after me searching for a chance to fit back in and participate in society.

Banning the box will allow someone such as myself the opportunity to get into an interview and present myself as how I am today, not how I was. It will allow my potential employers the opportunity to weigh my worthiness based on my present self rather than my past self. So, what I'm asking today is to help support ban the box campaign. Vote your approval for it, please. Allow men and women like myself a chance to prove ourselves based on our actions today. Thank you.

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**Hales:** Thank you. Welcome.

**Emanuel Price:** Thank you. My name is Emanuel Price. I'm the founder of SCAFE, Second Chances Are For Everyone. It's a nonprofit organization I founded four years ago to help men and women after they transition from prison to society. I also am a Human Rights Commissioner. I also am a metropolitan public board member. I'm also an HIV/AIDS awareness prevention person which all of the work they do is inside the prisons.

I'm also a convicted felon. I spent four and half years of my life in Oregon correctional facilities. I'm born and raised in Portland. After completing my sophomore year in college in Virginia, I came back to Portland and made idiot mistakes with some idiot friends and ended up going from a full-time student to a full-time prisoner in the correctional facilities.

A lot of what we do at SCAFE and some of the other work I do is about building relationships with businesses and employers. And for me, I suffer the same things everybody else has suffered as far as looking for employment. Most recently, I'll share this little story. I was hired by one agency to work with pretty much kids in the school district. I'm very transparent about my background; it's on the back of my business cards, and instead of letting society hold my background over my head continually where it would cost me a job or an apartment, I decided to take all of that pain and anguish and turn it into SCAFE.

So, I disclosed my background on every application and the entity that hired me had a contract with someone else to work in the district. They hired me. I had three interviews. I was kind of questioning whether I would get the job or not. And I eventually got hired, and one thing to working with the kids -- my background was ran. I never didn't disclose my criminal history, and I was fired -- let me stop. This is how it happened. I was hired, fired, hired, fired, and rehired again.

I am 37 years old. Like everybody else, I have needs and things of that nature. I have a four-year-old daughter who actually goes to a school where I am working at. And that for me was just another blow to continually trying to debunk the myth that folks who have prior criminal convictions are all those stereotypes that we think of without having to name them. But I know it has made me a stronger person and a better advocate for people who have faced the same background I have.

I really support ban the box because oftentimes, people don't get the chance at all. They fill out the applications. I've interviewed three or four times for positions and like the gentleman said earlier, sometimes I'm overly qualified. I've even flipped burgers and pumped gas and bartended -- and not that I'm above that, but that is not what I saw my career as being.

So, being able to remove that question from the application and housing applications would really help because it gives people hope. And often, the people who want to work will work. Not everybody is going to be a perfect outstanding citizen, but the ones that want to get out and work and reclaim their lives and show people that they can make it and that they're not a stereotype and will not fall into the cracks -- I think it's important to show case that. And since Oregon is always the number one entity in leading and doing things, I think it will be great for you all to support this.

I don't think that all of the titles that I have -- they don't make me who I am. I would never have thought I would be a Human Rights Commissioner. I never thought I would sit on the board of the Metropolitan Public Defenders. That was the furthest thing from my mind. But they don't look at my background. In fact, they were actually more welcoming of someone like myself who has continually gone through barriers to get to where I am today. And I'm not at the pinnacle of my success. I always feel like I'm five or six years behind because of the time I lost.

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Overall, I really know this will be good for Oregon. Instead of us spending \$32,000 a year to house and incarcerate an individual, it would be great if we could empower them and employ them to earn their own \$32,000 a year, which is about \$2600 a month. Not everybody will have the opportunity, but I guarantee you once this ordinance is passed it will boost Oregon's growth. It will build relationships with families. It will make more employees more employable, and it's just something that I believe in because I'm a victim of not being employed or having to go through barriers to get employment.

It's the same thing I tell the kids I work with -- let me be an example. Don't make the same mistakes I made. Even though I know better and I was in college and all those good things and home-grown, I still fell through the cracks. And as we heard earlier, the school to prison pipeline is real. And if we are not able to get a hold of that and really tackle that right now -- we don't want to come back 15 years from now and talk about statistics and percentages by way of the school to prison pipeline and then another ordinance to remove an additional box for people who have barriers.

I am in support of this and I appreciate the time you guys are taking to hear this. This is something that is important. It not only affects Black folks, it affects white folks, Latinos -- it affects everyone. I support it and I ask that you guys do the same and I appreciate your time.

**Hales:** Thank you all. Thank you all very much. [applause] Let's bring up folks that worked to bring this all together: Tom Chamberlain from AFL-CIO, Doug Cooper from Mercy Corp, and Mike Alexander from the Urban League. Come on up. Good afternoon. Welcome. Who would like to be first? Tom?

**Tom Chamberlain:** You know, it's pretty much been said. The process screens people out who have served their debt to society.

I have lived in the city all my life and I've seen Portland grow from a city that had a lot of prejudice in the '60s to a city today where we consider ourselves to be pretty tolerant. My Portland is about giving people a fair chance and ban the box.

The only thing I would add to the conversation is don't create a policy that's hollow. I don't think that's the course you're going down, but create a policy that really does something. Create a policy that gives people a chance to get in the workplace and turn their lives around. If you're not going to do that -- and I don't think that's your intention -- don't go through the exercise. But these people deserve a chance. That's all they are asking for. My name is Tom Chamberlin. On behalf of the 300,000 men and women of the Oregon AFL-CIO, we support fair chance.

**Hales:** Thank you. Thanks very much for your leadership on this. Welcome.

**Doug Cooper:** Thank you. Thanks for having us this evening. My name is Doug Cooper, I'm with Mercy Corps Northwest. I'm here because of the work that we do in helping people reenter the community from incarceration.

We operate the RTC, the Reentry Transition Center that sees about 1000 people a year coming from incarceration back to our neighborhoods. We also teach classes. I've been teaching a class for about seven years at Coffee Creek on entrepreneurship and self-employment to the women there.

I would echo what Mr. Chamberlain said, that I can add very little to the experience you've already heard. What I would like to add to the testimony is our experience at the RTC of the great number of people that we work with who've made real serious mistakes in their past but who are now making good faith and honest efforts to become productive citizens. Their success is really the best case scenario for everybody. It's the best case for them, for their families, and for their community.

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This proposal helps create that best case scenario, so we fully support it. We hope that it's enacted by the City and we expect to see it having great positive effect on people we work with. Thank you.

**Hales:** Thank you. Thank you for the work you do. Michael, welcome.

**Michael Alexander:** Good afternoon. Mayor and Council, thank you for having me. I'm Michael Alexander, I'm President and Chief Executive Officer of the Urban League of Portland.

Yesterday afternoon around one o'clock, I saw a poll conducted by the Portland Business Journal that asked, "should employers be banned from asking job seekers about criminal backgrounds on job applications?" This was around one o'clock. 74% felt the question shouldn't be asked and that removing the box would broaden the talent pool available to employers and give applicants a chance to explain their past problems. And that gave me tremendous lift and validation because it seemed to me that the general leadership of the Business Journal was in agreement with the work that we were doing on this issue.

Well, last night before I left the office at 6:30, I thought I'd check the poll again. And the percentage of support had fallen from 74% to 33%. And the number of people who felt that employers should be free to decide on their own whether or not they screen for criminal backgrounds at any time had gone up to 50%. This morning, it was at 53%. It's clear that this is a proposal within our city that does not have universal support.

Being able to institute a change of this type has monumental impact to many people in our state and our nation. Across America, 65 million people have criminal histories. That's 20% of the population of this country. 33,000 Oregonians are either incarcerated or under the supervision of the Department of Corrections. And although African Americans constitute 2% of the state's population, we constitute 11% of those who are under the supervision of the Department of Corrections.

The work of the Urban League and numerous other organizations is focused on assisting these individuals to reenter communities, families, and workforces successfully because we all know that -- as has been stated several times -- the best deterrent to recidivism is a job. The bottom line is that all of these individuals who are committed to redirecting their lives deserve a second chance and a fair chance.

The challenge that we face today is a daunting one, but we're joined by a number of people in our Portland family in support of banning the box and removing this structural barrier to employment. It is with particular appreciation that I acknowledge that the Portland Business Alliance has publicly stated that they're fundamentally in agreement with the goals of banning the box. The League and the Alliance both agree that we have an opportunity to create a more equitable path to employment for many in our city. We agree on the principle of moving the [indistinguishable] regarding criminal history and the use of background checks further into the interview process. We do, however, find ourselves in a position of what I would call violent agreement when it comes to the issue of when that inquiry can be made for criminal history or background checks.

I know that many of the concerns that have been raised by some of our colleagues within the business community are related to the potential legal exposure we heard about earlier or the belief this policy will be administratively burdensome. But as has been stated, we have the opportunity of looking at the experience of almost 100 cities, states, and municipalities who have enacted various types of ban the box legislation to find out what works and what didn't work, not whether we should do it or not do it.

Many of our friends and colleagues within the business community prefer a policy that would allow for background checks after an interview has been given but before a conditional offer has been made. And on its face value, that may sound to be a reasonable

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approach. But we would ask you to consider the following concerns that we have at the League as to why that is not the best approach.

One, we know that the EEOC has recognized tying criminal histories and background checks to a conditional offer as a best practice. We also know that many of the corporations within our city currently follow this process. And in looking at creating the recommendations for this ordinance, we looked to see what was a best practice within industry, within business that was currently working, and this is one.

Allowing the use of background checks after an interview and before conditional offer creates a high risk that the decision will be made to eliminate a candidate before the determination has been made as to who the best candidate is. Waiting until an offer is made ensures that employers are gathering information for the purpose of determining a hire, and not as a process for eliminating consideration of candidates.

And I have to say that it also gives some sense of confidence to people who are making applications for jobs that background information collected on a group of individuals under consideration will not be kept within the database of an organization so that it comes back to haunt an individual who may apply for a job in the future that they are the best candidate for, but that information is housed within the database of an employer who will use it in future considerations for employment.

I know this is a complex situation. As we work our way through it, I hope that we will keep in mind that honorable people can disagree. Let's also keep in mind that all sectors of this community agree on much more around this issue than we don't agree on. I hope that if we can stay the course, we can then turn around and begin to address that 55% of the respondents of the survey yesterday who didn't think this was even worth our taking the time to talk about today. Thank you.

**Hales:** Thank you. Questions?

**Fish:** I have a question for my friend Tom Chamberlain. Tom, you said you were concerned about the possibility of hollowing this out. And you've been working on this issue for a long time, it runs very deep. Is the concern you have primarily focused on the timing of the background check and preserving a private right of action? Are those the two things that you would consider a hollowing out?

**Chamberlain:** Enforcement and when you have that background check. I think you can play around with that background check to really, you know, negate your policy. So, I don't think there's a lot of room to play with it.

**Fish:** So the timing is important. And on the enforcement side, the proposal that's before us has both an administrative remedy and a private right of action. Do you have a strong view based on your experience as to whether the City did the enforcement mechanism or whether we contracted with state labor commissioner to do it?

**Chamberlain:** I really can't speak to that.

**Hales:** So what we should do -- [speaking simultaneously]

**Fish:** [indistinguishable] I'd think you might have a strong view. But we're talking about whether the Bureau of Labor and Industries has that subject matter expertise that the people who know how to do it -- that we should contract with rather than creating our own.

**Chamberlain:** What I think is important -- whatever which side you come down on whether it's BOLI or private right of action -- that it's real, it has teeth in it, and it's enforceable.

**Fish:** Let me be clear on that because you've been very thoughtful on this. My question is about the administrative side. Do we want the City Attorney to be handling the administrative mechanism or do we want to contract with BOLI? I think it's a big question we have to look at and it will in part depend on what our distinguished Labor Commissioner thinks about whether that's an appropriate role to play. Just wanted to get your sense. Thank you.

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**Chamberlain:** Thank you.

**Hales:** Questions? Thank you all very much. Now, I want to call up some folks whose help we'll need to make this work, and that is Marion Haynes from the Portland Business Alliance and -- if she's still here -- Heather Hoell from Venture Portland. I think we'll go another 20 or 30 minutes with testimony. We'll see how much longer people can stay. Go ahead, please.

**Marion Haynes:** Heather left, so you just have me. Marion Haynes of the Portland Business Alliance. I want to thank Michael for his comments. I do think that there is a lot of agreement on this issue.

The Alliance was aware that there were groups interested in pursuing this issue as early as last summer and so we took the steps of pulling a group of our members together -- large businesses, small businesses, local businesses, multi-state, and some of whom have banned the box voluntarily on their own employment applications. So, we had a wide ranging view.

I want to be really clear that the Alliance does support removing the box from employment applications. I think Michael gave a little preview of some of the areas where we do think that the details matter and we hope to have more conversations about the timing of criminal background checks.

Flexibility is important for employers. Every employer is different, their hiring practices are different, their workplaces are different, the requirements of jobs are different. And so, having some level of flexibility in the timing of those background checks for different kinds of employers is important. Do we have some that wait until a conditional offer is made? Yes. Do we have others that don't wait until that point? Yes. Do we have some -- like the Alliance itself, we don't have applications. We have no box to check and we don't do criminal background checks. We've hired a number of people that do have criminal backgrounds.

So, every business is different and that flexibility is something that we want to be mindful of as we're looking to adopt an ordinance to get to this really important goal. Because whatever we do, it should work. And so working for prospective employees and for the employers that will be hiring them is important.

The private right of action is also something that gives us some concern. We have reviewed ordinances and statutes in other jurisdictions around the country and have found that the private right of action and waiting until the conditional offer -- while they do exist out there in other ordinances -- are kind of the outlier. Not as many jurisdictions go that direction.

So, thank you for the opportunity to comment. This is a really important issue. We support the goal. We support removing the box from the application and we look forward to more dialogue about some of the specific details. Thank you.

**Fish:** Marion, you've been very clear -- your organization has been very clear about your values on this, which is that you support the movement to ban the box and you support the goals. This hearing is not to do the sausage making, this hearing is to frame the issue and find out people's concerns and then we're gonna draft something. Let me put the question to you. Do you have a strong feeling one way or another about having either the City Attorney do an administrative remedy or contracting with BOLI?

**Haynes:** We have not taken up that issue specifically, Commissioner. I would offer two thoughts but I could come back to you in more detail.

**Fish:** Please.

**Haynes:** Cost effectiveness I think will be something that we would want to look at and ensure that we're doing something that is most cost effective. I would note that there is some familiarity and existing relationships and interactions with businesses and BOLI. So

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again, I'll come back with more information, but I think that existing relationship provides some value since they're doing a lot of other employment law oversight.

**Fish:** Thank you.

**Hales:** Thank you. So Marion, thank you. We will call on you for more feedback as we get further along. Let's take a pause here for a second. Let me talk about the process which based on this discussion and Council's agreement.

We're going to ask that the City Attorney prepare an ordinance that addresses the issues that Judy laid out at the front end and that we also queue up Council discussion of the questions that have been raised today. We also have folks who've signed up to testify and I know we're going to run out of a quorum today. So, one option would be to just not take public testimony now and let those folks who are signed up be first on the list when we come back to the ordinance. That's probably our best choice even though some of you have waited a long time. I know we're going to lose a couple members of the Council in the next 15 minutes, right?

**Fish:** And Mayor, let's be clear -- the Council is going to draft an ordinance. We're going to come back and debate it. For people here who want to testify to do something, the Council is going to do something. The question is the details.

Judy did a wonderful job laying out the framework. Might I suggest that in whatever timeline you establish for getting legislation drafted, one thing we do is just arrange for her to visit each office just to get some feedback from this hearing and then have a chance for us to do our follow-up questions, also based on what we have heard from the testimony. Then perhaps a draft piece of legislation could be posted for comment and then we come back for hearing.

**Fritz:** Could we see a show of hands for who hasn't yet spoken that was hoping to?

**Hales:** OK, we've got about a dozen or so. So, you want to take 15 minutes and take the folks that we can take?

**Fish:** Commissioner, what's your conflict?

**Hales:** When do you have to leave?

**Fritz:** In about 15 minutes.

**Fish:** I have about 15 minutes.

**Hales:** OK, let's take 15 minutes. Let me make a couple suggestions. One, if you can wait, we will make sure that we keep your contact information and sign you up first for the next hearing. If you would really prefer to testify this evening, we're going to try to give you the chance. If we call your name, again, if you defer, one, we want to make sure we have your email address so we can send you a copy of the ordinance when it's drafted if you'd like that; and two, we'll keep you on the list as someone who can testify first at the next hearing.

**Fish:** Can I just offer one other suggestion. Mayor? We've all been taking copious notes. We've had a full presentation on the issues. Frankly just from my point of view, having someone say they support doing this and then an issue that maybe we haven't heard about. If there's something you don't think we have been put before us, that's especially useful right now so we get to have a full record to make the legislation off of.

**Fritz:** The other piece -- Mayor, you mentioned in the State of the City address that you are looking at some tax breaks so there's in addition to the requirement there would be some incentives. That I assume will come as part of the budget process?

**Hales:** Yes, it'll come as part of the budget process but we should at least have those conceptually before us when we act on the ordinance itself.

**Fritz:** Great.



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**Hales:** Good. So, with that understanding we'll call the list of folks that are signed up. Again if you defer, you're not going to just get lost in the system, we'll call you back at the next one.

**Fish:** Mayor, I think your practice is you get called first at the next hearing. If you defer, you're first for the next hearing, which actually is a pretty good deal.

**Hales:** Come on up. Jamie, please.

**Jamie Partridge:** Mayor and Commissioners, I'm here representing Portland Jobs with Justice, which is a coalition of 95 organizations, labor unions, community groups, and faith-based organizations for workers rights. I'll cut through my remarks and say we're basically here to support fair chance, ban the box, and we're particularly concerned that the criminal justice system is a biased system that disproportionately incarcerates people of color, and this is a race equity issue -- banning the box. It's exciting that you're going forward with this. Thank you very much.

**Hales:** Thank you. Welcome.

**Katy Murphy:** Hi, Katy Murphy. I am an advocate and also a concerned citizen. While I appreciate this ordinance and I think it's a start in the right direction, I worked with many people helping them expunge their records. It's a process. We have one organization here, clean street, I think -- I haven't seen anyone from here -- but it's a process that I had to learn how to do working with 26 of my clients.

When people come to me with a criminal history and they don't even know how to decipher the information, they don't even know where to get their background checked, they don't know how. And some of our partners -- the nonprofits also do not have the resources to help people to get their records expunged. And so I'm afraid that when we draft this ordinance and it happens, there's going to be a bottleneck. Because just like when people request their credit histories and they get 30 days to dispute it and there are some changes going on now nationally where that's really going to speed up, there's going to be a bottleneck in the process because it's going to take time.

It took me time from picking up my client, taking them down to the Metropolitan Public Defenders office where I partnered with myself and them to help them get their records expunged, to help them get at a low cost -- it costs money, it costs \$500, \$600 to get an attorney. People are poor.

And so this is great, this is a step. But unless we can get it expunged before the unnecessary things that are on there that they don't even know can be expunged when they go in front of that employer and have that criminal history -- it's really going to create a lot of -- take a lot of time.

**Fish:** Ma'am, we hear you loud and clear. I think you meant Project Clean Slate, and we fund that. You're absolutely right, if we don't expunge those violations on people's records not only does it prevent them from getting a job but it prevents them from renting successfully.

**Murphy:** Exactly.

**Hales:** I appreciate that. Make sure Josh Alpert, who's behind our Council Clerk, has your contact info because we would like to work with you on that specific issue.

**Murphy:** That's great, thank you.

**Hales:** Thank you very much. Mr. Walsh?

**Joe Walsh:** My name is Joe Walsh, I represents individuals for justice. We would just echo the AFL-CIO -- if I understood Mr. Chamberlain's position -- not to have you create a paper tiger here. That if you just take the box out and then you back up and allow people to do preliminary checks before there's a job offer and those things, that's how you weaken this. You make it a paper tiger.

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When I first heard about this, I thought it was such a small step. Every day, we incarcerate more people than anyone else in the world. So yes, you have a right to be concerned about this because it's a major issue of people coming out, not being able to get a job and being excluded by a check mark for god's sakes. I congratulate you for taking it up. Please don't make it a paper tiger. Thank you.

**Hales:** Good point. Thank you. Come on up, Ms. Young. Welcome.

**Sonji Young:** Hi, there. Mayor Hales and Commissioner Fritz, Saltzman, and Fish, I'm Sonji Young. Currently, I serve as the former chair of the Human Rights Commission for the City of Portland. I also serve on the governor's task force on elder abuse. But today, I'm not here on behalf of either of those organizations. I'm actually a recruiter by day -- I work in human resources -- and this conversation has sparked a lot of volatile conversation among human resources professionals. I thought that I would bring the perspective as a recruiter.

The concern that I have is from not only an enforcement perspective but the education and public outreach perspective. As we have seen with other employment law, there needs to be teeth behind it in order for it to actually work. As an employer -- as someone who works for a fairly large employer -- unfortunately, there are instances where we have had to work around these types of initiatives because of the type of work that we do. But I think the public outreach and education piece is paramount in making sure that something like this is actually successful.

My suggestion and something that I would ask that you all consider is perhaps instituting an employer advisory board, something that would enable local employers to actually bring forth their concerns about the ordinance before it is actually voted on and passed. I think that's an opportunity to really provide that initial outreach piece. The Portland Business Alliance obviously has done a great job of providing some level of outreach, but to have an even keeled platform for employers to bring forth their issues and ask those questions to vet them in a very reasonable context. That would be my recommendation and I appreciate your time.

**Hales:** Thank you.

**Fritz:** Yeah, that was what Commissioner Saltzman and I did with sick time, as you remember.

**Hales:** Right.

**Fritz:** And that was just three meetings, it wasn't like the endless task force. But it was very helpful in crafting an ordinance that we all were able to then support. I appreciate that suggestion.

**Young:** Thank you.

**Hales:** Thank you. Welcome.

**Shalonda Menefee:** Good afternoon, Mayor Hales and City Council members. Thank you for the opportunity to testify before you on this important issue. My name is Shalonda Menefee, and I'm on the steering committee of PFLAG Portland Black Chapter. PFLAG Portland Black Chapter provides support, education, advocacy, and resources for Black lesbian, gay, bisexual, transgender, and allied communities. We represent an important and significant part of this city.

We support and urge you to pass an ordinance that will remove barriers for countless Black LGBTQ people, specifically youth and young adults and thousands more throughout the City. As we live in a culture of homophobia, social stigma, anti-gay violence, transphobia, ignorance, and unacceptance which too often push Black and Brown gay and transgendered people into a cycle of homelessness, unemployment, and sometimes leads to crimes of survival.

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In our groundbreaking 201 Lift Every Voice report created in partnership with the Urban League of Portland, it highlights the experiences and disparities impacting Black LGBTQ Oregonians. The report quantifies our concerns and what we have known about our LGBTQ community. We are still highly disproportioned. In 2012, there were startling rate of 18% unemployment in our community and an estimated 42% of homeless LGBTQ youth of color.

In fact, in every highlighted issue area of disparity we face, the numbers are even higher than our straight Black or white LGBTQ counterparts. As we have heard, there are countless stories of family members and friends who struggle with landing employment or housing due to their criminal background. Nine times out of 10, if they are on parole or probation it is a requirement they find stable housing and employment.

As we have heard, although they have done their time, are rehabilitated, desperate and willing to be a productive citizen and be responsible, they are often discouraged, embarrassed or ashamed to have to disclose their criminal history knowing that it can hinder their opportunity to be called for an interview or get approved for housing. Oftentimes, they feel as if they are still being punished for their crime. For some, this may contribute to the cycle of recidivism.

This is an opportunity to change that, to give individuals who have paid their debt to society a chance to start over and thrive without the criminal history being used against them. We know how important removing barriers are to the members of the Black LGBTQ community. It is imperative that we create opportunities and policies that will remove barriers for equal opportunities. Banning the box will allow individuals with criminal history a better chance to be considered a viable candidate without being prejudged by the check in the box. Now is the time to ban the box. We as PFLAG Portland Black Chapter urge you to pass this ordinance and show that we matter, that we are part of this community, and that the City of Portland is supportive of and invested in the success of our Black LGBTQ community. Thank you for your time.

**Hales:** Thank you, thanks very much. LaQuida, I think you're going to get the last word for tonight.

**LaQuida Landford:** Thank you so much, Mayor. Mayor, Commissioners, I thank you so much for this opportunity. You know, I usually speak when it's of importance to me and the community.

I became familiar with ban the box last summer when I mentioned that I moved back to Portland and prior to that was in Houston doing administrative assistant work at a college where half of the students had been incarcerated. I had students coming to me on a daily basis -- it was a small barber college -- and they were coming to me expressing that they were very much in need of work. I pulled together a small group to have this conversation about what it looks like when you have barriers or when you have a criminal background.

So, we came up with just a little project called BOB, because of my background. BOB can be anyone. In that process, I moved home to Portland and I saw a flier last summer that had a conversation about a fair chance. I rushed over to that meeting which was at Highland Church and I learned a little bit about ban the box.

I also linked up with some folks from the Urban League at that time and wanted to be involved and be a volunteer for whatever canvassing and whatever conversation they were going to have in the community. We did that last summer. It was my first opportunity jumping on the bus with them and doing it in the New Columbia area. So, we went door to door canvassing. It was a very difficult conversation to have with African Americans in the community that felt like, you know, nobody really heard or cared about what they had been through and that they weren't going to have a second chance, period.

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And so with this initiative continuing to keep going, I totally support it. I support second changes. My mom spent 15 years in prison on two terms. So that's affecting not only to myself but my whole entire family. I really would like for this to be something that we can look forward to as we are unique in Portland. You know, we're breaking barriers. I thank you guys for this opportunity.

**Hales:** Thank you very much. Thank you all for being here. We want to apologize -- [applause] -- for anyone that wanted to speak today and can't, but we are going to lose a quorum. We will make sure we keep you on the list for the first position for when we resume. I'm going to direct my able staff member Josh Alpert, who is trying to hide -- not succeeding -- to continue to work with the City Attorney's Office to develop an ordinance. I'd like to have Council members give us feedback. And again, anyone who wants to stay in touch, make sure we have your email contact as well as having you on the list. Other directions, suggestions?

**Fish:** Mayor, just something for the good of the order?

**Hales:** Sure.

**Fish:** Just -- scheduling. We are scheduled tomorrow evening to do the rate have a review hearing. I understand -- I hope we have a quorum. Every member of Council has received a PowerPoint. We got that today. Any questions or comments before tomorrow night.

Mayor, at the execs meeting we were told that there would be no vote tomorrow afternoon.

**Hales:** That's right, and I misspoke today on the radio.

**Fish:** Just so we're clear -- also at execs, I submitted a memo to Council asking that this be put over two weeks with the rationale and laid out some issues. So, we'll take that up tomorrow. Partly it's because last week when I was sick I just wasn't able to do what I intended to do and I think a little more time gets us a better result. I'll make that request tomorrow.

What we have is the Uber matter and then we have everything else. There are a handful of the urban renewal amendments that I think are no longer controversial, but it'll be your call whether you want those disposed of. We have asked that the matter be set over for two weeks.

**Hales:** OK, we can take up that question tomorrow because we're not going to vote tomorrow.

**Fish:** We're not voting anyway, but I just wanted to be clear to everyone else that we've asked for a two-week set over and I will not be bringing amendments tomorrow.

**Hales:** OK. Anything else? I'm going to direct our able assistant City Attorney and my staff continue to work to develop an ordinance based on what we've heard here today.

**Saltzman:** Are you going to convene an employer group?

**Hales:** I think we'll take those suggestions under advisement. We certainly want to hear from the employer community one way or the other. Again, thank you all very much. We're recessed until tomorrow at 2:00 p.m.

At 5:38 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.

**MARCH 12, 2015 2:00 PM**

**Hales:** Good afternoon and welcome to the March 12th meeting of the Portland City Council. Would you please call the roll?

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

**Hales:** Welcome, everyone. We have two time certain items and let's take the first one.

**Item 267.**

**Hales:** Commissioner Novick.

**Novick:** Colleagues, the very brief summary of what we're doing today is first of all, we are quite certain that our existing regulations of taxi cabs can be applied to transportation network companies and their work. However, we thought that it wouldn't hurt to add provisions that make it crystal-certain-absolutely-clear that we can regulate those companies.

The private for-hire transportation market has seen many changes as consumer demands change and technologies evolve. Starting in California in 2012, new types of private for-hire transportation companies emerged that directly connect passengers with for-hire drivers through a mobile app. Companies offering this type of private for-hire transportation service, like Uber and Lyft, have been launched in many cities across the United States and abroad. These companies which came to be known as transportation network companies provide for-hire transportation service that other companies like taxi and town car companies provide which have long been regulated to protect consumers, ensure accessibility, and allow for a fair and competitive market for drivers and companies.

The private for-hire transportation market in Portland, as in many other cities, has experienced changes in consumer demand. To better align private for-hire transportation with the City's transportation system planning goals, the private for-hire transportation regulatory division was transferred to PBOT in July 2014.

In January, I convened a private for-hire transportation innovation task force to review and evaluate the service, performance, and regulatory framework of Portland's private for-hire transportation industry. The task force will provide guidance and recommendations on how the industry should evolve and respond to new developments in the industry, including the entrance of transportation network companies.

Distinguishing transportation network service operators from other for-hire operators -- including taxis and town cars -- sets the state for regulations that specifically pertain to these operators. Now, again, I want to emphasize that we're confident that legally, our current regulations apply to the transportation network companies. And I anticipate that if we allow those companies to operate and we regulate them, generally speaking, they will have to follow the same regulations existing taxi companies. But we thought that it was worth recognizing their existence and defining them.

This ordinance defines transportation network service operators in keeping with how other for-hire operators are defined and distinguished among other for-hire companies, drivers, and vehicles. And I want to thank Commissioner Fritz for suggesting that in addition to defining transportation network companies, we make it very clear that they have to have permits in order to operate and they're subject to penalties if they don't get permits or violate other rules.

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One thing as a caveat is we're going to be proposing to apply the same kind of penalties to the transportation network companies as we currently do to taxi cab companies and their drivers. I actually think that there should be a bigger differential between the penalties applied to companies and penalties applied to drivers than their currently is, but for purposes of simplicity for right now today, we're just simply duplicating the level of penalties that we have for the taxi cab companies. Here to further explain this proposal is PBOT Director Leah Treat.

**Hales:** Thank you very much.

**Leah Treat, Director, Portland Bureau of Transportation:** Good afternoon, members of the Council. Thank you for allowing me to come here today. My name is Leah Treat, I'm the Director of the Portland Bureau of Transportation.

As the Commissioner mentioned, the private for-hire innovation task force has been meeting since January and so far, they've held four meetings open to the public and two forums were convened to follow the task force to hear directly from private for-hire drivers and consumers. Additionally, the task force has and continues to solicit public input as it develops recommendations.

The task force reviewed the definitions included in this code amendment. The task force was asked to provide preliminary recommendation on key safety requirements that specifically pertain to transportation network companies -- or TNCs -- and taxi operators. Those key safety requirements include standards for driver background checks, vehicle inspections, and insurance coverage. The task force will be prepared to present recommendations on those issues on April 9th.

They will likely address other issues being considered by the task force including accessibility, the availability of for-hire permits, and the regulation of fares. Following the April 9th Council hearing, the task force will continue to meet to address those issues and that will be in the phase two of their scope of work.

The ordinance before you today defines TNC service operators in City Code as a distinct model of private for-hire transportation service. The ordinance defines transportation network service operators as follows. A transportation network company means any entity, other than a taxi cab or an LPT company -- and a LPT is limo or non-taxi-type of service -- that operates private for-hire transportation by connecting passengers to transportation network drivers who offer and provide transportation network services through an internet-based, digital, or software platform application.

Second, transportation network driver means any individual operating a private for-hire vehicle who connects with passengers through an internet-based, digital, or software platform application operated by a transportation network company.

Third, transportation network services means private for-hire transportation services offered or provided for compensation by a transportation network company that connects passengers with transportation network drivers through an internet-based, digital, or software platform application.

Fourth, transportation network vehicle means any vehicle driven by a transportation network driver to provide transportation network services. So, these are the four definitions we are putting in the ordinance.

Creating these distinctions is a key step in the process of establishing the regulatory framework in light of changing consumer demands and the changes in the market. These definitions affirm the City's assertion that any person or entity providing private for-hire transportation service must comply with the City's private for-hire transportation regulations.

Including these definitions does not establish a permitting process for transportation network service operators. The permit requirements will be established following the task

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force's presentation of the recommendations. And I should have mentioned at the beginning that I am joined by Rob Burchfield, who is doing a lot of work on this with us at PBOT. Sorry, Rob. That concludes my testimony, and Rob is here to help me answer any questions you may have.

**Hales:** Questions for Leah or Rob?

**Saltzman:** What is the timeline for the committee to present recommendations?

**Treat:** The task force --

**Saltzman:** Task force, yes.

**Treat:** April 9th.

**Saltzman:** That's to report --

**Treat:** To Council. They're going to come to the Council to present the recommendations is my understanding.

**Saltzman:** OK.

**Novick:** I don't have a question but I can't think of another time to say something about Rob Burchfield, who is our City Engineer and management of the transportation systems management group. He's going to be retiring after 28 years with the Portland Bureau of Transportation. Rob started with what was then the Bureau of Traffic Management as a district traffic engineer reviewing operations issues and providing traffic analysis and land use proposals, is that right?

**Rob Burchfield, Portland Bureau of Transportation:** Yes -- [laughter]. It's actually 29 years now.

**Novick:** Oh, wow. In 1998, Rob was promoted to senior traffic engineer and provided technical leadership to the City's new neighborhood traffic calming program. In 1992, Rob was promoted to principal traffic engineer and was responsible for signals, traffic engineering, project support, traffic safety, and the emerging bicycle program. In 1999, Rob became the City Traffic Engineer, with all of the engineering responsibilities and City Codes surrounding traffic engineering and parking. In 2011, Rob was promoted to the role of transportation system management group leader responsible for parking operations, enforcement, traffic design, and [indistinguishable] transportation.

Rob has been instrumental in the design and implementation of cutting-edge neighborhood traffic calming, bicycle planning, and design, and was a primary author of the NACTO bike design guidelines. I'm particularly grateful for his and his group's work in establishing a new system regulating parking for people with disabled placards, which I think I can say without much contradiction has been a resounding success. Thank you very much. I want to wish Rob the best in his retirement and his next career move.

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

**Hales:** Before he gets away, we should consider -- you know, my son was in the army and they had a stop loss provision where if it was an essential person, you could keep them for an extra year or two. I think we might want to consider that because Rob, you're pretty essential and you are going to be missed around here.

**Burchfield:** You better act quick -- [laughter]

**Hales:** It will be a loss for us, and congratulations for you.

**Novick:** Thanks, Rob. Colleagues, before we get into discussion and testimony, I would like to introduce an amendment in concurrence with Commissioner Fritz's suggestion of establishing specific penalties for any person or entity that provides transportation network service without valid current City permits, which are consistent with the penalties already established for taxi and LPT operators. And I've got copies of the amendment here.

**Fritz:** Second. And actually I believe, Commissioner, we're just introducing a substitute, because it also numbers it out a little differently in order to be able to do that.

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**Novick:** I think it's a substitute for some of it, but I don't think the amendment includes the definitions.

**Hales:** Let's take a look.

**Fritz:** I believe we renumbered -- instead of just having 16.40.720, we pulled it out 16.40.720, 730, and 740.

**Novick:** Yes, but I don't think that the amendment itself includes the definition of TNC.

**Hales:** Right. 16.40.030 has the definitions in it in and your amendment does not. It would not be a full substitute --

**Fritz:** A substitute to 16.40.720.

**Novick:** Exactly.

**Hales:** Commissioner Fritz moves and Commissioner Novick seconds the amendment -- or vice versa. Any Council discussion about adopting the amendment?

**Fish:** These are the same penalties that apply to everyone else currently, correct?

**Novick:** Yes, it applies to taxi cab companies.

**Hales:** That's an important consistency. So, let's take a Council roll call vote to accept the amendment and then we'll take testimony.

**Roll on amendment.**

**Fritz:** Thank you, Commissioner. Aye.

**Fish:** Aye.

**Saltzman:** Aye.

**Novick:** Thank you, Commissioner Fritz. Aye.

**Hales:** Aye. Any further questions?

**Fish:** I have two questions, one is either for the Commissioner or the Director. So, any future action that you may choose to take against a transportation network company -- does that come back to us or do you have the authority to proceed on your own?

**Novick:** You mean for violation of these rules?

**Fish:** Yeah.

**Burchfield:** We have enforcement authority under the code.

**Hales:** Already.

**Burchfield:** Yes. And it's basically the staff that administer the program have enforcement authority under the code.

**Fish:** OK. And with respect to the process that you're going through with the citizen body to look at transportation network companies generally -- and I'm particularly interested in background checks for drivers, insurance, inspections, pricing, and access both in terms of making sure that passengers have access to the service regardless of any disability or other barrier.

And also, frankly, a second issue which has been brought to our attention which is it seems that you have to have a smartphone to access certain of these networks and not everyone has a smartphone and not everyone thinks it is a great idea to have payment made in that way as opposed to using legal tender. Would any proposals to change our existing law with respect to these things come back to Council?

**Treat:** They could. I believe -- and I will follow-up -- that I have the authority under the regulatory provisions to write the regulations.

**Novick:** Commissioner, at this point what we anticipate doing is we're going to get recommendations from the task force on background checks and vehicle inspections and insurance on April 9th. I also want to develop a proposal for TNC contributions to accessibility. Because although it might be impossible for them -- if we allow them to operate -- to have 20% of their fleet to be accessible, they should be part of providing accessibility perhaps by paying a fee of some sort that goes into some accessibility fund. So, we're also going to be looking at that.



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We anticipate that it's possible that we might want to do a pilot project authorizing TNCs after we've addressed those four issues but before we've made final decisions about whether we will continue to have a cap on the number of taxi cab style permits and before we make a final decisions on what we might do on price regulation. So, we anticipate we may want to do such a pilot program, however, our intent is to bring to Council a resolution authorizing such a pilot program before it's implemented and to do that after we get the task force recommendations.

**Fish:** Thank you. That was the confirmation I was looking for -- that you would first come to us with a resolution and then the Council would have a chance to weigh in. And frankly, the more I learn about this -- particularly around the issue of pricing, where we with our regulated taxi cab fares, they are required to take certain rides that are not economical because of the distance they have to go to pick someone up and the short route that they then pick up versus those who might cherry-pick which rides they take and the imbalance that that will make in the marketplace. I hope if there are recommendations along those lines, my hope was we would have a chance through a resolution to discuss them. You have now confirmed that. Thank you, Commissioner.

**Novick:** And Commissioner, we really appreciate any suggestions that you might have to address the issues that you're raising, because they are important issues.

**Fritz:** Well, I appreciate Commissioner Fish raising that because it was not my understanding that this is the last chance that we have to change the ordinance. I was expecting that there could be changes to the ordinance, not just a resolution before you move forward with any kind of OK-ing for ride sharing companies to operate.

**Treat:** I'm glad you brought this up, and it is my intention or hope and preference as well that I am directed by Council, whether it's through ordinance or resolution on how we should proceed -- that I would not move forward solely with my authority and code.

**Novick:** Commissioner, my apologies if we haven't communicated this to you as well as I had hoped we had. I mean, the Director does have authority to implement temporary regulations up to 120 days. And we were thinking that -- I mean, I've been saying for the past year that I think that the absolute limit on the number of taxi cab permits and the price regulation regime that we have are somewhat unusual in the broader context of American capitalism and there are things that we might want to reconsider. And I think that it might be valuable to run an experiment where we see how the market works without a limited number of permits and without price regulation, but again, before launching any such thing we plan to come back and get a resolution from Council.

**Fish:** And just speaking for myself, I'm agnostic as to whether it is a resolution or ordinance, I just was hoping that the Council would have a chance to have that conversation and you have confirmed that we will. I appreciate it.

**Fritz:** I hear Commissioner Novick saying you will not do that pilot without coming back for permission from Council. Because we are having a hearing next week, I believe, on the taxi cab permit issue, it's kind of strange to have that hearing if there's some suggestion that all bets might be off or all rules might be gone.

**Novick:** Although, if we ultimately come to the conclusion that there is not a limit on the number of taxi cabs and similar entities that having approved additional permits for the taxi cab companies sooner will be helpful to them because they can start ramping up for a new world. They're better off if they have authorization for it because it takes them a while to ramp up. If we might at some point eliminate the cap on permits, they're better off if we lift the cap now.

**Saltzman:** So I have a potential amendment that I want to flag here. I've talked with Commissioner Novick about this. There is a bill in the legislature that has actually passed the Senate Transportation Committee that would exempt taxi cabs and TNCs from having

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to use the hands-free devices. In other words, it would permit them to use their cell phones. I think that's a recipe for disaster. I would like to put an amendment here in this ordinance that says all private for-hire vehicles must be equipped with hands-free devices, all private for-hire drivers must use hand-free devices. And I want to add it today because if this bill does pass the legislature, we probably face a risk of preemption. So the sooner we get this in the ordinance, the better. So, I would make that motion.

**Novick:** I certainly appreciate the intent. What I'm wondering is for existing taxi cabs that may not be using phones at all, do we require them to have hands-free devices? Director Treat, do you have any thoughts about this?

**Treat:** My only thought is that state law already prohibits the use of a cell phone without a hands-free device.

**Saltzman:** I know, but there's a bill working its way through Salem that would grant that exception to taxi cab and TNC drivers.

**Fritz:** Commissioner, I'm willing to second that motion for discussion. I'm wondering though, is it something that we could bring back next week with the other taxi cab issue so that we could -- do you think that would be time enough?

**Saltzman:** Are we dealing with an ordinance next week? I mean, I want to make sure it's part of an ordinance.

**Fritz:** It's the permit thing coming back to Council.

**Burchfield:** The hearing next week is not an ordinance. It's basically -- as I understand it, it's a hearing in which you will make a de novo decision regarding an application for a new taxi cab company.

**Fritz:** So that doesn't affect the code.

**Burchfield:** No.

**Saltzman:** I think we need to get it in code so that we will not be preempted.

**Novick:** Commissioner, is the real point you want it clear that no operator of a private for-hire vehicle shall use a cell phone while the vehicle is in motion without a hands-free device?

**Saltzman:** Yes.

**Hales:** And your theory is -- and I think your theory is correct -- that if we act by ordinance prior to the legislature's action, we would have standing as that regulation would be grandfathered. You feel that way?

**Saltzman:** That's my feeling. I don't know that for absolute certainty but that's my theory, yes.

**Burchfield:** Clearly a better position to be in than the converse.

**Hales:** Similar to other issues where we've tried to get to where we think policy should be before the legislature heads us off at some pass.

**Fish:** Can I seek clarification on something? If it doesn't pass the legislature or is vetoed by the governor, then this would be moot. But we would otherwise have -- this would just be reaffirming our existing prohibition, correct?

**Saltzman:** Exactly. I don't think it would hurt to have it in here.

**Hales:** Do you have something written out? I want to do this, but I'm a little nervous about doing it verbally. Do you want to try to --

**Fish:** Do you have copies of the amendment, Dan?

**Saltzman:** I don't. This is something that I -- I've been tracking this issue, it's something I've been concerned about. I've talked to Commissioner Novick about it and I just felt here's an opportunity to get something in an ordinance and hopefully insulate ourselves from a bad law passing.

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**Novick:** I'd ask the City Attorney and Director Treat of what they think of the language I rattled off a minute ago, that no person shall operate a private for-hire vehicle -- so use a cell phone while operating a private for-hire vehicle without employing a hands-free device.

**Saltzman:** That sounds good to me.

**Linly Rees, Deputy City Attorney:** It sounds good to me, too. My question is, should TNC also be included in that since we are setting them up as a separate entity in the code?

**Novick:** OK. Should we say then, private for-hire vehicle now includes TNCs once we adopt this. Rob, what do you think?

**Burchfield:** I think it does. I prefer to -- do you want to come up?

**Hales:** Let me make a suggestion. I think there's probably Council consensus that we want to do this, but what I would recommend is that we continue this item until later in the Council calendar today and that gives you a chance to go check in with the City Attorney and make sure that we got words right, bring it back to Council as an amendment.

Because this is an emergency ordinance, so we would like to adopt this amendment today included in the ordinance, but make sure that we have the words on the page to capture the sentiment. Because I don't see any disagreement about the idea.

**Saltzman:** No, I'm fine with that.

**Hales:** I think you're catching this in time, Commissioner Saltzman, and I don't think there is any questions about whether we should have this policy, which is the law today.

**Fritz:** Good catch, Commissioner Saltzman. I would suggest it can go in 16.43.40, which is driver conduct requirements and prohibitions. And it includes things like driver shall not use profane or obscene language offensive to the passenger or smoke or defraud people. It would go very well under there.

**Saltzman:** Mm-hmm, yeah.

**Fritz:** So it would go very well under there under 14 -- what Commissioner Novick just said.

**Saltzman:** Yeah, and I'm fine if staff want to caucus and come back to vote on this later this afternoon.

**Hales:** So, why don't we take testimony? Because the public may not want to sit around and make that sausage later but they might have some opinions about the policy in front of us and then we'll continue this until the end of the Council session.

**Fritz:** May we vote on putting the amendment on the table or are we waiting on that?

**Hales:** Why don't we vote on the amendment as stated?

**Fish:** Didn't we get advice last time that a second is sufficient?

\*\*\*\*\*: It's been moved and second --

**Hales:** OK, so the amendment is before us. We will complete the process when we have a document in front of us, whereas in the other case we already had the document in front of us. Alright. So, any other questions for our team? Or any other curve balls for our team? If not, thank you both. Does anyone want to testify on this?

**Moore-Love:** I show two people signed up.

**Hales:** Please come on up. Oh, other item. Alright. Is anyone here that wants to speak on this item? Going, going -- OK. Then we're going to continue item 267 until later this afternoon and take up the next set of items, which are 268 through 273. If you could read those, please, Karla.

**Item 268.**

**Item 269.**

**Item 270.**

**Item 271.**

**Item 272.**

**Item 273.**

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**Hales:** Thank you. Patrick Quinton is here to respond to Council questions and direction from the public hearing.

**Patrick Quinton, Director, Portland Development Commission:** Yes, thank you, Mayor Hales. Good afternoon, Commissioners. What I have here is a quick presentation that responds to the range of issues that were brought up in testimony from our last hearing. It's somewhat of a disjointed presentation, it jumps around to a lot of different issues. And then I am happy to talk about any other issues that you want to bring up.

So, this is the quick summary of the topics we were asked to come back and address and we'll walk through them, but the issues were the -- we had a summary of the impact of the changes to affordable housing. We were asked about parks and transportation -- we have that. There were some questions about the history of our Block 33 transaction in North Macadam, so we can bring some information on that. There was also some questions about both previous expenditures in Central Eastside, as well as the request from the Brooklyn Neighborhood Association on their request to be included in the expansion area. And lastly, there was some questions specific around things like the post office and more general about the level of our budget and the projects in the River District. And I guess the general question was, are these all necessary or do we need to have funds allocated for these projects?

Taking these one by one, this is a consolidated chart to talk about the impacts of the changes and expenditures to parks and transportation with respect to the full package of the urban renewal amendments. The big picture here on this is the Education Urban Renewal Area was very specific around the set-aside, it was specific around payments to the County as a result of the impact of urban renewal on the County's budget, as well as a handful of buckets of expenditures related to the investments around the PSU campus. It was not as specific to transportation and parks expenditures as you would have seen in other urban renewal areas. So, the net effect is that this is net positive obviously to both parks and transportation.

The top line is just a summary of the overall numbers. So, it's not -- parks and infrastructure start below that top line. There's a net reduction as was the intent of the overall package of over \$76 million in non-housing-related TIF. But when you go into parks and infrastructure, we've been able to through the expansions proposed in North Macadam and Central Eastside in particular actually fill out a number of line items related to parks and transportation. So, you do see increases in both of these categories in both urban renewal areas. And then as a result of the contingency left at the end of North Macadam that is un-programmed but we presume the direction of Council after the set-aside would be to think about additional parks and transportation expenditures. There's a net increase of over \$16 million to those two categories.

I can walk through the actual line items, but that's the net effect of this and like you said, it's largely because there wasn't much programmed in the high level summary of the forecast for the Education Urban Renewal Area for parks and transportation.

Moving on to the summary of the North Macadam Block 33. And without getting into all of the details here -- people can read these but -- Block 33 is a super block, basically two city blocks, very large block in the central district of South Waterfront that was purchased by OHSU. So, it's an OHSU property. And around you see the timeline in 2006, PDC acquired air rights. So, not the land, but the rights to develop above a future garage for affordable housing, and so we paid essentially \$6 million at that time for that. \$3 million was a prepayment on parking in the garage to be built and then the other \$3 million was the payment for the air rights on that.

The agreement also stipulated that when OHSU broke ground on that property -- and once again, it's a super block, so it's a pretty massive project that would have

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happened on there -- that they would have built a garage that would serve as a development platform for two buildings. One would be an affordable housing tower, the other would be OHSU administrative offices. And then at that time would have to contribute our share of that garage, which was estimated to be \$4 million. Once again, we paid the money up front for the air rights. Some of it was a prepayment but we would have to have paid an additional \$4 million to build this parking structure.

In 2010, both OHSU and PDC in the middle of the recession realized this is not going to happen. We were not going to move forward with the project as envisioned, and so we both set out to unwind the transaction. Had OHSU broken ground, we would not have had \$4 million to put into the garage. So we unwound the transaction, and you can see here OHSU repaid to us \$3 million that was a prepayment on our rights to parking. They also paid us \$1 million in transportation SDC credits which we have been slowly selling off and getting the cash, and then we have another \$2 million remaining in the property should OHSU develop it. And so, that money has come back to us and it is replenishing the set-aside. So when it comes back to us, it's as if it was never spent so it doesn't count permanently against the set-aside.

**Fritz:** But we would get that \$2 million back?

**Quinton:** It's contingent on the sale of that property, so it would be built in to the -- whatever OHSU makes on the increase in value of the property, they would share with us \$2 million to make us whole on that property.

**Fritz:** And is there a time limit on that?

**Quinton:** It's -- you can see it is in the next seven years. I don't know if we have -- I can get back to you on whether or not there is a requirement that they sell it at a point in time, but we can give you an answer on that.

**Saltzman:** It does not count towards the set-aside, that \$2 million?

**Quinton:** As it gets paid back, it doesn't count towards a set-aside. We're assuming eventually that that money will come back to us and so it would not count against a set-aside.

The last thing which I think you all have a copy of -- if not, we'll make sure -- but at the time, the PHB/PDC split had occurred and so we went to PHB and asked for their consent on this transaction. And there's a letter that Margaret Van Vliet wrote in response to this saying that PHB agreed that this was the best move for all, that PHB wouldn't really have an intent of building such a building and incurring this kind of expense on this kind of project.

Next one, jumping back to Central Eastside. There was a question about whether we had considered closing out the Central Eastside Urban Renewal Area and creating a new urban renewal area to make an investment in the Clinton Triangle. Once again, a lot of numbers on this. On the left side, you have the current scenario in which we're unable to unlock \$32 million from both the expansion and the extension of the urban renewal area. To generate that amount of resources would require obviously another 30-year time horizon of a new urban renewal area and would require the creation of an urban renewal area bigger much bigger than the triangle. So, we still would need to look at an area that would capture about \$125 million in assessed value. That would be a substantial geographic area just to get access to the same resources.

The other point to make on this is that the resources would not come online -- as is the case with new urban renewal areas -- for quite a while. We would not have access to \$32 million in any of the time frame that we think makes sense for the redevelopment of the area around the Clinton Triangle.

And we've had different conversations with you over the past couple of years as we have looked at this. We looked at a number of different scenarios as to how to accomplish

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these objectives. And Commissioner Novick was particularly interested in a variety of scenarios. We ran a lot of different scenarios on new versus existing urban renewal areas and so we are quite familiar with these dynamics.

The extension of an existing urban renewal area presents the best opportunity to access resources in the near term to get projects done now. New urban renewal areas really are designed to accomplish long-term objectives that don't require immediate investment in projects, and that's really the trade-off that we are making here with this urban renewal area package.

There were questions about investments in the Central Eastside outside of the categories we were talking about, and we wanted to remind people about the history of expenditures since '98. You can see the breakdown here. In addition to the property redevelopment investments, we have made significant investments in open spaces. It's really the esplanade. So, the esplanade was funded by this urban renewal area and with tax increment. And then of course, the streetcar was funded in part from tax increment here.

We've had relative to other urban renewal areas significantly less investment in this urban renewal area in loans to businesses, affordable housing, and you can see other types of community development -- kind of smaller grain activity that we do, particularly in our neighborhood, particularly urban renewal areas.

Central Eastside Industrial Council has been very clear in expressing the desire to make investments in growing the business base within this urban renewal area given what they believe has been a front-loaded investment in things like parks, like the esplanade and the streetcar.

Moving on to the request from the Brooklyn Neighborhood Association. Obviously, there were a lot of different scenarios considered in how we were to expand any of the renewal areas on the Central Eastside. We looked at a number of different iterations. There's no right and wrong. The major logic which we talked about last time and which the steering committee that met on this -- you know, they came to the same conclusion as that. The addition of a geography of this size -- and you can see the is size on the map relative to the expansion area as proposed -- would significantly dilute the limited resources that are going to be created through this amendment.

It's not that there aren't worthy investments to be made along the corridors highlighted in yellow, it's just that it really does stretch limited dollars and there is a strong priority in supporting development along the light rail line and keeping it as close to the current boundary of the Central Eastside as possible. That's why this would -- this part of the scenario was rejected. And in addition, the expansion area -- this additional expansion area would also dilute some of the other planned expenditures that were be proposed for the core part of the legacy part of the district.

Lastly, I just want to kind of highlight some of the priorities that still remain in River District. As City Commissioners, I think we have conversations about these projects all of the time. Sometimes it's helpful to remind people who don't hear about these projects that they still are queued up and remain priorities. These are four of the major categories, but just last year, the City Council passed the Old Town/Chinatown Action Plan and through that plan we committed to \$52 million over five years in investments in redevelopment activity and other activities to support the development of neighborhood. We have part of that money allocated for seismic assessments and hopefully work to do seismic improvements on buildings, we have the hope of improving the parking infrastructure within the neighborhood. We view that as a commitment. Council passed that and we view that as a commitment.

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The next one, Centennial Mills -- there's been a lot said previously here about Centennial Mills. I won't go into it. It remains -- it's a property that we own and that we have an obligation to address in some form or fashion. It will have a cost to it no matter what, whether it's \$20 million or slightly less than \$20 million or more than \$20 million, we're actively in the process of scoping that out. We are scoping out the cost of demolition as we speak. If it comes in and it's less than that and there's a way to not do anything else -- which I think it is premature to talk about that -- that would obviously be money freed up for other things. Right now, we're taking a somewhat conservative approach and saying \$20 million needs to remain in our budget for Centennial Mills. You were leaning in there, Commissioner Novick.

**Novick:** You said that you are trying to determine how much less it might cost if we simply do demolition and make it safe. I wanted to ask what that might be and you said you are analyzing that. So, we don't know yet how cheap this could actually be.

**Quinton:** Right. And we also don't know, if you were -- and this isn't about Centennial Mills here -- if we were to totally demolish that site -- and that's not the current plan, but if we were, what we would be left with what would be a hole because it's all below street level. What else we would need to do as well -- there's a lot of unknowns in determining whether 20 is too much, too little, or the right amount.

Union Station. Of course, we still have an uncertain path of completing the rehabilitation of the station. It's not a structurally sound facility with regard to seismic events and would need substantial upgrade. The dollar amounts required are significantly more than nine million, but our history to date has been to access federal money and use our money to leverage federal money, so we need to have match but we have \$9 million allocated for that.

Last but not least, the post office. There was specific reference made to the post office and whether or not the transaction that we have contemplated for the post office requires us to maintain any money in the budget at all. I'll just state -- it does. The number is big but it's just like any other transaction. If we are able to go in and buy that property, we would need to hold it, do all sorts of things -- master plan it, do the proper way of soliciting interest in the property, making sure that the needs of the community are met. So whether there's additional open space requirements, affordable housing requirements, there's rights of way that need to be developed. So, it will not be flipped -- which was what was characterized here at the last hearing we had -- it will be either money -- in the best scenario, money that we invest and get back out but it would still take a few years. In the worst case scenario, it's money that we put in and don't get out but we get a new district that adds significantly to the community, and that's also part of the role that our money plays.

**Fritz:** Once we sell it, what happens to the money?

**Quinton:** The money would come back into the district. And the way our districts currently operate, it's money that could be used for additional projects so it increases the resources available. But you know, decisions could be made at that time as to what happens with it, if it needs to retire debt or some other purpose. So, it doesn't automatically have to go into the new projects. But once again, the number on here -- this is a big number relative to the projects. If I have a million dollar piece of property and we sell it and get a million dollars back, the current practice is to put that million back into the community. It's treated as TIF, so it goes back in as TIF to another project or into five projects. So, we treat it as resources that are available for future investment.

**Novick:** Patrick, suppose we spent \$35 million and got \$45 million back. Would we have to spend it in the district or could we at that point close the district and say that \$45 million goes back to the various taxing jurisdictions?

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**Quinton:** That's kind of an incomplete scenario, if you will. We've talked about this enough, so you know there's always complexities to this answer. The ability to shut down the district depends on how much debt we have outstanding and our ability to repay that debt and whether the bonds are due, and so those are all the considerations. The 10 million above what we paid alone is not going to shut down the district, but --

**Novick:** Actually -- I mean, no matter when we shut down the district -- if at some point we shut down the district and we have X million left over, does it get redistributed -- can we redistribute it to the taxing jurisdictions?

**Quinton:** I think it is unclear where those resources go, whether they're redistributed, whether they retire debt, whether they return to the City. We can get you more definitive answer from -- I actually would go to our bond council on that one because I think it's uncharted waters, I would say.

**Saltzman:** Are we expected to acquire the site from the postal service and then to pay for their relocation also? Is that part and parcel of --

**Quinton:** The principle all along with the post office -- or at least the most recent iteration of this deal is that they will -- they would have an interest in selling their site to us if they could move into a new facility without any additional cost. So, the trick is, do those values match up? That's where we're at right now in terms of our conversations with them. So, it's not in addition to -- we're not buying it from them and paying to relocate -- they simply want to be able -- if they are going to vacate that site, which is functional site for them right now, they would need a comparable site and they would have to have no money out of pocket. Otherwise, they would stay with the current operation. That's the balancing act that we're working on right now with them. I would say -- we think it's possible. We think it's possible to achieve both of those outcomes.

**Hales:** Other questions for Patrick? OK, then stand by because I think --

**Fritz:** We're all done with the presentation?

**Hales:** Unless you have questions?

**Fritz:** I do have some more questions about the Central Eastside district. I'm wondering why the TriMet tracks are included in the expansion area.

**Quinton:** You did ask that question. I might have to call somebody up who is -- yeah it's just the way it was drawn. There's no investment attached to the tracks. It could be drawn out. We've done that in the past, if that's what you are asking, but it isn't meant to imply that we are going to make an investment or we've made an investment in the tracks. The investment we made was on the North Macadam side. Is that what you are asking? I'm sorry.

**Fritz:** For the Central Eastside.

**Quinton:** Yeah, so for the Central Eastside, it was drawn -- just been drawn in a basic triangle. It hasn't tried to exclude anything in between --

**Fritz:** So the proposal to add 16.23 acres but 8.72 of that is right-of-way. I understand why Powell needs to be in there, but I don't understand why the TriMet tracks are in there because what I'm hearing you say is we're not planning to do any kind of improvements there.

**Quinton:** And I don't know where the eight acres comes from. I don't know how much of the right-of-way is developable. So, some of the right-of-way that was acquired by TriMet -- Jillian Detweiler probably knows more than I do -- is actually developable. They relocated businesses and so there is a buffer there that is still developable that TriMet actually owns that has development potential. I don't know how much of the eight includes the actual tracks themselves -- yes, there's no planned investment. We can look at what that encompasses.



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**Fritz:** So perhaps before the next hearing, I would like to get that information because it makes it appear that the expansion is 16-plus acres, and it looks to me like at least eight or half of that, it is TriMet tracks and right-of-way. Then it comes down to there's only 7.5 acres of actual developable lots and the question is -- the next question is, have we yet determined how much of the Fire Bureau property may be co-owned or was purchased with Water Bureau money?

**Quinton:** I think we know that. It's the question -- the next questions are what the value of the Water property relative to the rest of the site? It's a very complicated land ownership and so it comes down to the valuation. So, if you talk about how to properly dispose of a Water Bureau property and make sure that ratepayers are made whole, we have to determine that value of the piece of the property and we're not there yet and it's interlocking.

**Fish:** Patrick, some of the wealthiest people in New York City are people that bought fractional interest of land and then sold them for an astronomically amount of money because you could not build a high-rise without their five square foot. So, we're certainly willing to sell for a reasonable price. [laughter] We think we're in a strong position.

**Quinton:** We're well aware of the disposition procedures that have been put in place, and we obviously are going to work with the Commissioner's office to work within those boundaries on that part of it as well.

**Fritz:** I would like to have more of that information as soon as possible. If we only have \$20 million and maybe a large part of that is owed to the ratepayers and is not available for investment in the triangle, it becomes even more questionable whether we should invest in the Stacy and Witbeck 3.37 acres. The Fire Bureau has got 3.32. There's only four other very small land owners. The majority of that site is City and so it's important to know how much the Fire Bureau's and how much is going to go back to the ratepayers.

**Quinton:** Yes, we can get you that information. You know, the proposed investment in the triangle is really infrastructure to create developable parcels. It's not necessarily to acquire the properties, it's to make them developable so that someone can come in and acquire those properties. So, there's utilities that run underground, there's street infrastructure that needs to be addressed, and there's the stuff on Powell that needs to be addressed. The bulk of the investment isn't around acquiring properties, it's around putting infrastructure in for development.

**Fritz:** Yeah, but why would we then -- who then benefits from the development?

**Quinton:** First off, we're improving the value of publicly-owned land. The sale would benefit taxpayers and ratepayers. But that's also the question we are have about community benefits for development. We talked about affordable housing, we've talked about other things. I still think that's a conversation to happen, but there would be community benefit and expectations around anybody who acquired that site and benefited from the infrastructure investments.

**Fritz:** And since there is just one other major land owner other --

**Quinton:** I'm sorry -- and Commissioner Saltzman, he has put out the covenant on affordable housing, right --

**Saltzman:** I think as shared with all of you after the last hearing, you know, if the Fire Bureau property does transfer, then I intend to make sure there is a covenant, a deed restriction that requires that affordable housing be developed on that Fire Bureau property.

**Fritz:** Are you going to be able to do that within the next two weeks -- to put that deed restriction on?

**Saltzman:** I'm happy to come up with some language, I guess.

**Fritz:** I think that's important --

**Quinton:** Being able to -- [speaking simultaneously]

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**Fritz:** You might not be the Commissioner-in-Charge of Fire at the point that it's --

**Saltzman:** Yeah.

**Fish:** That's outrageous.

**Hales:** [laughs] But we're nowhere near being able to be ready to sell --

**Quinton:** Procedurally, all of these things would come back to Council. So, sale of property comes back to Council, development agreement on that property comes back to Council -- I mean, all of these things would come back to Council for separate approval.

**Fritz:** Well, comparing the specificity that Commissioner Fish has been valiantly working on in North Macadam and that I and Commissioner Novick are hoping to look at with the Zidell property, has there been any discussion with Stacy and Witbeck about a development agreement for their property?

**Quinton:** There's been plenty of conversation. We've had actually collective master planning conversations. I don't believe we've crossed over to the stage of the development agreement, but they've been part of our conversations around what development is possible in that full triangle.

**Fritz:** In the information that you've given us, there's some break-out about how much might go to affordable housing, how much might go to transportation infrastructure, etc. off of the 20 million. If part of that money needs to be given to ratepayers, that's less than 20 million. So, can you come back with a greater specificity on how much really we're going to have to invest in that triangle?

**Quinton:** I can come back with scenarios. Once again, I'm not convinced that we're going to be buying the Water Bureau property. So, we could make the investments for the infrastructure and then we have development parcels that can then be put out and sold, and ratepayers are made whole through the sale. It's -- I mean, our normal process wouldn't have us having us figure it out at this moment. But as you saw through development scenarios, there's a scenario in which it's better for us to acquire it and then complete the parcels and sell it. There's also scenarios in which we allow it to be sold. Either way, our intent is to get full value for those parcels so that it is not -- so that it's at least a net zero to us on the land. We believe that what's missing -- because the utilities that run under the site are significant enough that no private investment will take care of that. That's what we feel that is the most necessary piece for us in that part of the district. We have other investments on the Central Eastside that are in that list, but this is particular to the infrastructure utilities within this triangle.

**Fritz:** Right. And it just seems to me that we're proposing to spend at least \$10 million on the infrastructure which then will benefit a private party as well as the Fire Bureau and the Water Bureau, and then we should have more certainty that we're going to get some payback from that private party.

**Hales:** We're nowhere near proposing the expenditures -- they have a list as they do on each of these districts of potential expenditures, but the property is zoned industrial, occupied by a Fire Bureau maintenance facility, and has a giant sewer under it. There's so much work to do before we know what the development scenario is. We can ask Patrick to supply this information, but it is still all entirely speculative, right?

**Quinton:** Yeah, and --

**Hales:** We've no idea of what's going to be developed there or when.

**Quinton:** And I think there's probably room to have the intent expressed now about being affordable housing and other outcomes. We have to make sure that we can still track the development to make these things happen. I think that's appropriate as outcomes, but I don't know that we can get into project specifics in this triangle given all the unknowns. I think that's where we are at. Like I said, our goal is not to be in an ownership position of the Water Bureau site or the Fire Bureau site. Our goal is to --

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**Hales:** It's a little bit like the situation in the Pearl District, when at this stage of the process, we knew we needed to take down the Lovejoy ramp. And we knew we couldn't have development there until we took down the Lovejoy ramp and built streets because it didn't have any. And to try to see around the corner to exactly what kind of building was going to be on the block that was then occupied by the Lovejoy ramp would have been no more predictive of reality than trying to predict exactly what's going to be built on the Fire Bureau property.

**Fritz:** With all due respect, Mayor, that's not what I'm asking. In the Pearl District, we had a development agreement or were moving towards it with Hoyt Street Properties. In the North Macadam, we had talked with OHSU, we knew who the major land owners were, and we had a framework for an agreement. I'm not hearing that we have that with Stacy and Witbeck.

**Hales:** We absolutely don't, nor do we have one with ourselves -- we're the other big property owner.

**Fritz:** I'm less worried about ourselves, because we are for the public purpose and we are investing public money around public properties. I'm concerned about moving forward with a major expansion which sends the timeline out to 2051 for the payback to the taxing jurisdictions without knowing what the public benefit is on the Stacy and Witbeck property.

**Hales:** And you think we need to know that before we expand the urban renewal area in every case?

**Fritz:** Yes.

**Hales:** OK. Well, that's an interesting theory.

**Quinton:** Just a point of clarification -- I was just checking on that. The bond -- under the current scenario, the debt paid off in Central Eastside by 2030. So, the calculations tossed around about 2051 relate to the payback for how long -- but the district ends, the debt is paid off in 2030.

**Fritz:** But the payback is still 2051 if we extend it.

**Quinton:** The payback -- if you're saying how much was forgone and when do we make up for it in tax revenues, but the debt is not outstanding until 2051.

**Fritz:** Right.

**Quinton:** OK.

**Fish:** Mayor, is this a good time to talk about timeline and next steps?

**Hales:** First, it's a good time to talk about amendments because I think there are some. And then it's my intention to take action on proposed amendments today and set this package for second reading on the 25th. So, that was our intention for today. We are now going to open the floor to amendments on any of these items that Council members want to bring forward.

**Saltzman:** If it's appropriate, I would offer an amendment that says upon the transfer of any Fire Bureau land in the Clinton Triangle, an affordable housing covenant be recorded against the deed. That removes the issue of who's the Fire Commissioner at the time if we put in in right now.

**Hales:** OK. Is there a second?

**Fish:** Second.

**Hales:** Alright, any further discussion on that? Let's take a roll call on accepting that amendment. And that's to -- sorry, we have to make sure we are talking about the right one -- that is to 268.

**Fish:** So Mayor, Dan had previously circulated that his intention to do that. Since you're the sponsor of the package, do you have a position on it?

**Hales:** I'm comfortable with that amendment.

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**Fritz:** And Mayor, your intent is we will vote on proposed amendments and take testimony?

**Hales:** I don't believe we can take testimony on amendments, but let's hear what you have to say about that.

**Fish:** Well before we get to that, I think we have some potential confusion about -- let's -- should we vote on this and come back to the timeline?

**Hales:** Let's vote on accepting the amendment first.

**Roll on amendment.**

**Fritz:** I don't usually vote without knowing what the vote means, but I appreciate the amendment. Aye.

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

**Fish:** So Mayor, in terms of our timeline here -- as you and I have discussed, there are a host of issues that -- first of all, there are a number of ordinances which I'd be prepared to vote on today or next week because I think they're now non-controversial. I understand from your office that you would prefer to have the whole thing taken up as a package.

**Hales:** That's right. This is the first comprehensive reform of urban renewal in the history of urban renewal and I'd like to go big or go home, and therefore I would like to do this as a package.

**Fish:** I respect that. I just want to be clear there are items here I would be prepared to vote on today or next week. The two-week interval was intended to address a number of issues I have raised with my colleagues in writing at execs and then privately. I want to be very clear, with the follow-up discussions with PDC and PHB that have been terrific to work with the Housing Commissioner; your office, Mayor, has been great to work with; and my colleagues, I may very well have an amendment to offer. So, I appreciate the two additional weeks. What I can't say today is that -- is that I won't be -- I won't be bringing forth an amendment in two weeks. With that understanding, and reserving the right to bring amendments, I'm comfortable with the two-week set over.

**Hales:** OK. Other amendments to other items on the docket?

**Novick:** Yes, Mayor. I have a small amendment to the North Macadam item which I freely admit might not even draw a second. It's meant to be a compromise of a certain issue which might not satisfy anyone other than Patrick Quinton and myself.

In exhibit B, a report accompanying the fourth amendment to the North Macadam urban renewal plan -- I'm going to pass out both the amendment and strike-through that shows what would be replacing it. What it currently says is that, among other things, 4.5 million of set aside for commercial -- anticipated for commercial redevelopment, loans, and grants; 7 million for infrastructure/open space; and 2 million for target industries. And I was rather inclined to take some of the money currently slotted for commercial redevelopment loans and target industries and reallocate it to infrastructure/open space, and I suggested that. Patrick wasn't too excited about that, but was comfortable with the idea of saying that we should have one over-arching category of infrastructure, open space, redevelopment, totaling 13.5 million given that at this point, PDC doesn't know what kind of commercial loans or targeting it might do and I can't say for certain exactly how much I would be planning to insist on for transportation. So, this amendment would postpone the debate over how that \$13.5 million is allocated to another time, in effect.

**Hales:** In both -- for it's own sake and to help out Patrick Quinton, I'll second your amendment. Further discussion of Commissioner Novick's proposal?

**Fish:** Mayor, do you intend to support this?

**Hales:** I do.

**Fritz:** Could I get a clarification on whether we are taking any testimony on amendments?

\*\*\*\*\*: The question is about public testimony?

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**Hales:** Yeah.

**\*\*\*\*\*:** If you look at the code, the code says that public testimony shall only be taken on the first reading of an ordinance. My understanding is that the first reading was a couple of weeks ago of all of these, that the public hearing or testimony portion was closed. So, I don't believe there should be any public testimony today.

**Hales:** I'm always happy to take public testimony, but if that's what he thinks, I don't think we should.

**Fritz:** The challenge is I haven't seen this amendment prior to two minutes ago, so I haven't had any opportunity to discuss it with my bureau directors or my staff, and I would like to hear from the public as to whether they think it's a good suggestion or not.

**Fish:** Can I just ask a question of the sponsor? It looks like you are doing is just putting a new header and just aggregating dollars, is that correct?

**Novick:** Exactly.

**Fish:** You're not actually prioritizing how the money will be sent within the category, you're just putting a new header and lumping the money together.

**Novick:** Quite so.

**Hales:** Here's why I support that. At the risk of sounding a little pedantic and referring back to the other discussion, please look at the label at the top of the graph, it's estimated project expenditures. This is not a budget, it's an estimate. Urban renewal areas are a box on the map in which we sequester new tax value and do things with the money. Two things have to happen for that money to be real: assessed values have to go up and people have to build things. This is an estimate, not a budget, because we don't know how much development activity is going to happen in this district or any other. I think, frankly, the Council has become -- has taken a very detailed interest in spreadsheets that are estimates as if they were budgets. My opinion. I think they are what they say they are, which is estimates.

**Fish:** Patrick, can I ask you a question on this? Because I haven't seen this either. Does this amendment in any way either decide the question or tilt the field about how money might be spent as between the two priorities of open space and infrastructure? Does it substantively change --

**Quinton:** No. It changes the flexibility but doesn't tilt it in one way or the other. As the Mayor just pointed out, it puts the question off. And we still will go through a budget every year and we go through -- as you know from our budget -- we come to a budget you actually vote on the upcoming fiscal year budget, and we present you with five-year forecast. So, there are multiple looks at our budget year after year after year, both the current year and down. So, my guess is should something come up two years from now and it's something we're proposing or someone else is proposing out of this line item, it would then be broken out of this as a budget line item and say park, or it'll say a street, or it'll be some redevelopment project and then you get a chance to vote on it at that point.

**Fish:** So, we're not moving money from one proposed pocket to another, we're just sort of lumping money under a new category.

**Quinton:** Yeah. And remember, the conversation started because -- whether we had it characterized properly or not, we had money allocated in the report that we sent that said it was I think open space or whatever. So people were saying, "why it is open space, why isn't it transportation?" I think this is way to say we're not trying to decide that today, we're leaving it open to use it to the best way at the time to achieve the outcomes of the district.

**Fish:** Commissioner Novick, is that consistent with your understanding as the author?

**Novick:** Pretty close. As I said -- although the Mayor is perfectly right, these are estimates, these are not budgets. But I was paranoid about the presumption that \$6.5 million would go to commercial redevelopment, loans, and target industries while leaving 7 million to be

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divided between infrastructure and parks. So, I was inclined to say infrastructure and parks we should say up front to get more than that. Patrick wasn't excited about that particularly given the preliminary nature of all of this, but he was comfortable about the idea of having one catch-all category, and my assumption is that without that presumption, about half of that 13 million would go to commercial redevelopment loans in target industries, in the future, I might have a fighting chance to get more than half of 7 million out of that 13 million pot.

**Fish:** I think I've also heard him say also on an annual basis is at the discretion of the Council whether it approves the budget, and it includes each URA.

**Quinton:** Yeah, and as the Mayor said, part of my job is to remind everybody that that is have to be tax increment generating projects. That was the reason I pushed back when Commissioner Novick recommended -- it could very well be that that money could be spent on other things. We just didn't want to leave out the possibility that we need to help the taxable projects in the district in addition to doing the infrastructure and open space. That's why we have that bucket that still allows us to do that. And it could be that a street is the best thing that we can put money into, or a park is the best thing we can put money into to generate taxable development. So, it does leave open that for when we actually have opportunities in front of us.

**Fritz:** Commissioner Novick, why did you not also add the 8.3 million for the SW Bond design engineering construction? It seems to me that is still a question as to whether that's the more appropriate transportation priority than, say, the South Portal?

**Novick:** I think that Bond is a high priority for OHSU and also to handle additional bicycle traffic in particular that we expect to have after the Tilikum Crossing was built. So, I was comfortable with the idea of leaving Bond as something we assume we're going to invest in and hoping for the South Portal that we might get some of the resources but also -- I mean, the intent is to give us a chance to fight for a bigger share of that \$13.5 million for the South Portal at some point in the future.

**Fritz:** The challenge, of course, being there's not enough money for parks and transportation in the entire district. So, if we're looking at transportation as a whole, \$8.3 million for Bond I think should still be under discussion.

**Hales:** I disagree with that. Again, as someone who was involved in creating this district, the point of this district was to enable Oregon Health and Sciences University to remain in the City of Portland instead of building an expansion campus in Hillsboro. It seems like ancient history now, but that's why we did this and built an aerial tram and extended the streetcar. And SW Bond is essentially to carrying out the street grid map that Vic Rhodes and I drew on a piece of paper -- hastily, but fast enough to keep someone from building a gated community on the South Waterfront waterfront, and to enable Joe Robertson and his predecessors to make the commitment that they've made to expanding our largest health institution there. So, I don't think there should be any wobbling by this Council on our commitment to OHSU to be true to our part of this very large joint venture.

**Fritz:** I think we've been more than fair to OHSU, considering the tram was going to cost \$9 million when it started and ended up costing \$57 million of taxpayers' money of tax increment. So to come back to OHSU at this point and say, could they as they are doing their billion-dollar Knight Cancer Institute perhaps pay a little more of the street infrastructure needed to support their campus seems reasonable to me.

**Hales:** I'll let you have that conversation with President Robertson.

**Fritz:** I'd be happy to.

**Fish:** Mayor, I will be filing a public record request for that napkin.

**Hales:** It's a heck of a napkin here.

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**Fish:** Making sure it's part of the record here. I think this has been a good discussion. I'm going to support the amendment, so I would move the vote.

**Hales:** Further discussion? Roll call.

**Saltzman:** Before the roll call, I just want to announce that I'm recusing myself from any discussion on North Macadam due to a potential conflict of interest.

**Hales:** Understood.

**Roll on amendment.**

**Fritz:** The problem remains that there's not enough money without the Zidell development agreement to do all of the things that need to be done to make this a great district. That said, I appreciate Commissioner Novick's amendment. It does potentially put some money out of redevelopment and grants and put it into parks and open space. Aye.

**Fish:** Aye.

**Novick:** Thank you colleagues. Aye.

**Hales:** Aye.

**Hales:** Aye.

**Quinton:** Mayor -- and we can clean this up after, but 10A is a table that summarizes 10B.

**Novick:** My apologies. I meant to ask that PDC restructure 10B.

**Quinton:** So, we'll restructure 10B. OK, thanks.

**Hales:** Duly noted. Alright. Any further amendments? Now again, normally I would love to take public testimony but you don't believe that we should. So unless there's any further amendments, then I'm going to set these all for second reading on March 25th for the regular Council calendar.

**Fish:** Again, Mayor, just reserving my right to bring amendments on that date.

**Hales:** Right. And if people want to bring amendments on that date, I would recommend that we already consider at that time adding the emergency clause to anything that's amended just so that the package can be adopted. We can do that then if that is the Council's pleasure.

**Moore-Love:** Commissioner Fish, you're absent on the 25th.

**Hales:** Oops, alright. Then we probably don't want to let --

**Moore-Love:** 25th and the 26th.

**Fish:** I could appear by telephone, couldn't I?

**Moore-Love:** Teleconference? Sure.

**Fish:** I'd be happy to do that.

**Hales:** Which day would be better?

**Fish:** Whatever your pleasure, Mayor.

**Hales:** I was going to put it on the regular Council calendar for Wednesday morning.

**Fish:** Can we do a time certain?

**Hales:** Sure, let's do a time certain -- maybe 11 o'clock or something?

**Moore-Love:** That would be it, 11 o'clock.

**Hales:** OK. 11:00 a.m. March 25th. And we're adjourned -- oh, we're not adjourned, we have to go back to 267.

**Fish:** We have to reopen the hearing for five minutes.

**Hales:** Yes.

**Saltzman:** I have an amendment that's been drafted in consultation with Commissioner Novick and PBOT that I think nails down this issue.

**Hales:** Commissioner Saltzman moves this amendment that says 16.40.340 driver conduct requirements prohibitions, no permitted driver shall operate any for-hire transportation vehicle while using a mobile communication device without a hands-free accessory as defined in ORS 11507 sub1. Is there a second?

**Novick:** Second.

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**Hales:** So, Council discussion for accepting the amendment.

**Fritz:** Are for-hire transportation currently banned from using their hands on their devices?

**Hales:** I think they are by state law, right?

**Novick:** I think under state law everybody is. Commissioner Saltzman says the state is thinking about changing the law.

**Hales:** So, we don't -- I think the answer to your question Commissioner, is no, not in our code, but yes in state law. I think that's the right answer.

**Fritz:** Do we have anybody who knows that?

**Hales:** Anybody know that for sure?

**Fritz:** I thought there were some other exemptions apart from public safety.

**Saltzman:** There are exemptions for public safety officials.

**Hales:** The question is, do we now prohibit this in our code for taxis or are we relying on state law that says nobody should drive their car while operating a cell phone?

**Ken McGair, Deputy City Attorney:** Are you talking about currently, before this amendment? No, it is not prohibited in our code. We rely on state law.

**Fritz:** Are there others than public safety officers who are currently under state law allowed to use a hand device?

**McGair:** There are about, I would say, a dozen different exceptions. This adds taxi cabs --

**Fritz:** Taxi cabs are not currently exempted under state law.

**McGair:** No, this adds that. The bill adds that, is what I'm saying -- the one that Commissioner Saltzman.

**Fritz:** OK, got it. Thank you.

**Hales:** They're creating a loophole and we are trying to close it.

**Fritz:** Good spot.

**Hales:** Very much so. Any further discussion on the amendment? Roll call.

**Roll on amendment.**

**Fritz:** Very much appreciate you forwarding this. Aye.

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

**Saltzman:** Thank you. Aye.

**Novick:** I very much appreciate the Commissioner's attention of what was going on in Salem. Aye.

**Hales:** No one's life, liberty, or property is safe when the state legislature is in session so said Mark Twain. Aye. Now, this is a first reading, and I do believe we should allow public testimony on this amendment, if there is any. Is there anyone who would like to speak on this item? If not -- do you want to speak?

**Fish:** This is on the cell phone?

**\*\*\*\*\*:** My name is Tess [indistinguishable] I'm from Green Cab. As far as it's allowed to use the hands free I think as a company are appreciated. It has to be the same for everybody, and that's a good idea to do it. And the drivers will be free driving safely. That's what I will say and I don't have any issue with that.

**Hales:** OK, good. Thank you very much. This is an emergency ordinance, so let's take a roll call.

**Item 267 Roll.**

**Fritz:** I very much appreciate Brian Hockaday in Commissioner Novick's Office and Claire Adamsick in mine working on the details of this. I also appreciate Commissioner Fish's attention to the detail that absent our understanding in the conversation today that there might not have been a further issue put before the Council. So, I appreciate Commissioner Novick assuring us that no pilot or any other changes will be made until after we've had due public process. Thank you. Aye.



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**Fish:** I appreciate this discussion and thank you, Steve, for the time you spent discussing this with me. Aye.

**Saltzman:** I appreciate your indulgence on my amendment and happy to support this. Aye.

**Novick:** Thank you, colleagues; thank you, Brain' thank you, Claire; and thanks to the long-suffering members of our task force which are manfully and womanfully struggling with all sorts of issues.

**Hales:** Commissioner Novick is navigating an obstacle course on our behalf. With Commissioner Saltzman's help we just avoided another one. So, thank you. Aye. OK. Now we're adjourned and we have a Council budget session this evening on our utility rate review at 6:30.

At 3:21 p.m., Council adjourned.