



Legislative Committee May 11, 2021 Meeting Minutes

The May 11, 2021 remote Committee meeting was called to order by Chair Pious Ali at 8:00 AM on Zoom.

Councilor Pious Ali (Chair), Councilor Nick Mavodones, Mayor Kate Snyder, Jon Jennings (City Manager), Dena Libner (Chief of Staff), Kathy Jones (City Clerk), Kate Knox (Bernstein Shur) and Chris Feeney (Bernstein Shur) were present.

Councilor Mavodones made a motion to approve the meeting minutes from May 4, 2021, seconded by Mayor Snyder, no amendments, vote 3-0.

Kate Knox provided an update on the status of the legislative session in Augusta. She discussed the Governor's recent release of her federal funding spending plan and initial bond package plan. She indicated a change package was expected later that week.

She indicated that there was a lot of money at the State level, which was likely to have some impact on local operations. Mayor Snyder asked what information would be likely to be able to be reviewed next week; Kate indicated that the change package would probably be able to be reviewed in the next 48 hours. She added that the expectation is that there would be an increase in funding in a lot of different areas.

Mayor Snyder asked that if the additional funding represented in the change package indicated any more permanent changes in future fiscal years, or if it should be viewed more as a one-time windfall. Kate said the Governor had implied in public statements that the funding was going to focus on one-time funding needs, versus new programs that would require ongoing funding.

Councilor April Fournier joined the meeting.

Kate provided an overview of hearings/work sessions coming up, as well as Committee action taken on bills the Legislative Committee had asked to monitor.

Dena Libner said staff had concerns and recommended testimony on LD 1611, but that the work session was scheduled for 9:15am that morning and testimony would need to be

submitted in the next hour. Kate said her understanding was that there is a lot of support for the bill. Mayor Snyder clarified that this bill would pave the way for off-track betting in Portland, and asked why there was such strong support for it. Kate explained that it set up a scenario by which Cumberland Fairgrounds could set up a simul-cast location in a more populous area for people who didn't want to travel to the fairgrounds. Licensing is done by the Harness Racing Commission, and Portland does not currently have a local licensing component. Other off-track betting facilities have objected to it because they all have a territory that they are attempting to draw from.

Mayor Snyder asked if the delegation to Augusta was taking a stand; Kate said she had not flagged it with them since it had not been made a priority by the Legislative Committee.

Mayor Snyder asked what changed between staff not having concerns last week to having concerns this week. Dena answered that staff was unable to determine last week whether it would affect Portland or not; upon closer review this week, they decided to err on the side of caution and assume that the bill sponsor's intent was that it would impact Portland.

Mr. Jennings said he was not concerned about LD 1611, as it was for a single site and did not see it as something that would radically change the City of Portland.

Councilor Ali asked if there was anything Portland could do to slow it down if passed as an emergency by the State Legislature. Kate

Councilor Mavodones said he is not overly concerned that it would be detrimental to Portland, but that he was troubled by the fact that City currently has a prohibition of this activity and no one had checked with the City. He is also concerned that it could take away local regulatory rights.

Councilor Ali asked if the bill's passage would result in the Commission's authority preempting local authority. Kate said that that was a question for Corporation Counsel, but that her understanding was that it would. She also said that for the bill to be passed as an emergency, two-thirds of the legislative body must vote in favor.

Mayor Snyder recommended that the Committee pursue submitting some informal feedback prior to the work session at 9:15am that morning, and for Bernstein Shur to monitor the session. She also asked that the Committee reconvene in some way to make sure they stay on top of any developments.

Councilor Mavodones, Councilor Fournier, and Councilor Ali supported Mayor Snyder's recommendations.

The Committee discussed LD 1478, which was scheduled for a public hearing on Friday, May 14.

Mayor Snyder said that while the Committee had decided to monitor this bill at their last meeting, upon her review of staff concerns and feedback she has received from members of the public she maintains her opposition to the bill because it creates multiple scenarios and consequences in the City, including confusion with regard to the threshold of enforcement for local ordinances and the creation of a two-tier enforcement mechanism. She also voiced concern for the impact to public spaces, including allowing activities that prevent members of the public from safely accessing public spaces.

Councilor Mavodones said he believes the bill is well intentioned, but said the activities it seeks to permit exist in various areas throughout the City right now and the negative consequences of those activities are observable and concerning. He said he believes many of the guests at City shelters would probably prefer that these activities are addressed as needed by law enforcement as well. He said the written comments the Committee has received from members of the public have been very convincing, and he believes that this bill is a move in the wrong direction.

Councilor Fournier said she discussed the bill with Rep. Lookner, and that there are philosophical differences between Committee members as to how we address the people who are most marginalized in a community. She said that she sees the offenses listed in the bill as symptoms of a different issue, and that in addressing behaviors she tries to think about what that behavior tells her about that core problem, and that in this case the core problem is homelessness. The lack of having a home leads to these offenses, so she would rather look at how to get people housed or how to address mental health needs or substance abuse needs. She said she's conflicted because the Racial Equity Steering Committee just created a comprehensive report on this issue and she's concerned about how this bill intersects with the work the City is doing locally. She said that just because the Committee receives letters from community members doesn't necessarily sway her in one way or another, and that she has received just as many that are in support of this bill. She said she would support continuing to monitor it but would not support opposing it.

Councilor Ali asked Kate if the Committee did not vote today, would it be too late to take a position at the following meeting. Kate said it would be less impactful since it would be after the scheduled public hearing. Participating in the public hearing indicates a strong stance. In between the public hearing and work session the City could still submit written testimony, but it would be less impactful.

Mr. Jennings said this bill would be extremely detrimental to the quality of life in Portland, and staff have strong opposition to this bill.

Mayor Snyder said the crisis protocol outlined in the legislation doesn't take into account the City's existing protocol, which is not about criminalizing homelessness but getting people the services they need to address the underlying issues that result in negative behaviors. She said opposing the legislation doesn't mean we're not recognizing how important the issues it seeks to address are, but that we should lead on the issue and work with the legislative delegation to make sure they are mindful of the work already taking place in Portland.

Councilor Ali recommended that Bernstein Shur reach out to Rep. Lookner to discuss the City's position on the bill to discuss negotiations and partnership on the bill in lieu of opposition. Mayor Snyder said her preference was to oppose this in advance of the public hearing Friday while simultaneously reaching out to the bill's sponsor and Rep. Lookner. Councilor Ali said he did not want to do that, and would not support opposing the bill now out of courtesy to Rep. Lookner.

Kristen Dow, Director of Health and Human Services, said the bill takes away local controls for services the City is already providing, especially crisis response. The model in Portland is something we can work to develop, but taking away the local control to arrest when absolutely necessary goes too far. HHS works closely with PPD on crisis response strategies, but arrest as a last resort is important for safety and security.

Councilor Mavodones said he hoped the Committee would oppose it for a variety of reasons. He was happy to speak with the sponsor, but he saw this as a preemption issue with the State telling the City how to do things. The Committee agreed on concerns related to preemption on the previous bill, LD 1611, and the same concerns exist here.

Mayor Snyder said that, with LD 1611, the Committee wanted to make sure that local authority wasn't diminished, and that the same principle applies here. The Committee has the opportunity to focus on the local response, which is strong, and she is not aware of the Committee having absolutes when it comes to working with members of the delegation who have co-sponsored a bill, or that they have done it consistently. She said she would be happy to work with Bernstein Shur to reach out to Rep. Lookner.

Ethan Hipple, Director of Parks, Recreation and Facilities, said he opposes the bill. He said we see the suffering of individuals in public parks every day, and his staff provide medical care to people who are overdosing or having other crises. People are in crisis. He said he feels lucky to work with PPD and HHS to collaborate with social service agencies to reach and help people in crisis, and there is a lot of work being done. The problem he sees with the bill is that it takes away a tool, which is normally a final solution, which can be useful in making parks safer for everybody. He wants parks to be safe and clean and welcoming for everyone, including homeless people who have every right to use a park and take a nap or rest under a tree on a hot day. He wants parks to be welcoming to new Americans trying to enjoy the City, or families trying to enjoy the outdoors. If this tool is taken away, it will make these spaces less safe and more unwelcoming for all these people.

Councilor Fournier asked if social service agencies have talked about this bill, and if our local crisis response is greater or equal to this bill would LD 1478 even have an impact locally?

Chief Frank Clark echoed the concerns and opposition to this bill. He recommended support for LD 1301 as an alternative. He said that in developing the protocols, the Attorney General may work with PPD. He said his Department uses a lot of discretion

and aversions when it comes to crisis response. In terms of crisis protocol, 100% of PPD officers are trained in crisis prevention compared to the 20% rate mandated by the State. He said that Bayside accounts for 2% of the City's land mass, 4% of its population and 20% of its violent crime. Allowing the behaviors to go unchecked sends the wrong message in this context. He also expressed concerns about how PPD would be expected to confirm someone is homeless under LD 1478. He said it could be used effectively by people who may intend to target an already vulnerable population.

Councilor Ali said he is willing to take a vote but would still vote to monitor, not oppose. He said he wanted to offer the same courtesy to Rep. Lookner that has been offered to other bill sponsors, even when bills would not negatively impact Portland like LD 1487. If we could reach out to the sponsor he would be willing to take a vote and would consider opposing it. He asked if it would be possible to amend after the public hearing, which Kate confirmed.

Mayor Snyder clarified that she would reach out to Rep. Lookner with Bernstein Shur to discuss concerns and possible amendments, and that she would try to get in touch with the Committee before Friday to attempt to weigh in prior to the work session.

Councilor Ali said he would rather wait until the next meeting on Tuesday.

Mayor Snyder suggested that the Committee reconvene in a special meeting before Friday.

Mayor Snyder made a motion to adjourn the meeting, seconded by Councilor Fournier, vote 3-0 (Councilor Mavodones had left the meeting).

The meeting was adjourned at 9:00am.