

## The Oregonian

### Pepper-sprayed Occupy Portland protester Liz Nichols gets \$7,116 payment demand from city

By Aimee Green

Pay up.

That's the message Portland is sending Elizabeth Evon Nichols -- to the tune of \$7,116.

Nichols is the Occupy Portland protester whose image became widely known for being blasted in the face with pepper spray by a Portland police officer in fall 2011. She sued the city for excessive force but lost after a four-day trial in August in U.S. District Court in Portland.

She had sought \$30,000, noting the excruciating pain of pepper spray in her eyes and throat -- and the ensuing nightmares, depression and worsening eczema.

But the jury sided with Portland, and so the city was entitled to recover its costs of defending itself. Deputy city attorney David Landrum said he offered to drop the city's pursuit of costs if Nichols agreed to waive an appeal to the Ninth Circuit Court of Appeals. He called one of Nichols' attorneys with the offer.

"I said 'I don't need to drag this money out of her,'" Landrum said, noting that he knows Nichols, 23, is a college student at Portland State University. At the time of her federal trial, she also was working as a janitor.

Landrum said he didn't hear anything for weeks, so he called back and got his answer: Nichols decided to appeal. So the city sought its payback. On Oct. 18, federal judge Michael Mosman signed off on the \$7,116 that Nichols now owes. That award is reflected in paperwork that the city attorney's office filed in Multnomah County Circuit Court Wednesday. The breakdown is as follows:

- \$350 for fees to the clerk
- \$85 for fees for summons and subpoena
- \$5,195 for fees for transcripts used in the case
- \$82 for fees for witnesses
- \$838 for copying costs
- \$20 for docket fees
- \$546 for other costs

The city isn't seeking the costs of paying its staff to work on the case.

More than three months have passed since Mosman approved the city's costs, but Nichols still hasn't paid. The papers state that interest is accruing at .35 percent a year.

Nichols' attorney, Benjamin Haile, said Thursday that his client is appealing because she believes there were errors in the trial.

For those of you who need a refresher on Nichols' run-in with police:

On Nov. 17, 2011, Nichols had linked arms with other Occupy Portland protesters and didn't move down a sidewalk and away from a bank next to Pioneer Courthouse Square despite police orders to do so.

During a December 2012 noncriminal trial in which Nichols was fighting a ticket for failing to obey police orders, officer Doris Paisley said she pushed Nichols in the throat with a baton as Nichols stood her ground. Paisley said Nichols then threw her hands up in an aggressive fashion, and the officer shoved Nichols in the torso with the baton.

Officer Jeffrey McDaniel then pepper-sprayed Nichols in the face, her mouth open. The moment was captured by an Oregonian photographer in an image that circulated around the globe.

Nichols had testified she hadn't heard any police orders to move down the sidewalk and that she didn't lunge at Paisley with her hands. Nichols said she did open her mouth to shout at the officer just as she was blasted with spray.

A Multnomah County Circuit judge fined Nichols \$260.

## **Mayor Charlie Hales and a top policy director head to South Africa next week: Portland City Hall Roundup**

By Andrew Theen

Portland Mayor Charlie Hales is covering a lot of territory in 2014.

Hales, just back in town from the U.S. Conference of Mayors meeting in Washington DC last week, will leave for another conference in Johannesburg, South Africa this weekend.

Hales and Josh Alpert, one of the mayor's top policy directors, were invited to attend the fifth biennial C40 Mayor's Summit.

C40 is a global network of cities focused on mitigating the effects of climate change. The organization is paying for Hales and Alpert to attend the conference. C40 will pay the Portland contingent's airfare, hotel and food, according to Hales' spokesman Dana Haynes.

The conference runs from February 4 – 6.

This year's conference will include the release of C40's "Climate Action Plan" and an overview of progress made since the last summit in Sao Paulo. Former Portland Mayor Sam Adams attended that conference.

Both Hales and Alpert will speak at the conference, Haynes said. Hales will participate in a session titled "Smart Planning & Infrastructure: Building Intelligent, Livable Cities & Neighborhoods," according to Haynes. Alpert will speak at a breakout session on "Green Growth."

The conference "is an amazing opportunity to meet with other mayors from around the world" Hales said in a statement.

Both Hales and Alpert will take the trip as an opportunity to explore and vacation in South Africa.

Hales was also on vacation from January 10 -16. Hales and his wife Nancy will arrive in South Africa on Feb. 2, Haynes said. Hales will return to City Hall on Wednesday, Feb. 12.

## **Commissioner Steve Novick starts phone survey on transportation needs, citizen 'advisory committee' already meeting: Portland City Hall Roundup**

By Andrew Theen

For months now, Portland Mayor Charlie Hales and Transportation Commissioner Steve Novick have said the city needs take a hard look at how to tackle, and ultimately fund, the city's massive and woefully underfunded transportation system.

Portland Mayor Charlie Hales pledged that solutions were on the way in his administration's second year.

"Getting the city's transportation system funded to do its job," was a top priority, he said. He also said Portlanders should brace for the inevitable: something, and likely some sort of new revenue source, will be coming to help address the city's road issues.

"We're going to eventually ask you for more money to make good on everyone's expectations," Hales said in an interview last month. "But first, we're going to show you that we're good managers, and that we're taking care of the assets that you own in a responsible way."

Just this week, Hales told OPB News, "We're working on transportation funding with Commissioner Novick...We're relying on Leah Treat, the transportation director, and her staff to staff that work."

Hales, Novick and PBOT officials scheduled, then abruptly cancelled a planned visit to The Oregonian's Editorial Board in mid-December to talk about transportation funding.

But it appears the months of public comments have yielded little on paper.

A public records request, filed by The Oregonian on Jan. 15, produced no new documentation in terms of estimates, financial options or planning documents on how the city plans to fund streets, sidewalks and other transportation infrastructure improvements. Dylan Rivera, Portland Bureau of Transportation spokesman, said the most recent analysis of funding proposals came under former PBOT director Tom Miller. Hales asked Miller, who had been Mayor Sam Adams' chief of staff before moving to the transportation bureau, to resign just one day into his term last January.

PBOT's response to The Oregonian's public records request came Thursday, and was soon followed by a media blitz from Novick.

Novick called reporters to tout a new citizen advisory committee to look at transportation needs and a city-backed phone survey to ask Portlanders what they see as the city's transportation needs.

"We'll get more into how to fund it in the next couple of months," Novick said Thursday.

The 26-member "Transportation Needs and Funding Advisory Committee" already met once several weeks ago. Novick said the committee, comprised of a variety of local stakeholders, would meet again in a couple weeks and once a month for the next four to five months.

PBOT will also hold three public meetings in late February, Novick said, to hear from the public.

On Thursday, Novick said Hales' office is "engaged in how we define our priorities," but he acknowledged the funding piece is still up in the air.

The phone survey, paid for by the city and conducted by Davis, Hibbitts & Midghall, will include some 500 residents. PBOT will pay DHM \$28,000 for the survey. Last May, the Portland Development Commission paid DHM \$20,000 for a phone survey, which included two questions about transportation maintenance.

The latest survey won't include questions about specific money-generating policies, such as a gas tax or a street utility fee pushed by former mayor Sam Adams.

Novick described the poll as "a combination of open-ended questions" that will serve to get a sense of what the city's transportation needs really are.

The list of needs is long. Novick cited the lack of sidewalks, particularly on arterial streets, as a major issue. He said the "miles and miles of unpaved streets," the city's unfunded bicycle transportation plan and the lack of pedestrian flashing beacons on busy streets are other possible focus areas.

Portland's road issues aren't exactly a new problem. A scathing 2013 report from the City auditor estimated street maintenance alone would require \$750 million in investment during the next decade just to meet target levels.

"If they follow every one of our recommendations beginning tomorrow, that won't rectify all of the effects of the deferred maintenance," Auditor LaVonne Griffin-Valade told The Oregonian last year.