

The Oregonian

Portland's top accountant, Jane Kingston, says city retaliated against her, takes severance instead of suing

*By Brad Schmidt
September 05, 2014*

Portland's top accountant agreed not to sue the city and resigned Friday in exchange for a \$45,000 severance package, marking the latest high-profile departure within the troubled Office of Management & Finance.

A statement accompanying the agreement provides Jane Kingston's first public account of what happened before she was abruptly placed on paid administrative leave last month by her boss, Fred Miller, Portland's chief administrative officer. Kingston had served as the city's financial controller for four years.

Attorneys for Kingston claim the city retaliated against her for raising concerns about accounting compliance, with her protest ultimately playing a key role in the 2013 firing of Jack D. Graham, Miller's predecessor.

Kingston, who is an at-will employee, agreed Friday to a severance package that includes four months' salary, her attorneys said. In their written statement, Kingston's attorneys said the city has "continually undermined her position" since she stepped forward with complaints last year.

"Ms. Kingston has been dedicated to performing her job with high ethical standards and to protecting the best interests of the City without compromising her obligations to ensure compliance with accounting requirements," her attorneys said. "Due to differences in vision and to preserve her integrity and unblemished career, she has chosen to move on to other opportunities and resign from her position."

Miller in the past has declined to say what prompted Kingston's leave but he denied any retaliatory motivation. The city did not immediately respond to a request for comment Friday.

Kingston's departure is the latest under-duress staffing change among Portland's top financial managers, with the city's top administrator, chief financial officer and now its financial controller all forced out within the past 18 months.

An outside consultant earlier this year found low morale within some divisions of the 627-employee Office of Management & Finance due to a lack of empowerment and trust, management by committee and changing management philosophies. They noted improvement, however, after Miller replaced Graham.

The email clash

Mayor Charlie Hales fired Graham in November just weeks after The Oregonian reported a fiery dispute between Kingston and Graham over who was responsible for a highly technical accounting issue.

In October emails, Kingston told Graham she repeatedly tried to raise concerns about an improper accounting practice but gained no traction because Graham limited her authority. Graham responded by blaming Kingston and chided her for not acting sooner.

Portland's outside consultant, Moss Adams, in April reported a litany of issues surrounding the limited role of Kingston's accounting division.

The report found that other city bureaus did not take full advantage of the expertise in the accounting division that led to "actual and potential accounting irregularities and various inefficiencies," including five unauthorized bank accounts.

Consultants reported that there was a "lack of clarity" about Kingston's authority involving other bureaus' accounting decisions and, in some cases, those bureaus were allowed to act unilaterally and "work around policies."

The report also found that "communications and relationships" between Kingston's accounting division and Miller's Business Operations team were "suboptimal."

The consultants also described an unclear division of roles and responsibilities between the two groups, "differing service delivery philosophies, and even an 'us versus them' relationship."

The reports says the environment was affecting how accounting and business operations staff interacted and creating confusion among their customers, which are city bureaus.

The report recommended clarifying the roles and responsibilities between accounting and business operations. It also recommended clarifying the authority of accounting in general and, in particular, Kingston's role as controller.

Overtime cuts

In July, Kingston raised concerns about cuts to the accounting division's overtime budget.

An unsigned July 9 memo, prepared for Miller and obtained under the state's public records law, complained that Kingston's overtime budget had been cut by \$80,000, leaving just \$16,000.

Kingston typically relied on the overtime budget to pay employees who worked long hours completing the comprehensive annual financial report.

The memo noted low staff morale within Kingston's division of about two-dozen employees because of budget cuts and employee turnover. It warned that union employees might "grieve lack of overtime" and reiterated that Kingston and the senior accounting supervisor, who are both salaried, "already work significant overtime and cannot work more hours."

Under a section on how to move forward, the memo suggested the city could find more money or risk filing the report after the Dec. 31 deadline.

Miller placed Kingston on paid administrative leave about a month later.

The city has refused to release related documentation, citing Kingston's personal privacy and disciplinary action.

Kingston reported directly to Miller, rather than a chief financial officer, because Hales eliminated the CFO position in 2013. Rich Goward, a whistle-blower in the 2012-13 financial management scandal involving Graham, received one year's pay in exchange for not suing the city.

Goward has said that he believes his job was eliminated, in part, because of his role as a whistle-blower. Hales has said the position was eliminated for budgetary reasons. This year, the City Council restored the chief financial officer post and expanded its duties.

In the months since Miller took over the Office of Management & Finance, Kingston did not have a performance evaluation.

In her last review, from September 2013, Kingston received a 4.1 percent raise and scored "commendable," the second-highest rating for an employee.

Why is Portland Commissioner Steve Novick leaving town as debate on his street funding ideas continues?

*By Andrew Theen
September 05, 2014*

Steve Novick acknowledges a controversial proposal to ask Portlanders to pay more money for road maintenance and safety projects is the key moment of his political career so far.

So why did the first-term commissioner leave town Thursday for a three-week vacation, just as citizen working groups his transportation bureau created and called on for advice are continuing to chip away at his plan?

The quick answer is that Novick, 51, was married this summer, and he and his now-wife scheduled their honeymoon in Italy and Washington, D.C., back in February. Novick and Mayor Charlie Hales had hoped their monthly street fee proposal would be a done deal by now, but they tabled the plan on the eve of a scheduled vote in June.

Novick says it's not essential for him to be in town right now. He's been hands off, he said, taking a step back to let the work groups do their thing. But at the end of the day, Novick said, the work groups he and Hales created exist simply to present advice to City Council.

"We have to ultimately make our own decisions," Novick said.

Hales spokesman Dana Haynes echoed that sentiment. The mayor believes the city must either approve the street fee, or come up with something else. If the committees recommended doing nothing new to raise money for roads, he said, Hales and Novick would likely respond, "Thank you for your service, we appreciate it, but you're wrong."

The three volunteer committees have labored away on various incarnations of a street fee or other funding source all summer long, but there's still no concrete plan in place. Many business leaders involved in the process remain skeptical of any of the alternatives presented so far.

The City Council is expected to vote on a new plan in November.

Since postponing the council vote, Novick said, he intentionally stepped back from the discussion to let the committees work. He said he's chimed in occasionally or helped provide additional information when requested, but hasn't had much influence over the committees.

Novick returns from his honeymoon on Sept. 25, and he said he expects October to be a fairly exciting month as the final plans comes together.

Haynes said the mayor and Novick have been "quite involved" in the committee work so far. Key staffers, Haynes said, have sat in on all the meetings. "Josh reports back to the mayor constantly," Haynes said of Josh Alpert, director of strategic initiatives.

The targeted annual revenue expected from residents and business owners continues to fluctuate, as does the current funding flavor of the day.

A business work group is working though a proposal that would collect \$20 million per year from a flat fee on businesses.

A committee focused on low-income residents and nonprofits continues to work through a proposed income tax that could bring in \$20 million as well.

Novick said he's staked out his position clearly. "I've made no secret of the fact that I prefer something that is income-based."

Novick said the most important goal he helped the transportation bureau accomplish this summer was putting some "meat on the bones" and showing Portlanders what the city could reasonably expect to accomplish during a three or six year period.

"People want to see what we're going to do," he said.

He's also pleased PBOT assembled a "needs guide," which Novick helped promote during a tour of handpicked potential maintenance and safety projects in August.

Haynes said despite Novick's absence, the funding conversation remains a collaborative one. The mayor's spokesman said wouldn't be surprised if the transportation commissioner remained active despite being in Europe.

"If you know Steve Novick," Haynes said, "you can bet he'll be involved."

Water and sewer utility oversight group hosts first public hearing Monday: Portland City Hall Roundup

*By Andrew Theen
September 08, 2014*

Portland residents have their first chance Monday night to testify before a volunteer group tasked with offering recommendations on how to improve transparency and accountability issues at the city's water and sewer bureaus.

Commissioner Nick Fish and Mayor Charlie Hales formed the Utility Oversight Blue Ribbon Commission earlier this summer in the wake of the unsuccessful May ballot measure that would've stripped the City Council of its rate-making and oversight responsibilities. Fish oversees both the water and sewer bureaus.

Portland voters resoundingly turned down the ballot measure in May, which was jointly filed by Kent Craford and Floy Jones.

Former U.S. attorney Dwight Holton is chairing the 12-person commission, which has met four times since mid-July.

"There hasn't been a lot of public involvement to date," Sonia Schmanski, Fish's policy director said. Both the commissioner and the oversight group are excited, she said, to hear what residents have to say Monday.

Criticism of spending, rate setting and projects such as a water demonstration house brought increased scrutiny to the water and sewer bureaus in recent years. The attention prompted a lawsuit and the failed ballot measure.

The utility commission is expected to return with specific policy recommendations to the City Council in November.

Holton's commission joined the crowd of citizen groups already tasked with offering their two cents on the two bureau's operations and spending. Fish also helped ink a deal with the Citizens' Utility Board of Oregon, the private utility watchdog organization, to serve as an independent analyst of the city bureaus.

All meetings are open to the public, but Monday's is the first where citizens are invited to address the committee and share their specific issues with the bureaus.

The meeting is from 6 - 8:30 p.m. in Room C at the Portland Building, 1120 S.W. 5th Avenue.

Three finalists for Portland job to monitor compliance of mandated police reforms

*By Maxine Bernstein
September 05, 2014*

The city has named three finalists for the job of compliance officer, the person tasked with monitoring how the city is adhering to a negotiated settlement with federal justice officials that requires changes to Portland polices, training and oversight .

They are:

- **John Campbell**, a Portland resident who runs his own consulting business and has done numerous research studies for the city and Portland police in the past.

In his application, he wrote: *"Our body of work shows a track record, we believe, of listening well, questioning unfairness in commentary or attitude from any side, and doing our best to place the value of integrity over loyalty. We think that fair-minded police officers and community members who have worked with us genuinely see us as honest brokers — always working toward a solution that makes our community better while also being mindful of the tremendous challenges that police officers face over the arc of their careers."*

-**Dennis Rosenbaum**, a criminology professor and director of the Center for Research in Law & Justice at the University of Illinois at Chicago. He also leads the National Police Research Platform.

In his application, he wrote: *"As Executive Director of the National Police Research Platform, I oversee a 7-university research program in more than 100 U.S. cities, funded by the National Institute of Justice (DOJ) to advance the current state of knowledge and practice in American law enforcement. As part of this work, we have developed new metrics to measure the quality of police management, as well as the quality of police-community interactions. Much of my work over the years has focused on the relationship between the police and the communities they serve, with particular attention to the treatment of minorities, youth, and victims."*

-**Daniel Ward**, the executive director of Oregon's Alcohol and Drug Policy Commissioner who has previous experience running a non-profit mental health and substance abuse treatment center in Denver.

In his application, he wrote: *"Data can and should drive change. Framed in its most positive light, the Settlement Agreement might be understood a way of asking the question, "You have the data, therefore, what?"*

The City and the Portland Police Department have learned through this process about elements of policy and procedure that must be changed. Federal Court supervision of compliance with the Agreement, through the COCL, will provide the impetus. My role will be to thoroughly understand the police culture, the community interests, and the data, and to be the person who continually asks, "Therefore, what?"

The city will give the public a chance to provide their thoughts on these finalists.

The city Compliance Officer and Community Liaison contract is not to exceed \$240,000 annually. The three were selected from 12 applicants by two different panels of community members and city staff. The city council and city auditor will interview each and select one to fill the job, according to city commissioner Amanda Fritz.

The Portland Tribune

Park Rangers file OSHA complaint against Portland

*By KOIN 6 News
September 5, 2014*

The Oregon Occupational Safety & Health Division has received a complaint against the city of Portland in an issue relating to city Park Rangers.

Officials with OSHA said they could not give specifics about the complaint, but their office investigates complaints about workplace safety and health issues.

The Portland Park Rangers earlier this year joined a union, Laborers Local 483 and are in the middle of contract negotiations.

The rangers say the city is just paying lip service in dealing with the homeless issue around Portland, and said the city needs to provide more training and resources for them.

"A big part of what's happening in the homeless community in this city includes the Park Rangers," said Sam Sachs, a Park Ranger and a union bargaining member. "We're connecting with these people, we're forming relationships and it's very challenging because you can't just form those relationships in a short period of time."

Rangers all go through a training academy, he said.

"Sometimes we have to deal with dangerous situations so some of the training we need are defensive tactics, conflict resolution, mental health evaluation, problem solving," he said. "We have rangers who were hired just recently who don't have radio communication training, they don't have first aid and CPR training. You can't just put somebody out in a park without those kind of tools."

Mayor Charlie Hales' office won't discuss the issue since they can't talk about ongoing contract negotiations, spokesperson Dana Haynes said.

But City Commissioner Amanda Fritz responded by email to a KOIN 6 News request for comment.

"I agree that the City does not have adequate resources to provide services for approximately 2,000 people living outside in Portland," Fritz wrote. "I requested more funding for our wonderful Park Rangers in the 2014-15 budget process, without success. Instead, more money was allocated to providing housing, which is a decision I support."

She wrote the parks and recreation department doesn't even have enough money for major maintenance projects, but said the park rangers "will continue to work so that all Portlanders whether housed or unhoused can share and enjoy our parks."

Oregon OSHA will continue to investigate the complaint they received in August.

The Mercury

Meet the Three Remaining Candidates for the City's New Police Reform Monitor Post

By Denis C. Theriault
September 5, 2014

Only two of three candidates still vying for the job of making sure the Portland Police Bureau complies with a court-approved package of reforms—aimed at reducing officers' use of force against people with mental illness—have notably deep expertise with mental health policy or training, the Mercury has learned after obtaining and reviewing copies of their applications.

And while all three men who've applied to serve as the city's new "compliance officer/community liaison," or (COCL), appear familiar with police issues in general, none would be particularly high-profile and come with the kind of gravity that might help an independent monitor stand up to city hall and police leadership, if that kind of tough stance ever was needed.

In addition, they're also somewhat familiar faces for police brass—having either written letters praising officers, or having previously run surveys from the bureau or taken the city's money to do consulting work.

The city is expected to officially release the list any day—ahead of a planned session, later this month, by a selection committee that may yet decide to reopen the hiring process in hopes of attracting more applicants. Some mental health advocates are rooting for precisely that outcome—making clear they never had much faith in what was a notably small list of initial applicants. The city didn't expect to whittle the list down to three names quite this quickly—but had its hands tied in part because so few serious applications were received.

Commissioner Amanda Fritz, briefly reached for comment this morning, said she hadn't seen the list herself yet and couldn't confirm the names. But sources familiar with the selection process say these are the only three people left. So consider this a sneak preview.

- **Daniel Ward, executive director of the Oregon Drug and Health Policy Commission, ([pdf](#))**

Ward, a psychologist, has led this commission, which advises both the governor's office and Oregon Legislature, only since last year. He last worked for a Denver-area nonprofit that worked with police agencies on mental health issues. In 2002-2003, he ran Cowlitz County's human services department.

Earlier this year, before he submitted his application, he wrote a letter to the city praising two Portland officers' handling of a mental health call downtown. The letter, as reported by the Oregonian, was read aloud by Mayor Charlie Hales at a Gang Violence Task Force meeting—and eventually earned the two cops Starbucks gift cards, courtesy of Hales.

Ward has confirmed he's one of the three finalists.

- **Dennis Rosenbaum, executive director of the National Police Research Platform and a professor of criminology and psychology at the University of Illinois-Chicago, ([pdf](#))**

Rosenbaum is known in national academic and police circles for his work helping police agencies across the county survey people in crashes, traffic stops, or who call police on how they think they're being treated by officers. Portland, as was reported last fall, was one of those cities. When reporting on the local survey, we noted that results from a similar survey in Chicago, according to Rosenbaum, confirmed a "silent majority" of respondents thought favorably of officers.

Rosenbaum's also worked on minority-police relations in Chicago and says he's been invited to apply for monitoring jobs in other cities. He would bring along a team of three academics familiar with community policing, mental health, and justice issues. One of those scholars has worked with police agencies on crisis and mental health training and is working on a research project on crisis intervention training.

- **John Campbell, Campbell DeLong Resources, Inc., ([pdf](#))**

Campbell is a facilitator and consultant who's done some work on police issues over the years. He lists his job as providing research, training, facilitation, and planning for the purpose of public safety problem-solving, community-oriented policing, and the goal of more effective law enforcement results."

But this appears to be one of the most relevant items in his application: He was chosen, in 2010, to run then-Commissioner Randy Leonard's Police Oversight Stakeholder Committee. That group—pulling in IPR, police, the police union, and accountability advocates—brainstormed ideas for further strengthening police oversight changes approved by the council, amid some controversy, in the summer of 2010. But with those changes in place, there was little political will to push harder. And the stakeholder report languished for months until it was tepidly accepted by the council in 2011. Some of the easily agreed-upon refinements waited for this year, under code changes pushed as part of federal reforms.

Campbell's also worked for a couple of other police bureau initiatives: He's helped shape the scope of the bureau's Service Coordination Team, which officials love but which also relied on secret lists to find the frequent offenders who fit its criteria for counseling and treatment. Campbell, in 2011, also facilitated the bureau's Business Optimization Task Force. And he's taught cops on landlord-tenant relations.

He counts among his strategic advisers the former director of the Office of Community Oriented Policing Services (aka COPS) under Bill Clinton, Joe Brann. Brann, Campbell says, is a suburban former police chief who's been a reform monitor or helped reform monitors, in several other cities.

Answering a question on his mental health experience, Campbell writes, "Some, but we are not experts and would likely bring in advisory team members."