

Citizen advisers resist disclosure

City warns it won't shield them from possible penalties for ethics violations

BY ALLAN CLASSEN

Several citizen advisers to the city's proposed comprehensive plan are dragging their feet on disclosing their private financial interests.

They may have good reason to be wary of what lies ahead. A four-page letter from Sallie Edmunds, Portland Bureau of Planning and Sustainability Central City planning manager, advised that they may be personally liable for potential actions before the Oregon Government Ethics Commission, in which case the city will not defend them.

Furthermore, all disclosures become public documents open to the media and public.

The disclosures were ordered by the BPS as a result of a City Ombudsman's conclusion last October that members of city-sanctioned advisory committees are considered public officials under city and state ethics rules.

As such, they must disclose pri-

be confidential? If not, who will have access to them and for what purpose?

The conflict of interest disclosure forms will be a public record. ... Anyone, including the media, can ask to review them. BPS plans to summarize the disclosure information for the Planning and Sustainability Commission and City Council.

What if someone does not comply with this request?

Any noncompliance with the request will be noted to the Planning and Sustainability Commission and City Council.

How could the retroactive remedy recommended by the Ombudsman have any impact on the project?

Because neither the Planning and Sustainability Commission nor City Council has made a final decision on the CC2035 Plan, either body may take the completed forms into consideration as part of their final decision-making on the plan. Either body

as follows:

In brief, a public official or the relative of the public official is associated with a business in the following circumstances:

When, during the preceding cal-

endar year, a public official or relative has held a position as director, officer, owner, employee or agent of a private business or a closely held corporation in which the public official or relative held or cur-

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Goodman asks for favors, won't cooperate with ethics requirement

Greg Goodman, president of City Center Parking, is conspicuous among those not responding to the Bureau of Planning and Sustainability's request for financial disclosure.

He has a lot to disclose.

While a member of the Stakeholders Advisory Committee to the West Quadrant Plan, he privately asked city staff for greater height limits on parcels owned by his Downtown Development Group LLC.

"At the base of the Hawthorne Bridge, the suggested 325 feet only goes to Columbia Street. I believe it should go to Clay to pick up the second of two development sites in the area, located between First and Second, Columbia and Clay. ... Ideally, I would suggest 375 feet be allowed, which would be respectful of all the surrounding properties," he wrote in a 2013 email.

What the memo failed to say is that the entire block he wanted included belongs to him. Increasing the current 75-foot height limit to 325 feet could multiply its value for redevelopment.

Goodman went into similar detail about zoning and policy changes having a bearing on three of his other properties.

Lest there be any doubt about whose stakes he had in mind, at a 2014 SAC meeting, he said, "I actually do think we should take a position against the taxing or closing [of] parking lots."



Ombudsman
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Mary Hall Caballero
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Margie Sollinger
Ombudsman

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"The Bureau of Planning and Sustainability did not ensure compliance with state conflict of interest law when it convened a series of stakeholder advisory committees to make land use and urban planning recommendations. State law required that committee members timely and publicly disclose if they could financially benefit from their recommendations."

-- Margie Sollinger,
Portland Ombudsman

vate and professional interests having potential bearing on their recommendations. Because the Stakeholders Advisory Committee to the West Quadrant Plan completed its report last summer before the Ombudsman's findings were released, bureau chief Susan Anderson directed committee members to make disclosures after the fact.

They were told to do so by the end of 2015. The deadline was later extended to March 31 and then April 14. By April 26, seven of 33 members of the West Quadrant Plan Stakeholders Advisory Committee still had not submitted disclosure forms. Two others, Melvin Mark Cos. executives Dan Petrusich and John Petersen, sent emails outlining their discontent with the requirement.

Instead of listing their financial ties, several stakeholders have apparently been consulting their lawyers or otherwise searching for reasons to not comply.

A March 30 letter sent to SAC members includes no names, but is nevertheless revealing. The following questions and answers were taken directly from the letter:

Will the disclosure form responses

could choose to amend or delete policies and items in the previously accepted West Quadrant Plan.

Why does this apply to the SAC when their role was not about decision-making? The SAC's role was to provide input to staff.

State ethics law applies to volunteer members of advisory committees.

Can I appeal the ombudsman's decision?

No. The ombudsman provided an opinion and recommendation. BPS accepted the recommendation and chose to implement it. BPS's decision is not subject to appeal.

What is the scope of the disclosure? "Property owned by ... any business with which I was associated" could include anything that I worked on for any of my clients over that period or any other property owned by any of my clients or prospects.

ORS 244.020(3)4 provides the definition of a "business with which the person is associated," paraphrased

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"Disclosure" cont'd from page 7

rently holds stock, stock options, equity interest or debt instrument over \$1,000.

When, during the preceding calendar year, the public official or relative has owned or currently owns stock, equity interest, stock options or debt instruments of \$100,000 or more in a publicly held corporation.

When the public official or relative is a director or officer of a publicly held corporation.

When a public official is required by ORS 244.050(5) to file an Annual Verified Statement of Economic Interest form and the business is listed as a source of household income.

My spouse works for a large corporation. I don't know how to even begin to find out if that company contracted with the city in 2012. Any advice?

Please provide your spouse's title and employer and a general description his/her work on the disclosure form so that others can understand the relationship to the Central City and the work of the SAC.

How will the information be used? Has there been any resolution with

the complainants? Are they free to use whatever comes from this disclosure to try to obstruct the process at the next level or make claims against anyone?

The City Ombudsman will consider the specific complaint resolved once the disclosures are presented to the PSC and council. However, there is nothing prohibiting the complainants from submitting subsequent complaints to the City Ombudsman or the state.

Will SAC members be provided a release for participating in this process?

A public official is personally liable for individual violations of Oregon ethics law. The city may neither indemnify nor represent the official before the Oregon Government Ethics Commission.

Will staff re-evaluate the input in light of the disclosures?

BPS has already developed a CC2035 Discussion Draft and will consider public feedback on that draft as they prepare the Proposed Draft. On May 10, BPS will release a Proposed Draft that will be the subject of a June 14 hearing before the Planning and Sustainability Commission. ■

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Has Portland Lost Its Way?

From the 1972 Downtown Plan to the Central City 2035 Plan:
A conversation about urbanism and capital

Wednesday, May 25, 5:30 PM

Room 338, Smith Memorial Student Union, Portland State University

Michael Mehaffy, Ph.D. Executive Director, Sustasis Foundation
Tracy J. Prince, Ph.D. Scholar in Residence, Portland Center for Public Humanities
Steve Pinger, AEC Consultant Stakeholder Advisory Committee Member, West Quadrant Plan, City of Portland

**What kind of city is Portland becoming?
What kind of city does Portland want to become?**

These fundamental questions are being answered, in part, by the City of Portland's new Central City 2035 Plan and Comprehensive Plan Update, now under consideration by the Planning and Sustainability Commission and City Council. Join us as we seek to promote a deeper debate on the momentous issues at stake.

Portland's planning leadership and its design and development consultants are promoting an exuberant confidence in their own vision of Portland as a Vancouver, B.C.-like city of "sustainable" new developments, many of them large-scale, very tall new buildings. Planning Bureau leadership argues that adding housing units, notably in tall buildings, will bring down the price of housing for everyone, and provide additional revenues with which to preserve historic buildings, build new public spaces and provide affordable housing.

Critics (like our panelists) argue that this is a questionable continuation of neoliberal-inspired supply-side economics, amounting

to an unsound application of a "trickle-down" theory to urban policy – more aligned to the approach of Edward Glaeser than Jane Jacobs. It was Jacobs who inspired Portland's progressive 1972 Downtown Plan, they say, and made possible so much of the progress the city has made since then. That remarkable progress, achieved over the last four decades, is now in deep jeopardy, from a planning and political leadership that is failing to protect, much less build upon, Portland's great successes. The leadership, our panelists argue, is underestimating the new realities of global real estate investing, the corrosive effects of money's influence.

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