

The Oregonian

Portland street fee: Commissioner Steve Novick pledges to 'never surrender' in fight for more street money

*By Andrew Theen
July 10, 2014*

Portland Commissioner Steve Novick is always ready with an analogy or a pithy quote on the spot, and in an email to transportation bureau staff, the first term politician cited a famous war-time speech by Winston Churchill to rally support against Nazi Germany.

The context: Novick and Mayor Charlie Hales' battle to win public favor for a street fee or other funding plan to bring in as much as \$53 million per year for street safety and maintenance projects.

"We shall fight in the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender," Novick wrote to Portland Bureau of Transportation staffers, quoting Churchill.

Willamette Week first reported Novick's email on Thursday.

It's not the first time Novick made a World War II era reference in what's been an occasionally contentious street fee debate. He and Hales presented a monthly street fee earlier this year and pulled a scheduled City Council vote in early June after a nearly six hour public hearing and growing concerns from small business owners and residents.

In the days before pulling the street fee vote, Novick addressed an email to City Council colleague Nick Fish as "Captain Renault," the corrupt policeman from Casablanca, in an emailed response to a list of concerns Fish shared with fellow commissioners.

This week's email comes as Novick and Hales take a breather from their barnstorming tour of town halls and public meetings to push for more street maintenance. According to PBOT's 2014-15 budget, just \$11.3 million of the estimated \$102.8 million in discretionary money in the agency's coffers will go to direct pavement maintenance. The city, Novick said, pays more for other key maintenance work such as traffic control, than on physical pavement.

In his email, Novick acknowledged he and Hales may "have setbacks or make mistakes along the way" to approving a funding plan. "But we know how important it is to give you the resources you need," he added.

Hales' policy director Josh Alpert is helping lead a process to identify specific safety projects the city can tackle. Novick cited the effort in his email, along with the working groups formed to analyze the street fee's effects on residents, businesses and low-income households. PBOT officials said they would announce who is serving on those committees sometime this week.

Here's the full text of Novick's email:

Dear colleagues,

I just wanted to drop you a note on the street fee discussion. I know it must have been frustrating to see City Council come right up to the brink of approving a new funding mechanism, and then step back.

What I want you to know is that the Mayor and I are not giving up. We may have setbacks or make mistakes along the way. But we know how important it is to give you the resources you need to address the City's transportation maintenance and safety needs. You do a wonderful job with what you have – but you don't have nearly enough. We know that; we know it to the marrow of our bones. And, to quote Winston Churchill, "We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender," until we have won the additional resources you need. (I realize that's not a particularly

appropriate quote, but it's so inspiring.)

Less poetically, we are moving ahead with some citizen working groups that will hopefully reach some consensus on issues that have yet to be resolved. A business working group will look at ways to refine the business side of the fee – or replace it, in whole or in part, with something like an increased business profits tax or a gross receipts tax. Another working group will look at the question of whether we can ensure that all low-income people would, practically speaking, be able to take advantage of any low-income discount we have. Meanwhile, our Needs and Funding Advisory Committee – which we first convened in January – will work with staff to develop a longer list of specific safety projects that we would take on in the first couple of years.

In the meantime, we are working to put some more information up on the web site, in easily readable form, to answer some of the questions we hear most often from the public and the media: Where's the list of your maintenance needs? Where's the comprehensive list of the safety needs? How do you spend your money today? (We have a good two-pager on that already, but we can provide more detail.)

Leah and I will send out periodic updates along the way. For now, I mostly just wanted you to know that we ... are ... not ... giving ... up!!!

All my best,

Steve

Portland Mayor Charlie Hales' spokesman cited for violating Oregon election law during water district fight

*By Andrew Theen
July 10, 2014*

UPDATE: This story was updated with a comment from Haynes.

Dana Haynes, Portland Mayor Charlie Hales' communication director, violated state election law by crafting a press release in "clear opposition" to a proposed water district measure while on the job, according to state officials.

The state notified Haynes of its determination on Thursday. The complaint, filed by Portland Public Water District petitioners Floy Jones and Kent Craford, stemmed from a press release issued by Haynes on February 11 at 1:29 p.m.

Oregon state election law prohibits public employees from advocating for or against a ballot measure during official work hours.

Haynes' press release, which he told state officials he wrote on February 8, included some strong language. "The anti-environmental funders behind this suit are also behind a ballot measure to create a new layer of government to run the environmental services and water utilities."

Attributing the quote to Hales, the release continued, "If the facts aren't with you, and the law isn't with you, unlimited corporate money is a wonderful thing."

State election officials determined the press release's reference to the ballot measure "demonstrated clear opposition" and wasn't impartial.

Voters overwhelmingly rejected the Portland Public Water District ballot measure in May, which would've stripped the Portland City Council of its authority over the water and sewer bureaus.

Haynes was cited for a similar violation in 2009 while working the Portland Community College. The prior offense means Haynes faces a \$150 fine.

Haynes may request a hearing to dispute the state's determination.

In an email, Haynes said he hadn't seen the result of the state inquiry. Haynes, who has authored four novels, is in New York for a writer's conference.

He didn't immediately respond to a request for comment on Thursday.

Jones and Craford filed a separate election law complaint against Josh Alpert, Hales' policy director. The Secretary of State's office determined Alpert did not violate state law because he presented against the ballot measure on his personal time.

Portland's white, male diversity pilgrimage: Editorial Agenda 2014

*By The Oregonian Editorial Board
July 10, 2014*

Once upon a time, spending thousands of taxpayer dollars to send 16 white guys – and only white guys – on an extended trip to a mountainside golf resort might have been considered a problem. These days, it's a solution! To what isn't exactly clear.

Among the 16 Portland officials who spent a good chunk of this week at The Resort at the Mountain in Welches are Mayor Charlie Hales and Police Chief Mike Reese. Most of the rest work for the Police Bureau. They traveled to the resort near Mount Hood to participate, at a cost of \$56,000, in a program offered by White Men as Full Diversity Partners, a Portland-based company whose paid consultants, The Oregonian's Andrew Theen reported, include a top city official, Office of Neighborhood Involvement Director Amalia Alarcon Morris. How cozy.

According to a sample agenda provided by Henry Moreno, marketing director for White Men as Full Diversity Partners, the Portland officials participated in such sessions as "Seeing White Men Differently," "Focus on Race" and "Focus on Gender." The schedule also contained plenty of time to reflect and to "process the work of the day."

Hales, Reese and their colleagues may well emerge from the experience knowing some things they didn't before. There's a lot to be said for deliberate self-reflection, structured or otherwise. The \$56,000 question, though, is whether the experience is worth the cost to taxpayers. Portlanders also should wonder whether there really exists among Portland's white, male leaders – including the mayor - a vein of racism, sexism and homophobia so pernicious and intractable as to justify special diversity training segregated by both race and sex.

No, we don't think so either, which suggests that this week's trip may be little more than an expensive piece of ostentation. And that, as a number of people commenting on Theen's stories have noted, points to the real problem here: the various maddening ways in which the city takes and spends other people's money. Whether it's utility fees spent on park acquisition, street maintenance money lavished on politically favored projects, city funds diverted to public school transportation or the botched arts tax Hales and his colleagues refuse to put back on the ballot, Portland's leaders in recent years have, time and again, given their constituents reasons not to trust them.

Heightened public wariness would be a problem under any circumstances, but it's particularly nettlesome for Hales and Commissioner Steve Novick now. The two have been trying desperately to sell residents and businesses on a street maintenance fee. They botched their first attempt spectacularly earlier this year, and now, when they should be seeking opportunities to restore public trust, Hales and other city officials have done just the opposite.

One can only assume that the mayor is aware of the symbolic value of bringing more than a dozen white, male leaders on a pilgrimage to consider their white maleness. It's strange, then, that he doesn't seem to have recognized (or cared) what else the trip might communicate to his aggressively squeezed constituents.

Perhaps it's time to book a week with City Leaders as Full Taxpayer Partners.

Portland removes criminal history section from most job applications in attempt to diversify workforce

*By Andrew Theen
July 10, 2014*

Portland tweaked its job application so prospective employees don't have to divulge their criminal records, a policy change city leaders say could help make the workforce more diverse and level the playing field in the hiring process.

Just two months ago, the city removed the box asking applicants to identify if they're a convicted criminal or have been incarcerated. This month, language saying the city may require a criminal records check vanished, too.

Portland joined Multnomah County and 60 other jurisdictions that have taken similar measures, according to a press release issued Wednesday.

Anna Kanwit, Bureau of Human Resources director, called the change a positive step for the city. Kanwit collaborated on the policy change with Office of Equity and Human Rights director Dante James.

In a press release, James credited the Governing for Racial Equity Conference held at a Lloyd Center hotel in March, for turning the tide. "Human Resources leaders took to heart the chilling outcome that these types of questions can have on former offenders," James said in a release.

Kanwit said some positions such as Portland Police Bureau openings will still require criminal records checks along with a thorough background check. "If you have a felony conviction, you will never be a police officer for the city of Portland," she added. Other city jobs could require a background check if the positions requires working with confidential or sensitive information.

But for most city positions, a prospective employee's criminal record won't be known or considered until the city has several finalists for a job. Kanwit said a criminal records inquiry will occur at the same time and treated like a standard reference check.

Applicants often have convictions that aren't relevant to the jobs they're seeking, Kanwit said. "If you're applying for a job that you don't have to drive for, and you had a DUI, that shouldn't matter to the city."

If a criminal conviction is relevant to the job duties, that will be weighed later on in the hiring process after applicants have already submitted their resume and job history.

A 2011 study from the National Employment Law Center estimated that 65 million Americans have a criminal record.

The push to "ban the box" on applications referring to criminal records or incarceration is well-documented, and cited in the 2011 study.

In a release, Mayor Charlie Hales said the changes were a win-win and removed a barrier for a diverse pool of applicants for city jobs. "Stable employment significantly reduces recidivism rates, building stability and breaking the cycle of incarceration for people trying to get back on their feet," Hales said.

Kanwit said it's "statistically proven" minorities have increased police contacts, arrests and records.

According to its website, Portland currently has 12 job openings. All told, the city has 5,522 full and part-time staff positions.

The Portland Tribune

Sources Say: People's Water Trust measure all washed up

*By Jim Redden
July 10, 2014*

In a move that surprised no one, backers of the proposed People's Water Trust ballot failed to qualify their measure for the Nov. 4 general election ballot in Portland by the July 7 deadline. In fact, they only claimed to have collected around 1,000 voter signatures, far short of the 30,000 or so needed to qualify.

The initiative was launched in response to the proposed Portland Public Water District by a very loose-knit coalition of activists who felt that proposal favored corporate interests too much. They had little money and no previous campaign experience, however, which severely limited their chances of success. After the water district measure was overwhelmingly defeated at the May 20 primary election, what little attention it attracted evaporated.

The failed initiative was sponsored by the Cascadian Public Trust Initiative. Chief petitioner Jonah Majure says it will be refiled, but there's no reason to think the result will be any different.

Fritz puts her bet on parks bond

Commissioner Amanda Fritz is encouraged about voter support for a parks maintenance bond. That's true, even though the poll, conducted by DHM Research, found only 48 percent would vote for it without more information.

As Fritz sees it, that's not bad, considering the poll was taken just after the May 20 primary election, when some voters were likely discouraged about government because candidates they supported lost. And while the poll was in the field, Mayor Charlie Hales and Commissioner Steve Novick announced their plan to have the City Council impose a new street fee without putting it on the ballot. Then the Water Bureau issued a boil water alert that lasted a couple of days.

So even though 48 percent is just short of a majority, Fritz thinks it's not too bad. And when voters are told their taxes won't go up because the levy will replace one that is expiring, support climbs to 68 percent in the poll, which has a margin of plus or minus 3.5 percent.

Complacency may be only election obstacle

The parks levy poll also confirmed that Portland continues to be dominated by Democrats, which, given its size, is a big reason why Republicans have such a hard time winning statewide elections.

According to the demographic information in the poll, 67 percent of respondents were Democrats compared to just 16 percent who were Republicans. In fact, more voters were either unaffiliated or belonged to minor political parties than were registered Republican — 17 percent.

And the Democratic voter registration edge wasn't because rich white people were left out of the poll. A full 27 percent of those questioned live in households making more than \$75,000 a year. And 89 percent identified themselves as white or Caucasian.

That's a big reason why the two Democratic statewide incumbents on the general election ballot — Oregon Gov. John Kitzhaber and state Sen. Jeff Merkley — are widely considered well on their way to being re-elected. Their biggest challenge could be complacency on the part of their supporters. Republican state Rep. Dennis Richardson and surgeon Monica Wehby have to hope most Portland voters forget there's an election on Nov. 4.

Kansas City hotel fight, meet Rose City HQ hotel

Portland isn't the only city wrestling with issues surrounding taxpayer funding of a headquarters hotel to attract more convention business.

Officials in Kansas City, Mo., who lost a bid for the 2016 Republican convention to Cleveland, are wrangling the same issue. Doggone, some officials argued, if the BBQ City had a convention center hotel, it could attract those big money gatherings like the GOP convention.

Sound familiar? (Although the Rose City is not likely to be on a short list for the GOP convention anytime soon.)

In a June 27 column, Kansas City Star writer Dave Helling says city officials were "picking through the shards of their shattered Republican convention dreams, looking for some sparkle amid the debris." What they found, however, Helling writes, is a plan to crank up arguments for a publicly supported convention center hotel project. He expects the campaign for the hotel to get underway by the end of this year.

Jackson County, Mo., voters have been notoriously stingy when it comes to those kinds of projects, Heller notes. A year ago, voters rejected a sales tax to install a roof on Arrowhead Stadium, so the NFL would consider the site for a future Super Bowl.

There are lots of other things to spend money on, Heller writes, and voters aren't interested in fancy hotel projects at the time, sort of like some in Portland who are challenging Metro's proposed \$200 million hotel near the Oregon Convention Center that includes \$10 million in public investment.

One Hales' employee fined, another cleared

*By Jim Redden
July 20, 2014*

Oregon elections officials are proposing to fine Mayor Charlie Hales' press spokesman \$150 for violating state campaign laws during the fight over the Portland Public Water District ballot measure.

But the Secretary of State's Office has also determined that a second Hales' employee did not violate the law during the same campaign.

Hales' office did not immediately respond to a request for comment.

In a July 10 letter to Hales' press spokesman Dana Haynes, Compliance Specialist Alana Cox said he violated the law against public employees campaigning on public time by writing and releasing an official press release criticizing the measure's backers.

The press release was titled "Mayor Hales, Commissioner Fish comment on water lawsuit," referring to the ongoing civil lawsuit in Multnomah County Circuit Court charging the City Council has misspent water and sewer rate funds. It included a quote from Hales referring to Ballot Measure 26-156, however, which said:

"The anti-environmental funders behind this suit are also behind a ballot measure to create a new layer of government to run the environmental services and water utilities' Hales said. 'If the facts aren't with you, and the law isn't with you, unlimited corporate money is a wonderful thing. It can be used to attack Portland's environmental investments again and again and again. If you don't like green programs, these are the best attacks money can buy.'"

In her letter, Cox said elections officials determined that quote advocated a position on the measure in violation of the law.

"Read as a whole, the portion of the release related to the measure demonstrates clear opposition to the measure and is therefore not impartial," says the letter, which notes that Haynes had also been fined for a similar offense when he worked at Portland Community College before being hired by Hales.

Haynes has 45 days to appeal the proposed fine.

In a second July 10 letter to Hales' policy director Josh Alpert, Cox said he did not violate the law by speaking against the measure a breakfast meeting. According to the letter, Alpert told elections officials he appeared at the meeting on his personal time as a volunteer for the Stop the Bull Run Takeover Campaign. The letter agreed the meeting happened before the 9:00 a.m. start of Alpert's work day.

In both instances, Haynes and Alpert were following requests from their boss, Hales. Hales asked Haynes to write the press release. Hales also asked Alpert to speak at the breakfast in his absence.

The letters summarize investigations triggered by elections complaints filed by the co-chief petitions of the measure, former lobbyist Kent Craford and water watchdog Floy Jones. They were filed after the measure qualified for the May 20 primary Election ballot, where it was overwhelmingly defeated by Portland voters.

Craford says the proposed \$150 fine is meaningless.

"The practical outcome of this slap on the wrist is that City Hall now has a green light to employ taxpayer resources for political purposes, knowing that if caught, all they face is a \$150 fine," says Craford.

Willamette Week

Novick to PBOT: "We Shall Fight in the Streets"

Yes, that's Churchill.

By Aaron Mesh

July 20, 2014

City Commissioner Steve Novick wrote a mass email this week to employees at the Portland Bureau of Transportation, reasserting his commitment to raising \$50 million a year for road repair with a "street fee." In the July 7 email, Novick pledges his dedication to finding new money by quoting Winston Churchill's 1940 speech to the British House of Commons vowing to defeat Nazi Germany.

"We shall fight on the beaches," Novick writes, "we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender,' until we have won the additional resources you need."

Novick admits elsewhere in his email that World War II may not be the most apt analogy for a political exercise: "I realize that's not a particularly appropriate quote, but it's so inspiring," he writes.

He goes on to explain that city officials will create more comprehensive lists of what the "street fee" would fund, and offer more information to the public about how current budgets are spent.

The email comes a month after Novick and Mayor Charlie Hales delayed a City Council vote on the street fee, which would charge Portland households \$144 a year and businesses much more. Since then, Novick has been on a goodwill tour explaining the plan to media and the public.

This is the second time Novick has used World War II analogies in making his case for the fee. In June, he responded to City Commissioner Nick Fish's questions about taxing poor people with a letter addressed, "Dear Captain Renault"—a reference to the corrupt military police officer in Casablanca who was "shocked, shocked" to discover gambling at Rick's bar.

Read WW's interview with Novick about his plans to pass the street fee [here](#).

The full text of Novick's letter to PBOT staff is below (bolding and italics are his).

Dear colleagues,

I just wanted to drop you a note on the street fee discussion. I know it must have been frustrating to see City Council come right up to the brink of approving a new funding mechanism, and then step back.

What I want you to know is that the Mayor and I are not giving up. We may have setbacks or make mistakes along the way. But we know how important it is to give you the resources you need to address the City's transportation maintenance and safety needs. You do a wonderful job with what you have – but you don't have nearly enough. We know that; we know it to the marrow of our bones. And, to quote Winston Churchill, "We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender," until we have won the additional resources you need. (I realize that's not a particularly appropriate quote, but it's so inspiring.)

Less poetically, we are moving ahead with some citizen working groups that will hopefully reach some consensus on issues that have yet to be resolved. A business working group will look at ways to refine the business side of the fee – or replace it, in whole or in part, with something like an increased business profits tax or a gross receipts tax. Another working group will look at the question of whether we can ensure that all low-income people would, practically speaking, be able to take advantage of any low-income discount we have. Meanwhile, our Needs and Funding Advisory Committee – which we first convened in January – will work with staff to develop a longer list of specific safety projects that we would take on in the first couple of years.

In the meantime, we are working to put some more information up on the web site, in easily readable form, to answer some of the questions we hear most often from the public and the media: Where's the list of your maintenance needs? Where's the comprehensive list of the safety needs? How do you spend your money today? (We have a good two-pager on that already, but we can provide more detail.)

Leah and I will send out periodic updates along the way. For now, I mostly just wanted you to know that we ... are ... not ... giving ... up!!!

All my best,

Steve

Mayor Charlie Hales' Spokesman Fined \$150 for State Elections Law Violation

*By Aaron Mesh
July 10, 2014*

State elections officials have found Mayor Charlie Hales' spokesman violated Oregon law by writing a press release on city time that slammed the ballot measure to wrest control of Portland's water and sewer utilities away from City Hall.

The state today fined Hales spokesman Dana Haynes \$150 for writing a Feb. 11 press release that called Measure 26-156's backers "anti-environmental" and said the attempt to create a public water district was an attack on the city's green programs.

"If the facts aren't with you," Haynes quoted Hales in the release, "and the law isn't with you, unlimited corporate money is a wonderful thing."

Backers of the measure complained to the state, and investigators today found the release to be political campaigning. "Read as a whole, the portion of the release related to the measure demonstrates clear opposition to the measure and is therefore not impartial," the citation says.

The measure was soundly rejected by voters in May. Since then, city documents have revealed that its biggest financial backer, Portland Bottling Co., was under investigation for illegally dumping 21 million gallons of wastewater.

The Portland Tribune first reported the state citation against Haynes earlier this afternoon. This is Haynes' second election law violation—he was found to have made political statements on public time while employed as a spokesman for Portland Community College in 2009.

Haynes, the author of four thrillers, is at a national writers' conference and could not immediately be reached for comment.

The state also informed Hales' policy director Josh Alpert that he was found innocent of a similar complaint by Measure 26-156 backers.

The Mercury

Familiar Territory for Charlie Hales' Spokesman: An Election Law Violation

*By Dirk VanderHart
July 10, 2014*

For the second time in five years, mayoral spokesman Dana Haynes has been found in violation of state rules limiting how public employees may talk about upcoming elections.

After nearly five months, Secretary of State Kate Brown's office informed Haynes today he'd broken the rules when he wrote a February press release calling a proposed water and sewer board's backers "anti-environmental" and insinuating they wanted to kill the city's green programs. Those comments were actually attributed, in the release, to Mayor Charlie Hales, but Haynes told investigators they were his inventions.

From the letter informing Haynes of the finding:

In the release, you drafted a quote that called the funders of the measure "anti-environmental" and said the measure would "create a new layer of government to run the environmental services and water utilities." The quote you drafted and included went on to say that "if the facts aren't with you, and the law isn't with you, unlimited corporate money is a wonderful thing". Read as a whole, the portion of the release related to the measure demonstrates clear opposition to the measure and is therefore not impartial.

The Portland Tribune was first to report the findings.

The law Haynes violated is flouted with little risk. The Secretary of State may issue fines of up to \$250, but rarely goes even that far. The recommended penalty in this case is \$150, and it's only that steep due to the fact that Haynes had been found in violation back in 2009, when he worked as a spokesperson for Portland Community College.

In that incident [pdf], Haynes wrote a blog post on the PCC website that the state found improperly pimped an upcoming \$374 million bond measure, saying things like: "We've said, over and over again, that a \$374 million bond measure comes out to only 32.9 cents per \$1,000 assessed value. That's not much. That's about \$8 bucks per month, which is less than you pay for a pizza. Not a good pizza, either."

Haynes was fined \$75 for the post, and his boss was fined \$100. He has not returned a call for comment.

Meanwhile, the secretary of state's office found there was insufficient evidence in a similar complaint against another mayoral staffer, Policy Director Josh Alpert. Both complaints were filed by the chief backers of the proposed Portland Public Water District, which suffered a bruising defeat on the May 20 primary ballot.