

The Oregonian

Diversity program for white men a good use of city funds: Guest opinion

*By Guest Columnist Greg Kantor
July 15, 2014*

There are certainly areas where one could question the city of Portland's spending decisions, but its investment in White Men as Full Diversity Partners for the mayor and the police leadership is not one of them.

I have been through the program, as have other NW Natural leaders of both genders and many races. Without question, it has had a profound impact on our company's culture, making it more inclusive and more willing to talk about and address difficult diversity issues.

Leaders from Alaska Airlines, Microsoft, Lockheed Martin, NASA, Shell Oil, HP and other national and international companies have been through the training, and I suspect have had similar experiences to ours.

Admittedly, White Men as Full Diversity Partners is a provocative name, but like books, or even some Oregonian stories, you shouldn't judge the content of this program by its title or headline. This is a powerful set of exercises that have the potential to make a big impact on how an organization treats its employees and customers.

Given the diversity issues the Portland police have experienced over the last few decades, this training could be a critical step forward, one that has the potential to save the city far more than its \$56,000 cost. If it prevents just one lawsuit related to discrimination, either from its employees or from Portland's citizens, it would have likely paid for itself many times over.

The only caveat I'd make is that the class is a good start, but to get its full value, you have to bring back the tools and perspectives it provides and engage the entire organization in a meaningful and ongoing discussion. I'd encourage The Oregonian to interview others who have been through the class and check in on how well the police department follows through with what they learn.

Gregg Kantor is president and CEO of NW Natural

Portrait of a pothole: When road damage takes out your car, who takes the blame?

*By James Reddick
July 14, 2014*

As Geri Miller approached a railroad crossing on 105th Avenue in an industrial stretch of Northeast Portland, she noticed a group of people on the side of the road. One woman called out, waving, but it was too late.

"We were going about 10 miles per hour and then 'bam!'" Miller said. She felt the impact of the airbags inflating as her Pontiac Grand Am filled with smoke.

"We were like 'What just happened?'" she said.

Over 24 hours in mid-February, a pothole at the lip of the railroad crossing cost drivers and their insurance companies thousands of dollars in damages; it broke Miller's engine cradle, punctured another car's oil tank, and cracked the entire sub-frame of a BMW.

One man wrote the city a letter saying the pothole was so deep that he flew out of his seat and hit his head on the roof of his car.

Even though the spot is nestled against the railroad crossing, that portion of road is the Portland Bureau of Transportation's purview. This is why road crews came out that same day to patch up the hole, and why drivers filed four separate tort claims -- precursors to lawsuits -- with the city related to this particularly nasty pothole.

What it doesn't explain: Why the city denied all four.

Proving negligence

Since the beginning of 2013, 52 drivers have sought restitution from the city of Portland for damage they said was due to the condition of the roads. Fewer than 10 percent received compensation. In total, the city has paid less than \$900 for pothole-related repairs over the previous year and a half.

So who is responsible when bad city roads damage a vehicle?

According to Abby Coppock, a city spokeswoman, the Bureau of Transportation isn't necessarily liable for damage.

"When we get a claim for potholes, we look at what the city is legally obligated to provide," she said. "There's no obligation that we provide pothole-free streets."

The determining factor for the city attorney is when the transportation bureau becomes aware of a problem and how quickly city crews respond.

Basically, PBOT sets its own goals for response time; so long as it meets these, taxpayers and their government shouldn't be responsible for damage.

According to Diane Dulken, spokeswoman for PBOT, road crews have a maximum of 28 days to fix a pothole. Within five days, there should be an assessment of the severity of the problem. If it's a safety hazard, crews will prioritize and fill the hole right away.

So long as this process takes place, drivers eat the cost under city policy.

This is usually the case on a national level. A survey published last month by Trusted Choice, a marketing agency for independent insurance agents, found that over the last five years municipalities had compensated just three percent of respondents for damage caused by roads. In total, 65 percent paid out of pocket.

Brad Hilliard, a spokesman for State Farm Insurance, says that insurance companies seldom contest claims with municipalities because of the burden of proving negligence.

The response times vary depending on the city, but Portland's policy requiring claimants to prove that the transportation bureau didn't respond quickly enough is standard throughout the region.

According to Hilliard, municipalities that are challenged will highlight in court the volume of problem spots that require attention.

"They urge the court to take into account that there's only so much money they have to respond to these problems and they have to prioritize," Hilliard said. "When you're talking to a jury full of taxpayers, that's a pretty good defense."

Drivers at a loss

The city's denial of claims doesn't sit well with Miller. A lucky case, she convinced Union Pacific to pay for repairs for damage even though the company has denied other claimants.

Still, she thinks the city should compensate drivers for their losses.

"I don't know who is responsible, but it definitely wasn't me," she said. "It really surprises me that they're fighting these claims when they were out there the next day fixing it."

So when are claims accepted? According to Coppock, the most common reason for the city to pay a driver is confusion over the jurisdiction of a stretch of road. For example, one claimant's car was towed after hitting a pothole on an off-ramp at the Interstate 5 South Swan Island exit. Because PBOT officials thought the pothole was the state highway's jurisdiction, they hadn't repaired the ramp, and the city paid out the claim.

Diane Dulken, a PBOT spokeswoman, says that the agency's focus is on preventive road repairs to avoid these circumstances. But, she says, the funding isn't in place to cover needed repairs.

Mayor Charlie Hales has been pushing for a controversial new street fee, which could raise as much as \$53 million per year for road maintenance. Residents and businesses would be required to pay into the fund.

The mayor's emphasis on road safety follows years of cutbacks. In 2009, the City Council voted to only do preventive work such as paving on main roads, rather than on side streets.

The council rescinded that ordinance in 2013. PBOT announced last month that it had exceeded its goal of paving or treating more than 100 miles of city roads this year. The stretch of road at Northeast 105th Ave and Killingsworth Street wasn't one of them.

"Right now there's a conversation happening about funding for street repairs," Dulken said, referring to the street fee proposal. "When you have poor maintenance it can really affect people's days—or in some cases worse."

Wendy Tanner-Morse was one of the bystanders who watched Miller's airbags deploy back in February. She had pulled over a few minutes earlier after the pothole had "torn up" the underside of her car. After filing a tort claim, she eventually received a pro forma denial letter from one of the city's analysts.

"Maybe it's naïve of me to think that something different was going to happen, but it's not like I'm suing you for a million bucks," she said. "It would be nice if there was at least an acknowledgement saying 'oops, our bad.'"

Portland police chief said he learned many lessons about diversity at white male retreat

*By Maxine Bernstein
July 14, 2014*

Portland Chief Mike Reese, in his first statements about last week's multi-day diversity training retreat with the mayor and 10 other members of his police command staff, called the sessions "thought-provoking."

The chief also pledged to create a Police Bureau that is "welcoming and affirming," where members "celebrate our diversity and build on our individual strengths."

Hales, Reese and 14 other white male city managers attended the training at a cost of \$56,000. The White Men as Full Diversity Partners, a Portland organization with more than a decade of experience, hosted the event at The Resort at the Mountain in Welches.

The training was to be funded in part by Hales' office and the Portland Police Bureau.

According to Hales' office, the training focused on eliminating racism, sexism and homophobia in organizations. The city managers attended from 5 p.m. Monday through 2:30 p.m. Thursday of last week.

Joining the chief at the retreat from the Police Bureau were: Assistant Chief Mike Crebs, Assistant Chief Larry O'Dea, North Precinct Cmdr. Mike Leloff, Central Precinct Cmdr. Bob Day, Capt. Mike Marshman, Capt. Chris Davis, Capt. Pat Walsh, Capt. George Burke and Lts. Jeff Kaer and John Scruggs.

Here's the chief's full memo to Police Bureau members:

From: Reese, Mike
Sent: Friday, July 11, 2014 1:22 PM
To: AllPPBUsers
Cc: Wesson-Mitchell, Deanna; Hales, Charlie
Subject: White Men As Full Diversity Partners Caucus

Dear Bureau members,

You may have read or watched recent media reports about the training I attended with Mayor Hales, senior leadership in the Police Bureau and other leaders in City government. Many people in the Bureau have asked me about the training and what it was about. I am only speaking for myself as I describe the impact the training had on me. I believe other attendees will want to discuss their perspectives on the training and the personal takeaways for them.

I found the Caucus thought-provoking, and there were many lessons that I learned about diversity and the culture we live in. One of the most important lessons was that there still exists pervasive and destructive messages directed at women, people of color and other groups that create barriers to success.

As Chief of Police, I will do all that I can to create a Police Bureau and a community that is welcoming and affirming; where we celebrate our diversity and build on our individual strengths.

Chief Mike Reese

Portland street fee: Mayor Charlie Hales says 'nothing is off the table' in street maintenance push

*By Andrew Theen
July 14, 2014*

Portland Mayor Charlie Hales says "nothing is off the table" in the search for an immediate infusion of cash to fix the city's roads.

Hales' comments came in a wide-ranging Monday discussion with The Oregonian's Editorial Board. Hales and Commissioner Steve Novick, who runs the city's Bureau of Transportation, want to raise up to \$53 million annually to pay for road safety and maintenance projects.

The current plan, tabled in early June and scheduled to return for a City Council vote in November, calls for monthly fees on both residents and businesses. For a typical homeowner, the annual cost would reach \$144.

Hales and Novick said that regardless of the form, the city needs to collect roughly the same amount of revenue -- approximately \$50 million -- each year. Other proposals introduced at recent city town halls include increasing the city's business income tax, instituting a progressive income tax or establishing a sales tax.

A massive bond measure to pay for years of street maintenance and safety projects is an unlikely plan however, Hales said Monday.

With the Portland Bureau of Parks & Recreation prepping to ask voters to approve a bond measure this fall, Hales said he's "wary" of using a similar mechanism to pay for road improvement, "because our property taxes are so high."

Hales said the problem with a bond measure is that it is not a permanent source of funding. The city needs money to pay for its road infrastructure "as far as the eye can see," the mayor said.

According to a 2013 city audit, the transportation bureau needs to spend \$75 million each year for a decade to get Portland roads up to fair condition. In reality, that number is much larger, Hales said, and \$53 million is just a step toward addressing the problems.

Portland's street funding woes date back to the implementation of Measure 5 in 1990, Hales said. The legislation capping property taxes should have been the impetus for a state sales tax or other tax reform, he said. That hasn't happened.

"If you think we'll have tax reform that undoes the effects of Measure 5, great," Hales said. "I'll be a fan." But in the meantime, Portland's roads are cracked and getting worse.

The Portland Bureau of Transportation's discretionary budget doesn't have a lot of wiggle room, Hales said. But he pledged to take a serious look at PBOT's budget in the current fiscal year to find further ways to cut costs and save money.

"Have we found every dollar with good management? No. Are we fat and sloppy? No. So we have room for improvement, always," Hales said.

One area that could potentially free up millions of discretionary spending dollars: shifting streetcar maintenance costs to the General Fund. Novick said he brought up the issue this year and will push harder in the coming years.

Hales acknowledged that Novick has a compelling argument that streetcar costs should be shared in the general fund. The streetcar, Hales said, is a redevelopment tool that has helped create some \$5 billion of investment along its route

"All things considered, it would make more sense," Hales said, to shift the millions to the general fund.

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In other street fee related news, the first scheduled working group for PBOT's business working group is Monday at 3:30 p.m. at the Portland Building (Room C).

The 20 member-working group will be chaired by Portland chief administrative officer Fred Miller.

Another working group, which represents the low-income and institutional (nonprofit) sides of the fee, will meet on July 29 at 3:30 p.m. at the Portland Building. Ruth Adkins, a Portland Public Schools board member, will chair that committee.

Dylan Rivera, PBOT spokesman, said the city elected not to have a strictly residential working group because there's already residential representation on a separate city funding committee.

"There are lots of opportunities to discuss ways to improve the fee," Rivera said.

PBOT is focused on specifically digging into details on the business side and low-income residents, Rivera said.

Portland Commissioner Steve Novick just turned down a \$7,280 pay raise

*By Brad Schmidt
July 14, 2014*

Portland Commissioner Steve Novick is being paid like it's still 2011.

Novick this month turned down the city's annual cost of living increase, rejecting what amounts to a \$7,280 raise for Portland's newest city commissioner.

Portland's other elected officials – Mayor Charlie Hales, commissioners Nick Fish, Amanda Fritz and Dan Saltzman, and Auditor LaVonne Griffin-Valade – each accepted pay bumps to correspond with 2.7 percent local inflation.

Under Portland's new pay scale, Hales earns \$131,560 a year and the other elected officials are at \$110,802. Novick makes \$103,522.

Novick said he didn't accept the pay hike because it "doesn't feel right."

Novick, incidentally, is in charge of the cash-strapped Bureau of Transportation. Beginning next July, Novick wants to charge homeowners and businesses new monthly fees that would raise millions of dollars annually to repair crumbling city streets.

As you might expect, the city's cost of living adjustment has long been political for Portland's politicians.

In good times, no one blinks at taking the extra money, set to the same pay increase that other non-union city employees receive.

In bad times, such as the recession? Not necessarily a great idea.

As it stands, Novick is being paid a salary-adjusted hourly rate from July 2011 – not even 2013, when he took office.

The lengthy explanation for the outdated pay goes like this: the hourly rate for city commissioners in 2011 was \$49.77; in 2012, then-mayor Sam Adams tapped cost-of-living money for the 2012-13 fiscal year to bail out Portland Public Schools, so the cost of living increase to \$51.41 was deferred until June 2013; Novick took office in January 2013 and rejected the June increase; the 2013-14 fiscal year included a 0.9 percent increase, to take effect Jan. 1, but Novick rejected that increase to \$51.87, as well.

Portland human resources officials force politicians to take the present-day rate or nothing at all.

Novick's latest decision to reject the cost of living increase – which would have increased his hourly rate to \$53.27 – keeps him locked into the old pay.

It's familiar territory for some of his colleagues.

Commissioner Amanda Fritz long held out at her old pay until accepting an increase last year, which notably corresponded with her spending more than \$300,000 of her own money to win re-election.

And Commissioner Nick Fish rejected so many pay increases (during the recession) that he was being paid \$47.84 an hour – the salary-adjusted rate from when he took office in 2008.

This month, Fish finally took the pay hike, which will amount to \$11,295 for the year because his old salary was so deflated.

As for Novick, next year's paycheck could increase – he's already planting the seed that he may eventually accept a cost of living increase.

"Doesn't mean I'll never do it," he said.

The Portland Tribune

Haynes faces campaign fine - again

*By Jim Redden
July 15, 2014*

Mayor Charlie Hales' spokesman Dana Haynes has been fined twice for illegally campaigning on public time.

Despite that, the Oregon secretary of state's office is only fining Haynes \$150, the maximum allowed for second offenses on the penalty matrix the office follows. Haynes' previous fine, imposed in 2009, was just \$75.

Even the maximum \$250 fine is well below those allowed for other elections offenses. For example, fines for violating laws governing initiative and other petitions can be as high as \$10,000 for each incident.

The fine resulted from an elections complaint filed by the chief co-petitioners of the proposed Portland public water district. It charged that Haynes wrote and distributed a press release on public time during the campaign that advocated against the measure, which was ultimately defeated at the May 20 primary election.

Co-chief petitioner Kent Craford calls the fine 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, who filed the elections complaint with co-chief petitioner Floy Jones, a self-appointed water watchdog.

Tony Green, a spokesman for Secretary of State Kate Brown, says her office is considering reviewing all of the penalty amounts. Although such a review is not yet scheduled, Green says it would likely occur in an off-election year.

'Not impartial'

Haynes was notified of the most recent fine in a July 10 letter from Alana Cox, a compliance specialist in the elections division of the secretary of state's office. It said he violated the law by writing and releasing a press release from the mayor's office that criticized Measure 26-156 after it had qualified for the primary election ballot.

The criticism was included in a quote attributed to Hales that was drafted by Haynes and approved by Hales. It called the backers of measure "anti-environmental" and said the measure was an attack on the city's green programs. That theme was used by the measure's opponents throughout the campaign.

"Read as a whole, the portion of the release related to the measure demonstrates clear opposition to the measure and is therefore not impartial," according to Cox's letter.

Most of the Feb. 11 press release concern the ongoing lawsuit in Multnomah County Circuit Court about whether the City Council has misspent water and sewer ratepayer funds.

Haynes has 45 days since July 10 to appeal the fine.

Elections officials dismissed a second complaint against a different employee in the Mayor's Office filed by Craford and Jones. In another July 10 letter, Cox said Josh Alpert, a policy adviser, did not break the law by speaking against the measure at a morning meeting that ended before the start of his work day. Alpert told investigators that begins at 9 a.m.

Previous fines

Five years ago, election officials ruled that Haynes violated the same law while he was employed as a public information officer at Portland Community College. In 2008, Haynes posted information about PCC's pending \$374 million capital construction ballot measure on the college's official website. Elections officials ruled the information advocated passage of the measure.

At the time, Haynes was working under Kristin Watkins, the director of college advancement. She was fined \$100. The two fines were issued the year after the measure passed.

The previous complaint was filed by Glen Comuntzis, a part-time PCC instructor.

Haynes is well-liked by most reporters who cover City Hall. A successful novelist, he is not as defensive about his boss as some previous press aides in the mayor's office. For example, during the discussions on the street fee proposed by Hales and Transportation Commissioner Steve Novick, Hales freely admitted that most of the feedback has been critical and that many Portlanders hate the idea. Some reporters have speculated that Haynes' candor suggests he is not interested in a long public service career, but is gathering anecdotes for another novel. Others say Haynes has always been interested in politics.

It's not unusual for public employees to be accused of illegally supporting or opposing measures during heated heated campaigns. Few are ever fined, however. Another exception occurred in 2011 when eight Portland Public Schools employees were fined \$75 each for working on flyer that advocated passage of bond measure. The included Superintendent Carole Smith.

More recently, Tigard Mayor John Cook was accused of illegally using a city newsletter to oppose a ballot measure limiting light-rail construction by some of its supporters. Nothing came of the complaint.