

The Oregonian

How Portland managers skirted orders to stop paying architect of over-budget Columbia Building

*By Brad Schmidt
October 24, 2014*

Managers inside Portland's Bureau of Environmental Services sidestepped contracting controls to ensure that the architect behind an \$11.5 million office building kept getting paid, even after an elected official wouldn't sign off.

Skylab Architecture designed the striking but over-budget Columbia Building now at the center of this week's critical city audit, which prompted Commissioner Nick Fish to place Dean Marriott, the bureau's director, on paid leave.

The audit blames inadequate design oversight, elaborate design features and an ever-expanding scope for more than tripling the project's cost. Without going into detail, the report also briefly highlights that managers manipulated contracting to ensure Skylab received money against the wishes of Commissioner Dan Saltzman, who oversaw the bureau until 2013.

Auditor LaVonne Griffin-Valade, in an interview, described the workaround: "The commissioner in charge said, 'No,' and they did it anyway."

No one has indicated that sewer bureau employees did anything illegal, and the money in question constitutes a tiny fraction of the total project cost.

But audit work papers reviewed by The Oregonian provide a rare, behind-the-scenes look at the complex billing scheme crafted to ensure that \$95,581 made its way to the architects. The episode, laid out in emails and other internal documents, reveals the power and cunningness city managers can exert over contract payments.

After being told they could no longer increase funding for Skylab under a swollen \$1.3 million design contract, bureau managers increased spending on a related construction contract so the general contractor could pay Skylab instead.

"It's not the most direct or transparent transaction," said Drummond Kahn, director of the city's audit services division. "I hope there isn't another need"

When the City Council approved hiring Skylab as the architect for a new bureau of environmental services building in June 2010, bureau officials expressed "optimal" confidence that the design contract wouldn't cost more than \$522,000.

Six months later, \$84,000 had been added to the cost, and design project manager James Bowen was seeking \$338,000 more.

Scott Turpen, the bureau's facilities and administrative services manager, asked Bowen if he was confident the additional money would be enough to finish the work "with minimal risk of additional fee."

"I think the new fees will be sufficient for the project," Bowen wrote in response to Turpen's January 2011 email, noting that the budget and fees were "appropriate for the quality of the building."

It wasn't enough.

By June 2012, bureau managers had obtained another \$83,000 and were seeking nearly \$280,000 more.

This time, Saltzman's office stepped in. His staff wanted an explanation for each preceding contract amendment.

Scott Gibson, the bureau's design services manager, gave his staff a suggested format for answering Saltzman's request. He filled in the blanks of the template with some tongue-in-cheek responses.

Gibson's email on June 19, 2012 showed a "justification" section stating that the first two amendments "added some stuff," while the third amendment came because "I still need more stuff." Gibson's model justification for the latest amendment: "God I hope there isn't another need for more stuff."

The report the bureau ultimately delivered to Saltzman wasn't enough.

Bowen, of the sewer bureau, told Brent Grubb, a principal at Skylab, in a June 21, 2012 email that Saltzman had declined to sign off on the additional funding.

"We made it through"

The quest for more money wasn't over, though.

Susan Aldrich, Bowen's supervisor, apologized to Skylab in an email and said she was "doing everything possible to resolve this." She and Bowen planned to meet with Marriott, the bureau's director, to discuss options.

In July, Saltzman took the contract amendment to City Council, where it was approved without discussion.

"We made it through Council. YEAH!!" Aldrich wrote to Skylab in a July 18, 2012 email.

"Thank you Susan!!" Grubb responded.

The exchange was significant in light of this week's audit, in which officials raised concerns about a conflict of interest. Auditors noted that Aldrich was responsible for overseeing construction spending bureau-wide while also directly overseeing the Columbia Building project.

By then, bureau officials had amended Skylab's contract four times in all and the City Council had signed off on three of the amendments. The contract had grown by about \$785,000 to cover additional work, such as an updated master plan, site design and more hands-on services during construction.

Although the precise timing isn't clear, Saltzman told auditors that he delivered a blunt message to bureau officials: After the July 2012 amendment, he wouldn't be approving any more contract increases.

Bureau managers were undeterred.

Officials would need to "discuss a mechanism to adjust Skylab's contract," Aldrich wrote in a Nov. 28, 2012 email to other bureau managers, "since it is clear that more services are required."

"Probably not appropriate"

Skylab's request for money came one year later.

The architects sent a letter to Aldrich on Aug. 9, 2013. It asked for \$95,581.06. Skylab's Grubb said the company had spent more than authorized under its design contract because of problems with one of the building's complex features, a wall of windows.

By that time, Fish had taken over the sewer bureau from Saltzman. Nonetheless, bureau employees devised a workaround to Saltzman's objections to giving Skylab more money.

Rather than paying the building designer directly, bureau managers moved the money through the general contractor on the project, Skanska USA Building.

On Nov. 18, 2013, Skylab invoiced Skanska for \$95,581: exactly what Skylab asked of Portland, minus 6 cents.

Then, between December 18 and March 27 of this year, bureau officials approved 10 small changes to their \$7.7 million construction contract with Skanska, each one increasing the agreed payment amount.

The city's additional payments to Skanska totaled exactly what Skylab had billed the general contractor: \$95,581.

Why did the bureau do it?

Bill Ryan, the bureau's chief engineer, told auditors in a June 24 interview that it would be inappropriate to authorize work by Skylab, to know the bureau owed Skylab money and to simply not pay it.

"But he acknowledged it was probably not appropriate to pass through money as they did, and this might not have been the best thing to do," auditors wrote in their work papers.

The Oregonian shared the auditor's account with Ryan. Through Fish's office, Ryan declined to comment.

Jim Blackwood, Fish's policy director for the bureau, said employees have been asked not to discuss the project while an outside attorney hired by Fish completes a supplemental investigation.

It's not entirely clear why officials didn't ask Fish to approve changes to the design contract if Saltzman was no longer overseeing the bureau.

Ryan told auditors that ideally bureau managers would have asked Fish for approval. But Ryan explained that it would be very difficult to describe such a complex issue to the new sewer commissioner, who had other pressing concerns.

Until being told by a reporter, Blackwood said he didn't know the questionable \$95,581 payment flagged by the auditor had occurred while Fish was in charge.

Portland police union supports city council vote to appeal part of federal judge's ruling

*By Maxine Bernstein
October 23, 2014*

Portland Police Officer Daryl Turner, president of the Portland Police Association, released this statement Thursday afternoon, supporting the City Council's 4 to 1 vote to appeal a part of a federal judge's order regarding periodic hearings on police reform updates.

Turner's statement mimics the arguments that the mayor and city commissioners who supported the appeal gave before voting to support it.

October 23, 2014

Yesterday, City Council voted to appeal a very narrow portion of Judge Simon's order calling for annual evidentiary hearings over the implementation of the Settlement Agreement between the City and the USDOJ. The City's appeal seeks to clarify the judge's role and has nothing to do with the framework of the Settlement Agreement. Also, all aspects of the PPA's resolution to its collective bargaining objections with the City will remain in place and are not subject to the City's appeal.

Why is the City appealing this very narrow issue? Because our Police Commissioner, Mayor Hales, has assumed ultimate responsibility for the implementation of the Settlement Agreement. Finality and responsibility are important, and the court's order muddies the water in that respect. With his appeal, Mayor Hales will seek clarity from the courts to ensure that he is able to follow through on his promise to the rank and file that he is ultimately responsible for meeting the terms of the Settlement Agreement.

Daryl Turner, President Portland Police Association

\$1.1 million pledged for two more east Portland parks projects: Portland City Hall Roundup

*By Brad Schmidt
October 23, 2014*

Two east Portland parks will receive about \$1.1 million from city development fees to improve access and build trails.

The funding for Leach Botanical Garden and Clatsop Butte Park are the latest east Portland commitments from Commissioner Amanda Fritz, who oversees Portland Parks & Recreation.

Fritz has already pledged \$20 million from development fees to build two parks on undeveloped properties in east Portland.

Now, Fritz has committed \$1 million from development fees to Leach Botanical Garden as part of a broader \$2.2 million project. Although the scope of work hasn't been finalized, parks officials say the money will help make the park more accessible to people with disabilities and money may be used to build a parking lot.

Earlier this month, the city agreed to pay a premium price of \$400,000 to buy land for the parking lot, to be built near Southeast 122nd Avenue and Foster Road. The new \$1 million contribution comes on top of the \$400,000.

Additionally, Fritz has earmarked \$100,000 to build a trail and add benches at the undeveloped Clatsop Butte Park.

Even after making the modest improvements, the 43-acre Clatsop Butte Park will still be considered undeveloped because it lacks sports fields, playground equipment or other key features. The park is next to a hillside subdivision -- south of Southeast Foster Road near 162nd Avenue -- developed more than a decade ago by Homer Williams.

The Portland City Council has adopted a goal that all city residents will live within a half-mile walk of a developed park or natural area by the year 2020.

Citywide, 80 percent of households meet that standard. In east Portland, it's just 63 percent.

The Mercury

Beseeking a Higher Power

Hales, Fritz Want to "Clarify" Judge's Demand for Annual Updates on Police Reform

*By Denis C. Theriault
October 22, 2014*

THE LEGAL DRAMA over police reform in Portland—seemingly put to rest in August, when a federal judge finally approved the city's nearly two-year-old settlement agreement with the US Department of Justice—has been revived.

On Wednesday, October 22, Mayor Charlie Hales and Commissioner Amanda Fritz will ask their colleagues to push back against one of the more contentious elements in US District Court Judge Michael Simon's ruling: an order that the city and feds, along with the Portland Police Association and community advocates, must return to court at least once a year to defend their progress.

Simon, reacting to community outcry after a public hearing in his courtroom earlier this year, had signaled his interest in the updates for months, trying and failing to reach a deal with the city before ordering them over the city's strong objections. City attorneys have argued that Simon, in issuing that order, exceeded his authority and potentially usurped oversight of the reform deal from Portland City Council.

Hales and Fritz, according to a resolution filed on Friday, October 17, are asking their colleagues to appeal Simon's entire ruling, but with the narrow goal of having the federal Ninth Circuit Court of Appeals "clarify" Simon's role in overseeing the progress of reforms.

"This appeal does not challenge the settlement that four stakeholders—the US Department of Justice, the city, Portland Police Association, and Albina Ministerial Alliance [Coalition for Justice and Police Reform, or AMA]—agreed to," Hales said in a statement. "The city and the police bureau are fully committed to the reforms outlined in the settlement agreement."

The reforms in question were largely negotiated in late 2012, after the feds concluded a months-long investigation into the Portland Police Bureau, finding that Portland officers engaged in a pattern or practice of using unconstitutionally excessive force against people with mental illness.

Among the negotiated changes are speedier misconduct investigations, a new unit focused on mental health, force and conduct policies that prize de-escalation, limits on Taser use, and a consistent discipline guide. The city has also agreed to hire a compliance officer/community liaison to help oversee its progress in implementing those reforms. Fritz, in a statement, insisted the city council was intended to be the public backstop making sure everything's going according to plan.

Advocates, however, already argue that the reforms don't go far enough, absent more civilian oversight of the police bureau. And some say they're deeply concerned about the implications of an appeal, no matter how narrowly crafted Hales and Fritz insist it is.

The AMA issued a statement fretting over a delay in seeing the reforms implemented and "condemning" the appeal for the message its members believe it sends.

"This is an attempt to backtrack and dilute and get rid of the limited oversight provided by the judgment entered by Judge Simon in August," says the AMA's chairman, Reverend LeRoy Haynes. "This move further reduces the community trust for reform and accountability of the Portland Police Bureau."

Jason Renaud of the Mental Health Association of Portland—who's already criticized Hales for failing to fund mental health facilities urged in the reform ["An Empty Mandate," News, Feb 19]—also sent out blistering remarks scolding the city for keeping its legal apparatus in motion.

"Persons with mental illness have been admittedly harmed by Portland police," Renaud writes, "and after three years of dawdling there is still no independent assurance anything has changed."

Concerns about delays in seeing the broader package of reforms implemented aren't unfounded, sources say. In the event the Ninth Circuit agrees with the city that the judge overreached when compelling the updates, and then sends the reform deal back to Simon for a fresh ruling, Simon could decide to reject the deal altogether and seek a bench trial.

But Hales and Fritz's appeal is expected to pass handily. Commissioners Steve Novick and Nick Fish, both lawyers, told the Mercury they support Hales and Fritz—giving them at least four votes on the five-person council.

Fish says his vote will come with "some reluctance," even though he thinks it's smart to set the ground rules for oversight sooner rather than later. Novick, however, is less reserved. He likened Simon's decision to a judge in a custody case asking divorced parents to return to court and provide evidence, almost as if "he were a party in the case."

"Judge Simon is doing something legally wrong and very odd," Novick says. "So I'm very comfortable supporting an appeal."

Old Town, New Tricks

Hatred of City Policy Has Sparked Promising Changes in Chinatown

*By Denis C. Theriault
October 22, 2014*

FOR ALMOST two years, Old Town slumped and scowled under the weight of Portland City Hall-mandated barricades.

Friday and Saturday street closures, conceived initially to help cops overwhelmed by weekend bar traffic, chafed at business owners and residents alike. Calls from Mayor Charlie Hales that property owners should pay into a special fund to improve this roped-off "entertainment district" went ignored, as did the city's announcement that Old Town's bars could apply to put tables out in the streets.

It looked, until very recently, like another failed effort to help revitalize the huddled mass of Portland's skid row, that bastion of unrealized commercial promise in the city center.

Now that's all changed. Old Town businesses just came out in favor of a year-long extension of the street closures. More important: For the first time, they're considering taxing themselves to help pay for major improvements.

"The conversation has started," says Dan Lenzen, part owner of the Dixie Tavern and a co-founder of the Old Town Hospitality Group, a collective of more than 30 bars and restaurants. "It's time to pull all the parties together and get a cohesive direction."

For years, Portland has used so-called local improvement districts (LIDs) to fund transportation fixes throughout the city. Under the arrangement, a neighborhood can elect to impose new fees on itself, with those fees then going toward a specific project or projects.

The city also has two "enhanced services districts" where property owners pay into a fund for security patrols, trash cleanup, and more. The massive downtown "Clean and Safe" district, established in 1988, is the largest of these. The other one's in the Lloyd District.

With growing agreement that businesses should help spur a more-welcoming Old Town, a similar notion could be on the table.

"It's one in a long list of ideas," says Howard Weiner, owner of Cal Skate Skateboards and chairman of the Old Town Chinatown Community Association. "Whether those ideas are palatable remains to be seen."

That the conversation is happening at all is striking. Last year, Hales repeatedly encouraged Old Town businesses to pursue an "enhanced services district" in the neighborhood that could help pay for street closures, and create a "festival" atmosphere. No one budged.

But lately, the area has had success with experimentation. Earlier this month, the group Better Block PDX obtained permits and the blessing of local institutions to convert a lane of traffic on NW/SW 3rd into a bike-dedicated thoroughfare. The project also created a pedestrian plaza near Ankeny Alley and installed new stop signs and crosswalks.

It wasn't perfect, but the experiment looked a lot more like the Old Town that Weiner, Lenzen, and others envision.

"It's the only area I know of in downtown that doesn't have traffic softening," Weiner says. "How do we get to that sweet spot? And how do we pay for it?"

The people at Better Block, a volunteer group made up of transportation advocates, say that's simple. Businesses need to do it themselves—at least at the beginning.

"The more we can do without city money, the more we build goodwill," says Boris Kaganovich, a TriMet planning engineer who helped lead the Better Block effort in Old Town this month. Kaganovich has been quietly pushing a new fee district among businesses. "They don't want to be left with the entire bill."

Old Town's newfound comity was on display on Wednesday, October 15, at a hearing over whether to extend the closures another year. Heretofore resistant businesses were happy to keep the project, they said, so long as the mayor's willing to tinker with how it's configured.

Because there's one thing everyone in Old Town still agrees on. The closures, in their current form, need to end.

"This has gone from management of a liability to an opportunity," a buoyed Hales said at the hearing. "This could be really great."

Hall Monitor

Nick Fish Holds His Nose Again

By Denis C. Theriault
October 22, 2014

IT'S TEMPTING to feel a bit of pity for Commissioner Nick Fish, who can hardly catch a break—having to deal with messes that unfolded under the watch of his predecessors—after taking over the city's beleaguered water and sewer utility bureaus back in 2013.

Earlier this year, he was the lightning rod for a craven attempt by industrialists to take over the city's utility bureaus, tapping into anger over increasing rates. As commissioner in charge during the election, Fish had to step in for retired Commissioner Randy Leonard and answer for the small, symbolic sins of the Portland Water Bureau (money for a "water demonstration house" and fixes for the Rose Festival's headquarters, among others).

That wasn't pleasant—akin to stepping in dog crap someone left on the sidewalk and tracking it around until you finally got a chance to scrape it off your shoe.

But it still pales before the hazmat crisis that's just surged up around Fish's ankles—this time courtesy of his other predecessor, Commissioner Dan Saltzman, former boss of the Portland Bureau of Environmental Services (BES).

Early Wednesday, October 22, Fish had the honor of telling the world he was placing BES' longtime director, Dean Marriott, on paid administrative leave, while two outside attorneys examine how and why the cost of new offices for the city's Columbia Boulevard Wastewater Treatment Plant bloomed to three times their original budget.

That's a jaw-dropping announcement—the near-sacking of a bureau director—in the largely genteel world of Portland government. But Fish had no choice. A city audit that Fish requested alongside Mayor Charlie

Hales, also released on Wednesday, turned up far too many "red flags" for anyone in charge to ignore—red flags that somehow weren't sufficiently raised years before when Saltzman was in charge of the bureau.

Some are baffling. Repeatedly, city council was presented with incomplete and shifting cost estimates that Fish says were described as "optimal"—surprising for a bureau that delivered the city's billion-dollar Big Pipe under budget and on time. Some seem vainglorious. The remote building—meant to be a functional home for engineers—wound up a needless showpiece with extravagant furnishings and architectural details. Some are ethically dubious. The project's contractor hired BES' design manager in the middle of the work—with BES letting that manager work for both entities for eight months. The most dramatic expansion in the project's costs came during its design phase.

"I'm disappointed. I'm alarmed," Fish says. "That's why I'm taking some tough actions."

Beyond the investigation, Fish has already changed how adjustments to construction come to council. His office also looked at 100 other BES projects done at the same time as the wastewater facility and found, to some relief, they only exceeded their planned budgets by less than two percent. Some of those changes came after KOIN first reported, and then explained in great detail, just how badly over budget the building had grown. (Willamette Week also followed KOIN's reporting this spring.)

But here's what's still going to be muddy: how a boondoggle like this could erupt under a commissioner's nose—Saltzman's—without anyone noticing that the stench was this bad. Was it because Saltzman's penchant for delegation turned into disengagement (at a time when he was complaining he had little to do after then-Mayor Sam Adams stripped the police bureau from him)? Was his office just another victim of BES' lack of transparency?

Saltzman's named just once in the audit—on the list of which officials would be receiving a copy. (His office declined to comment when I called.)

Fish confirmed the investigation will focus solely on the bureau. He's too busy shoveling his way clear to look back and cast blame at his colleagues, he says.

"I have to look forward."

And that's why you shouldn't pity Fish. If he cleans this up, he might find something nicer in his political future to look forward to.

Shrugging Off Widespread Community Concerns, Council Pushes Forward with Police Reform Appeal

*By Denis C. Theriault
October 22, 2014*

As expected, the Portland City Council tonight has agreed to pursue a narrowly framed, but potentially troublesome appeal of the city's police reform agreement with the US Department of Justice—casting aside advocates' and lawyers' insistent concerns that doing so would shatter their sense of trust in city hall.

Over and over, city commissioners tried to make clear what they're trying to do: merely "clarify" a federal judge's order that the city and other parties in the case—including the feds, the police union, and the Albina Ministerial Alliance Coalition for Justice and Police Reform—would have to come to court once a year and defend their progress by answering questions and possibly by submitting evidence. City attorneys want those rules spelled out so they can challenge them if needed—on the grounds that US District Court Judge Michael Simon would essentially be asserting himself as a party in the case.

Commissioners further promised that they'd still be moving ahead with the reforms, which were first negotiated two years ago and approved by Simon in August. The reforms, including changes in training, discipline, force policies, and oversight, are meant to answer findings Portland police had a pattern or practice of using excessive force against people with mental illness.

"We believe these changes are good and necessary," explained Mayor Charlie Hales, who pushed for the appeal along with Commissioner Amanda Fritz. "This is a mandate we welcome and that we as public servants are upholding with our heart and soul. I want you to know that.... This is about clarity."

Fritz, who said it "troubles me greatly" to disagree with so many accountability advocates, reminded everyone that the entire council would answer to the Justice Department—along with a compliance officer and community advisory board whose members have yet to be chosen.

"That would be saying I don't trust myself and that I need a judge," she said. "I don't agree with that.... It's a settlement agreement. It's not a court-appointed monitoring. That's what we worked so hard to avoid."

But those assurances, coming at the beginning of an occasionally technical conversation, fell on deaf ears for the advocates who gathered to speak—from the AMA, from Portland Copwatch, from the National Lawyers Guild, from the ACLU of Oregon, from Jobs With Justice, from the League of Women Voters, etc.. Those groups all pleaded for the council to back down from a stance that many said felt like a "step backward."

"What's the harm?" asked attorney Jason Kafoury, whose firm last month won a record police brutality verdict in a jury trial last month (a verdict Hales says he doesn't agree with). "An appeal can take years and years. I don't understand why the first step wouldn't be seeking clarification from the judge on how the hearing would go and what role he would have."

Kafoury was one of several speakers raising that point in particular. Why an appeal? Why not a letter? Why not a motion or a hearing?

"I don't understand why it has to go to an appeal," said Chris Lowe of Jobs With Justice. "Why can't you just ask the judge? You have to choose between this legalism and public trust."

"Given your repeated claims that the city's in compliance, given your repeated claims of transparency," said the Reverend Kate Lore, "then I must ask what then are you afraid of—and is that fear really worth damaging the healing that's taking place in our city?"

Commissioner Steve Novick pushed back against many of the speakers, trying to get them to articulate why they thought the city needed Simon to intervene when the feds already have the power to find the city out of compliance. Some advocates suggested the promise of an annual hearing would keep the feds on their toes.

Novick, a former practicing attorney who already told me he'd support the appeal, at some point called Simon a "friend," but said Simon had "put himself in an untenable position" and that "all of us have friends who occasionally make mistakes."

Questions about some kind of informal communiqué, however, resonated in the legal discussion that took over the hearing.

Eventually, Hales brought up Deputy City Attorney Ellen Osoinach to talk about the city's back and forth with Simon. She mentioned the legal filings and hearings held before Simon issued his order and his demand for the update—in which the city tried to see if a soon-to-be-hired compliance officer can stand in. But she said a letter or a conversation isn't allowed "because these are judicial proceedings."

"There's not an informal track," she told Hales.

The only "authorized" recourse for that answer, she said, was to ask the Ninth Circuit Court of Appeals for clarification on Simon's power. She said an appeal was the city's first choice, but that the Ninth Circuit might come back and tell the city to submit a writ of mandamus, which is an order from a higher court compelling a lower official to do something they aren't. It's seen as drastic.

Commissioner Dan Saltzman fretted about "cliques" and shared concerns raised by one speaker, Joe Walsh, that the city would be picking a fight with the federal judiciary that it might not ever hope to win.

"That's a fair question," Osoinach said.

But she tried to argue that the case was larger than the city's concerns. Simon had exceeded his expected role in merely accepting the settlement agreement, by adding an unwanted requirement for updates, she said. And the Ninth Circuit, she said, might like to broadly take up that question of judicial authority. The city has until October 28 to file a notice of appeal. A writ would be more flexible. But Osoinach said the city would file both to give the appellate court a chance to choose.

"There is no precedent," Osoinach told the council.

It's entirely possible the Ninth Circuit could just as easily reject the city's appeal or cast aside the writ. But if it decides to hear the appeal, it could be the city and the feds wind up in mediation to keep talking about what the hearings might look like. The feds initially supported the city's request to have its compliance officer appear in court. But the DOJ later joined the AMA and agreed that Simon, in fact, had the right to compel updates.

Fritz asked whether that mediation could expand beyond the original parties to include groups like Disability Rights Oregon, and Osoinach said that was possible.

It's also possible the city could wind up spending years in court—although there's a tiny possibility the court could put the issue on the fast track, which is nine months at minimum, Osoinach said. She estimated it might take nine to 18 months for resolution—which means the city would still likely attend one hearing in Simon's courtroom next fall under his current rules.

Hales asked whether the appeal, in its narrow crafting, could untangle the rest of the reform deal.

Osoinach said the Ninth Circuit hasn't been asked to turn any of the negotiated reforms aside. Although other city sources have raised the concern that Simon, if he's ever handed the case back to make another ruling, might toss the deal out.

"That likelihood," Osoinach said, "is extremely unlikely."

Fritz, later in the hearing, said Simon would "not ride in on a white horse and save the day," because that's for the city council to do for itself.

"We are the only ones who can earn that back," she said.

Saltzman wound up making it unanimous—despite being "torn" and worried about being seen as closing ranks." (Commissioner Nick Fish, who told me he supports the appeal, was missing from the hearing.)

But Saltzman also managed to offend some advocates, by suggesting that some people might accuse the AMA of "closing ranks" by "never saying anything nice about the police." (Which patently isn't true—the AMA often criticizes management and bad police officers, while regularly taking pains to praise good cops and smart management decisions.)

Hales had the last word by invoking James Chasse's 2006 beating death at the hands of police—and institutional racism and mental illness, and the need for cops to be better trained on how to handle those things.

His comments then turned into a recitation of his work as police commissioner and his resolve to see "results." He argued things are getting better based on the reforms that have already begun taking effect no matter what kind of legal wrangling might follow.

"I get the reports every morning and I see thoughtful, nuanced de-escalation.. day after day," he said. "If I didn't think change was possible, I never would have run for office."

Portland is Crumbling—Just Ask City Bureaus

*By Dirk VanderHart
October 22, 2014*

Honestly, it's a miracle this clattering, smoking contraption of a city even keeps rolling (the chard-drunk Washington Post, notwithstanding).

For proof, waggle a few million bucks in fresh maintenance cash. Among the bleak specters that will emerge: bridges threatening to crumble onto the interstate; precarious, shoddily constructed retaining walls; fueling stations for city vehicles in such disrepair the Oregon Department of Environmental Quality is issuing fines; leaking roofs; community centers lacking heat.

They're all detailed—with semi-frequent exclamation points—in city bureaus' requests [pdf] for a portion of nearly \$9 million in unanticipated cash the city's trying to figure out how to spend. Between six city bureaus, city council has \$46.6 million in requested fixes. But not even the whole \$9 million is necessarily up for grabs. Under city budget policy, only 25 percent of that surplus money must be allocated to maintenance. (Surpluses, or their polar opposite, deficits, are dealt with during the city's twice-yearly "Budget Monitoring Process", often called "bump" for short.)

That means something south of \$2.5 million this year is earmarked for these purposes. Council's certainly free to go above that (and might well, if Commissioner Steve Novick's request to use around half for street maintenance, a sop for his and Mayor Charlie Hales' fight to pass a street tax, goes through) but everything's up in the air right now.

Council has some help in determining what projects have most merit, courtesy of a scoring process that rates the consequences of leaving a problem unaddressed (potential loss of life or environmental

destruction, for instance), along with the benefits of a fix (tourism! less pollution!) and the likelihood of a piece of infrastructure failing. That scoring system is vetted by employees of eight separate bureaus, to help prevent people from overstating their woe.

The ratings came out earlier this month, just in time for terror season. Now, we give you the top five projects Portland bureaus (not including the sewer and water bureaus, which use ratepayer money for fixes) say need our URGENT MONETARY ATTENTION:

1: A crumbling, environmentally hazardous gasoline container near the Columbia Slough

Cost: \$2,132,904

City-owned vehicles guzzle about \$7 million every year. It'd be more if they didn't rely on discount fuel available at nine fueling sites throughout the city. But more than half of the 27 fueling tanks spread out among those stations have outlived their use, says the Office of Management and Finance. Particularly problematic are tanks near the waste water treatment center at 5001 N Columbia.

Total Consequence Score (Maximum = 30)		29
Likelihood		
Without this project, the asset is expected to fail in:		
Already failed or will fail in less than 1 year	100%	100%
1 to 2 years	90%	
2 to 3 years	80%	
3 to 5 years	70%	
6 to 10 years	60%	

The site "has already received a DEQ citation and fine for failure to comply with performance standards," says the OMF's description. "DEQ requires action by the City to report scheduled decommissioning, or immediate discontinuance in storing gasoline with ethanol at this location."

We've asked the DEQ for the pertinent records, and are assured they're on the way (though one woman at the agency said it was hard for her to keep track of this specific citation, given all the enforcement actions DEQ issues against the city).

2: The NE 12th bridge over I-84 is barely hanging on

Cost: \$9,736,909

You know this bread-scented bridge just north of the Franz factory. It "was built in 1910, and currently stands at 104 years old!" the Portland Bureau of Transportation yells in its description.

Total Consequence Score (Maximum = 30)		26
Likelihood		
Without this project, the asset is expected to fail in:		
Already failed or will fail in less than 1 year	100%	100%
1 to 2 years	90%	
2 to 3 years	80%	
3 to 5 years	70%	
6 to 10 years	60%	

Then PBOT details why you shouldn't be lulled into false comfort by the smell of gluten as you cross: "The bridge is classified by the Federal NBI as Functionally Obsolete. It is also Fracture Critical. That means that if any one member of the bridge's trusses or girders should fail, then the whole bridge structure could collapse. This is obviously a significant hazard over I-84 and railroad tracks below."

The span, PBOT notes, "is also a significant earthquake hazard." (This is a common refrain in the push for funds, since so little of our city is ready for the Big One.)

3. A disguised bridge on N Willamette that may slide down the hillside.

Cost: \$532,751

PBOT's "bridge number 007" sits precariously over Swan Island, on the curving stretch of N Willamette overlooking Portland's industrial splendor. It might be difficult to find on your

own. According to PBOT's description: "the bridge does not appear to be obvious at the site, as the bridge overhangs the Willamette Bluff hillside. However this hillside has been known to have landslide activity over the years, which poses a concern for the stability of the bridge and the stability for Willamette Blvd."

PBOT wants to replace the imperiled bridge with something stronger and more stable, it says.

Total Consequence Score (Maximum = 30)		25
Likelihood		
Without this project, the asset is expected to fail in:		
Already failed or will fail in less than 1 year	100%	100%
1 to 2 years	90%	
2 to 3 years	80%	
3 to 5 years	70%	
6 to 10 years	60%	

4. The porous roof charged with keeping Portland's emergency dispatch system dry

Cost: \$2,976,910 (with all but \$500,000 requested from BMP)

Portland's Bureau of Emergency Communications is vital if you want convenient things like police and ambulance service when you dial

911 (or after you push the button on that fob around your neck if you've fallen and can't get up). But the bureau's communications center has sprung several leaks, and its roof and walls could use replacing.

As BOEC makes clear in its description, your life is in danger: "If water leaks damage technology infrastructure in the building, multiple fatalities could result, and emergency response could be affected. Any possible disruption in service is disruption to an essential service to customers. The city is legally obligated to provide the essential services conducted in the PCC and is liable for disruptions in service that may occur."

Total Consequence Score (Maximum = 30)		22
Likelihood		
Without this project, the asset is expected to fail in:		
Already failed or will fail in less than 1 year	100%	100%
1 to 2 years	90%	
2 to 3 years	80%	
3 to 5 years	70%	
6 to 10 years	60%	

5. A shoddily made retaining wall on SW Broadway

Price: \$300,000

Take Broadway as it snakes south from downtown and up into the hills, and you'll pass a retaining wall leaning precariously out from its intended position. That's a problem, since the wall

supports both the roadway and a water main that serves nearby homes. The barricade, PBOT says, is the poorest specimen in its "wall inventory." What's more, the bureau doesn't seem to have any idea why it was constructed like it is.

"It was built using broken chunks of concrete sidewalk, which is absolutely not a recommended type of retaining wall," the bureau wrote. "The wall is in significant danger of failing, and is already significantly leaning forward away from plumb."

Total Consequence Score (Maximum = 30)		27
Likelihood		
Without this project, the asset is expected to fail in:		
Already failed or will fail in less than 1 year	100%	90%
1 to 2 years	90%	
2 to 3 years	80%	
3 to 5 years	70%	
6 to 10 years	60%	

The Portland Business Journal

Portland steers another \$1M to 2 East Portland parks

*By Andy Giegerich
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The city of Portland has allocated some \$1 million toward improvements in two East Portland parks.

The money, from the system development charges levied on new construction projects, will help make changes at Leach Botanical Garden and Clatsop Butte Park.

Portland City Commissioner Amanda Fritz made the announcement Wednesday.

All told, around \$31 million, from system development charges, has poured into East Portland parks since 2009. The city has fielded criticism in recent years for not making more recreational sites available (or up keeping the existing sites) east of 82nd Avenue.

The Leach improvements will include better access to the site, off Southeast Foster Road, as well as more property to display plants from remote parts of the Pacific Northwest.

The Clatsop Butte Park project will enhance the park, which sits atop a butte at Southeast 152nd Avenue and Belmore Street.