

The Oregonian

Portland City Council on track to pick police community liaison for police reforms next week

*By Everton Bailey Jr.
October 29, 2014*

The Portland City Council has extended a 30-day public comment period to get input on three candidates seeking to fill a new job monitoring federally mandated police reforms.

People have until Thursday morning. The deadline had been scheduled to end after a council session held Wednesday afternoon to let people sound off about the three finalists for the compliance officer-community liaison. Public comments can be submitted through the city's website.

The council is scheduled to make its choice Nov. 5. The finalists:

-- Daniel Ward, executive director of Oregon's Alcohol and Drug Policy Commission, who has worked as a psychologist at a mental health clinic in Denver and helped develop crisis training for police.

-- A group of criminology academics from Chicago led by Dennis Rosenbaum, director of the Center for Research in Law & Justice at the University of Illinois in Chicago.

-- A team of local research consultants and a labor lawyer led by Portland resident John Campbell.

The police reforms stem from a 2012 U.S. Justice Department investigation that found Portland police engaged in a pattern of excessive force against people with mental illness. The investigation also found that stun gun use by officers was unjustified and, at times, excessive. A negotiated settlement approved by a U.S. District Court Judge Michael H. Simon in late August calls for changes to Portland policies, training and oversight.

The Portland Police Bureau recently added a behavioral health unit as a result of the settlement to assist with calls involving people with perceived or actual mental illness.

The city compliance officer-community liaison contract is not to exceed \$240,000 annually. The finalists were whittled from 12 applicants and announced during a Sept. 29 public forum, where all three made presentations. Most members of the selection advisory committee recommended Ward based on interviews during last month's forum.

Portland Senior Deputy City Attorney David Woboril said the job includes ensuring the Portland police bureau remains in compliance with the settlement agreement, overseeing inspections and audits, community outreach such as leading the community oversight advisory board. The liaison will create quarterly and semi-annual reports on the Police Bureau's reforms and provide annual updates to the judge on the bureau's progress, Woboril said.

Mary Eng, one of three people who spoke Wednesday, expressed concern that the finalists were "too white and too male," and that the process to add the community liaison is "already fraught with tension" because the city has appealed part of the judge's order on periodic court hearings that the process to add the compliance officer.

"Even Mitt Romney had binders full of women," Eng later said. "I think we need some binders full of women as well as some diverse candidates who represent the people who will be looking to this community liaison to be able to reach out to them."

Eng later said she was impressed by Ward's demeanor and his mental health background, she liked that Campbell seemed attuned to city issues and was worried that Rosenbaum would be working primarily out of Chicago if he took the job.

Deputy City Attorney Ellen Osoinach said Oregon State Police conducted a criminal background check on the candidates and found nothing concerning. She was responding to a question from Commissioner Dan Saltzman asking if the city had vetted the finalists. But she said the city hadn't checked their references or verified their qualifications.

Mayor Charlie Hales said the city can proceed with plans to offer a contract to one of the finalists, but has the option to end negotiations if the city finds any red flags in subsequent background checks.

Portland residents' faith in city government remains at historic lows, survey finds

*By Andrew Theen
October 29, 2014*

Portlander's overall belief in the city's ability to provide government services has still not recovered since taking a major dive during the recession, according to a community survey released Wednesday.

Less than half, 46 percent of respondents, said the city was doing either a good or very good job overall at providing services. About 62 percent of residents said that in 2009, but the numbers plummeted in 2010 and have remained low since.

The 24th annual Community Survey was produced by the independent Audit Services Division. It comes in a year dominated by an attempt to wrest control of the water and sewer bureaus from the city and a fierce debate over a potential new tax or fee to raise tens of millions annually for Portland street maintenance.

Drummond Kahn, Audit Services Director, said the survey is a "useful barometer" for city leaders to use and take the pulse of a large swath of residents.

"The survey was never designed to explore cause," Kahn said when asked why belief in government services continues to drop. "So we don't have the answer to the question why."

This year's anonymous survey included responses from 3,297 residents throughout the city. Auditors mailed the survey to 9,800 randomly selected households, featuring dozens of questions about public safety, parks, transportation and livability in the city.

The 2014 rating on overall local government performance is the lowest since auditors asked that question in 1994, although the difference from other recent lows is within the survey's margin of error.

About 12 percent of survey takers this year said the city was doing a bad job overall, while 38 percent said their view was "neutral" on city performance.

Beyond the dim view of overall government services, just 22 percent of people felt they could positively influence government.

Dana Haynes, Portland Mayor Charlie Hales' spokesman, said the results of the survey weren't surprising. "People have a complete and utter lack of faith in government," Haynes said.

"The bar has been set that we don't have to meet the community's expectations, we have to exceed them," Haynes said.

Here are some of the other takeaways.

Roads

Street maintenance took a hit, with 29 percent of respondents giving street maintenance a positive rating, a 9-percentage point drop since 2010. More people gave road maintenance a negative rating (42 percent) than positive in 2014.

Housing

The survey responses paint a picture of a city experiencing some growing pains — where people generally love their neighborhoods, but are increasingly skeptical about what new developments might mean for their quality of life.

People are noticing an uptick in residential construction, but just 46 percent of respondents rated those projects as "attractive," a 15 percentage point decrease from four years ago.

Responses showed affordability is a growing concern, too, with just 37 percentage saying housing is affordable, down 10 percentage points from four years ago.

Water

While residents strongly endorse the quality of Portland's Bull Run-born drinking water (81 percent said it good or very good), the city's administration of the water bureau notched a 62 percent approval rating, a 15-percentage point hit from four years ago.

Earlier this year, voters turned down a proposed ballot measure that would've removed City Council control over water and utility rate paying.

Livability

The overall sentiment is still positive for livability in the city of roses. As with most years, residents overwhelmingly love the livability in their neighborhoods and the city's park system (88 percent and 85 percent respectively). That's been a constant theme for decades.

Safety

Police and public safety services received a 64 percent positive rating, an increase of 4 percentage points from four years ago.

Transit

About 63 percent of respondents drove to work alone, with public transit users dropping slightly since 2010.

Parks

More Portlanders reported going to a city park and using the bureau's recreation services than in 2010

Downtown living

Portlanders think the city could do more to market downtown as a place to live, work and shop, with 57 percent thinking the city is doing a positive job (down from 61 percent four years ago)

Here's a link to the [full report to drill down further](#).

Check out these graphs below showing the 20-year trend line of how positively people viewed the overall job performance in government, street maintenance and housing affordability

Portland's Alta Bicycle Share sold. What does it mean for city's delayed bike share launch?

*By Joseph Rose
October 28, 2014*

Portland-based Alta Bicycle Share has sold off its iconic yet troubled bike-share business. But Portland transportation officials say the deal won't change its much-delayed plans for a \$4 million bike-sharing system, which Alta was hired to run.

Of course, more than a year after bike share was supposed to launch in the city, PBOT is reluctant to discuss where things stand with those plans.

On Tuesday morning, Bikeshare Holdings, a group of private investors led by the CEOs of New York real estate giant Related and fitness firm Equinox, announced that it had bought Alta Bicycle Share. The sale was reportedly made in order to save New York's Citi Bike fleet from going under.

Alta, run by former Portland bike planner Mia Birk, also operated bike-sharing in Chicago, the Bay Area, Chattanooga, Toronto, Washington, D.C., Boston and Melbourne, Australia.

The Wall Street Journal has reported that the acquisition amounts to about \$40 million and appears to stem from the myriad frustrations that New York City officials have had with Alta's management of Citi Bike, which Mayor Bill de Blasio wants to expand.

So what does this mean for Portland's deal with Alta?

"It doesn't change anything for us," said Dylan Rivera, a PBOT spokesman. "Companies get bought and sold all the time."

At the same time, Rivera declined to comment about when – or if – the city hopes to launch a bike-share program that is supposed to be funded with a \$2 million federal grant and \$2 million from local sponsors.

"We're still involved in an ongoing process to monitor other bike-share programs to see what makes them more successful and less successful," he said. "We're continuing to do our due diligence."

Alta hasn't responded to requests for comment about the deal from The Oregonian.

However, a news release from BikeShare Holdings said: "The acquisition will bring fresh capital to the company, allowing Alta to improve the customer experience as it expands operations to serve more riders. The Portland-based Alta Bicycle Share will relocate and consolidate its headquarters in New York City."

In March, a messy bankruptcy involving an equipment supplier prompted Portland to once again delay launching the system in Alta's hometown until 2015. At the time, Commissioner Steve Novick said City Hall was "uncertain as all get out" about when the proposed bike-sharing project would finally launch in Portland.

That same month, The Oregonian reported that Alta Bicycle Share, which is contracted to run Portland's much-delayed \$4 million bike-sharing system, had responded to a report that its New York City network was going broke by saying it is seeking help from investors.

On Tuesday, Rivera downplayed attention being given to the reported sale of Alta, saying far more money goes into street maintenance than bike-sharing.

"No city money is being used," he said of bike share. "It's a federal grant."

Of course, that may be open to interpretation.

The \$2 million federal grant was awarded to the city, which could have used it on other "active transportation" projects, including new sidewalks in neighborhoods that lack them.

Asked if he was shrugging off federal money at a time when City Hall is proposing either a new tax or a new fee for future street maintenance, Rivera said, "All of our funding means a great deal."

The Portland Tribune

City ranked low in survey

*By KOIN 6 News
October 30, 2014*

A report card for the city of Portland, filled out by those who live here, is brutal in spots and flattering in others.

"As surveys got, this is a really reliable barometer of city services," said Drummond Kahn, the director of Audit Services.

The simple breakdown: people who live in Portland love this city but feel differently about its government.

Only 46 percent of people think city government is doing a good job.

"That's the lowest number it's been since we began asking the question," Kahn said.

Only 22 percent of people in Portland feel good about their ability to make a difference, influencing government decisions, which Kahn said is "a new low also."

Mayor Charlie Hales was quick to point out the good parts of the survey: more people think police and emergency services are doing a good job than at any point in the last four years.

And the parks continue to get great ratings.

"There are some things in here that are very positive," Hales said. But he admitted there are some areas of perception that need to be changed.

"I think it's 100 little things and an attitude. We have to maintain an attitude, and I have it, that this city is owned by all 610,000 people who live here," the mayor said. "We just take care of it for them."

Other findings of concern: Only 29 percent think the city does a good job on road maintenance, and most people said they don't like the new development in their neighborhoods.

The poor government ratings come in the middle of the fight to start charging a street improvement fee or tax, and right after a brutal public fight over who should control city water and sewer services.

That likely played some factor in the results, but auditor Kahn said this survey is not designed to determine why people gave these answers.

"We write the report to the public and city council in the hopes and expectation that they'll use it," he said.

Hales said, "We try to learn from it, try to tune up and do better."

Read the complete survey at www.portlandonline.com/auditor/index.cfm?c=64479&a=507436.

Council digs into 'a lot of change orders'

*By Jim Redden
October 30, 2014*

The City Council struggled Tuesday to understand how a simple construction project turned into a political nightmare.

During a morning work session, City Auditor LaVonne Griffin-Valade briefed the council on her recent audit of the new office building at the Columbia Wastewater Treatment Plant. It traced how the project ballooned from a rectangular office for Bureau of Environmental Services employees into a curved showcase for sustainable technologies along a brand new road into the North Portland facility.

Along the way, the cost tripled from the bureau's original estimate of \$3.2 million to final cost \$11.5 million, including the road with a new security gate, a reception area for visitors, educational features and extensive landscaping.

"What was the cost for showcaseness?" Commissioner Steve Novick asked. Senior Management Auditor Beth Woodward, who presented most of the briefing, answered that it was not broken out as a single item, but is probably included in features aimed at helping the building achieve LEEDS Gold certification, a recognition of its environmental sensitivity.

The audit prompted Commissioner Nick Fish, who is in charge of BES, to place Dean Marriott, the bureau's director, on paid leave. Fish has retained a local law firm to review the project, including a decision highlighted in the audit to waive a contract provision and allow the contractor to hire a BES employee to oversee the project — something the council agreed created a conflict of interest. Fish hopes the investigation will be completed by the end of the year, after which he will decide what to do with Marriott, who has civil service protection but can be fired for cause.

The cost increase became an issue during the campaign over the ballot measure to transfer control of BES and the Portland Water Bureau from the council to an independently elected district earlier this year. Fish and Mayor Charlie Hales asked Griffin-Valade to audit the project before the measure was defeated at the May primary election.

A lot of change orders

The audit released on Oct. 22 found that the building was necessary to replace temporary trailers that had begun to deteriorate. But the audit also cites several design and use decisions made by BES that increased the cost of the project. For example, the audit reported that after the council approved the project BES decided the building should be able to function as an emergency operations center, requiring an additional \$500,000 in work to survive a severe earthquake. Expanding the work site also increased the cost by \$1.5 million.

Many of the changes were approved by Commissioner Dan Saltzman, who was in charge of BES at the time, and the rest of the council during period reviews of the bureau's capital construction budget. After the work session, Saltzman told the Portland Tribune that he supported the early changes to the project but stopped authorizing them at some point.

"I changed from approving the changes to not supporting them, but I can't remember exactly when that happened," Saltzman said.

Saltzman's confusion is understandable. According to Woodward, the contractor requested 188 change orders on the project, most of which were approved. "Change orders are necessary in construction projects, but that's lot," she told the council.

According to the audit, after Saltzman stopped approving the cost increases, BES staff went behind his back to pay the building's architect an additional \$95,000, sending the funds through a project contractor.

The audit makes several recommendations for preventing such unapproved cost increases in the future. They include clarifying competing priorities, considering related needs before submitting the first budget request, better defining what the project contracts are intended to accomplish and obtaining formal council approval for significant changes and cost increases.

Small potatoes

Since the news first broke about the cost increases, Hales has required that all construction and professional services contract changes formally presented to the council if they exceed \$1 million, represent a 30 percent or greater increase over the original cost, or follow two previous change orders. Fish has directed BES and the Water Bureau, which he also oversees, to place all contract requests greater than \$500,000 on the regular council agenda for consideration.

Fish says he hopes the revelations will prompt the council to adopt new policies to better manage all construction project, not just those being done by BES. Such a recommendation may come to the council in November. That is when the blue ribbon commission appointed by Fish and Hales to review how the council sets water and sewer rates is scheduled to complete its work.

The commission might ask the council to appoint a standing committee to review capital construction projects and cost increases before they are approved by the council. The idea is supported by the Citizens Utility Board, a watchdog organization retained by the city to advise of BES and water bureau budget matters.

The need for such new policies may increase in the foreseeable future. The \$11.5 million spent on the BES Columbia Building is small potatoes compared to some other construction projects on the horizon. They include possibly renovating the Veterans Memorial Coliseum, replacing or renovating the aging Portland Building, and a range of projects that could be funded by the news street fee the council is expected to consider in November.

Cost overruns on city projects are nothing new. Past large projects like the OHSU Aerial Tram and the Eastside Portland Streetcar extension were significantly over budget. Even the budget for renovating City Hall, where the council met Tuesday, increased from \$15 million to \$30 million in the late 1990s.

Willamette Week

Portland's Water Bureau Foes Revive Demand for Criminal Investigation of Sewer Building

*By Aaron Mesh
October 29, 2014*

The political activists who tried and failed this spring to wrest control of Portland utilities from City Hall are reviving their call for a criminal investigation into the construction of an expensive Bureau of Environmental Services office building.

Kent Craford and Floy Jones sent a letter to Multnomah County District Attorney Rod Underhill on Tuesday, asking that he respond to their demand in May to investigate any possible crimes committed as the project tripled in cost to \$11.5 million.

Underhill told Craford and Jones in May that he would hold off on any investigation until City Auditor LaVonne Griffin-Valade completed an audit of the building. Griffin-Valade's damning audit, released last week, resulted in longtime BES director Dean Marriott being placed on paid leave Oct 22.

"The findings are troubling, and demand the attention of law enforcement," Craford and Jones write to Underhill. "As Portland's top law enforcement officer, independent of the City, we are calling on your office to investigate the situation, to determine whether crimes have been committed."

City Commissioner Nick Fish has asked the Barran Liebman law firm to investigate the Columbia Boulevard Wastewater Treatment Plant services building. But Craford and Jones say that investigation is insufficient to determine whether laws were broken.

They single out two findings in the audit as potential crimes: BES officials went around instructions from Commissioner Dan Saltzman not to pay more money to the building's design contractor, Skylab Architecture. And a top bureau official went to work for Skylab while the architect was still under contract. "While the City has hired a law firm to investigate further," Craford and Jones write, "we are not confident that a firm engaged by the agency in question (the City) is an appropriate way to determine whether crimes have been committed by the same agency. The same person, Commissioner Nick Fish, oversees both the investigators and those being investigated."

Craford and Jones were the co-petitioners on Measure 26-156, which would have transferred control of the city's water and sewer utilities to an elected board. When KOIN-TV and WW reported on the BES building this spring, the backers of the water district tried to seize on it as political ammunition. But voters in May crushed Measure 26-156 by 73 percent to 26 percent.

The Mercury

Death by Infrastructure

New Rankings Show the City's Maintenance Challenges Run Far Deeper Than Paving

*By Dirk VanderHart
October 29, 2014*

HONESTLY, it's a miracle this clattering, smoking contraption of a city even keeps rolling.

Road paving gets most of the headlines these days—and the city's neglected roadways may well spur a new business and income tax very, very soon. But if you really want to know how bad things are, wave around a few million in fresh cash.

That's what the city council is doing right now, as part of its semiannual "budget monitoring process" ("bump" for short). It turns out Portland's got \$10.1 million in unexpected money to play with. And since, according to city budget policy, at least 25 percent of that money must be spent on maintenance projects, city bureaus have wasted no time suggesting where it might do some good.

Dozens of grim specters have emerged: bridges threatening to crumble onto the interstate; problematic fueling stations for city vehicles that have the Oregon Department of Environmental Quality issuing fines; rain-threatened 911 dispatchers; and community centers lacking heat.

It's not new for bureaus to play up their woes in pursuit of money, of course. What is new, in regards to this "bump," is that city commissioners have something more solid than the bureaus' assurances to go on.

This summer, the Portland City Budget Office (CBO) convened staffers from eight bureaus to vet proposals for any surplus cash. Using a risk score drawn up by the CBO, the group ranked 35 projects seeking a combined \$46.6 million.

The scores tabulate the threat of not completing a project (lives lost, for instance), the potential boons of doing the work (factors like improved safety and money saved), and the risk a given piece of infrastructure will "fail." The scores also offer as good of a picture as the city has of its most urgent maintenance priorities (with the caveat that the city's utility-rate-funded sewer and water bureaus didn't apply).

And even though Mayor Charlie Hales has very vocally prioritized paving—pushing maintenance for 100 miles of roadways in his last budget—those needs don't even crack the top half of the new rankings.

The most highly ranked paving project in the list—a stretch of SW Naito—ranks just 18th, with five others not far behind. Even among the Portland Bureau of Transportation's (PBOT) maintenance wish list, repaving projects take a backseat to six other more pressing causes—four bridges, one shoddy retaining wall, and a handful of decrepit traffic signals.

"There's a good case to be made for these priorities," says PBOT spokesman Dylan Rivera, asked about the discrepancy between the rankings and his bureau's focus on paving. "I don't think anyone would dispute that."

Rivera notes, though, that the current emphasis on routine maintenance was bolstered by surveys. Portlanders want smoother roads, he says.

"What this says is that PBOT has a real variety of assets that touch the public every day in a lot of different ways."

But the rankings also offer an interesting counterpoint to at least one request for the surplus money.

Transportation Commissioner Steve Novick has asked for \$4.5 million for paving that would come on top of the money the city is required to spend on maintenance. Novick would spend that extra cash on "back-to-basics maintenance," a nod to businesses who accuse the city of scheming up a new tax without putting up existing money. (Novick's office deferred questions about the rankings to Rivera.)

The CBO, meanwhile, has recommended the council shoot Novick down, but not before offering its support for new transportation money: "The need to address [PBOT's] maintenance backlog is real, and it is widely accepted that the bureau lacks sufficient resources to address the problem."

This newfound \$10.1 million will be carved up sooner than later. With city council scheduled to take up the ranked projects on November 4, here are the top five maintenance projects imperiling Portlanders:

1. An unfit gasoline container near the Columbia Slough

Cost: \$2,132,904

Risk Score: 34 out of 50

City-owned vehicles guzzle about \$7 million in gas every year, drawing on nine fueling sites throughout the city. But more than half of the 27 fueling tanks spread among those stations have outlived their use, says the Portland Office of Management and Finance (OMF). Particularly problematic: a tank near the wastewater treatment center at 5001 N Columbia. It's almost 40 years old and might not be fit to handle the modern ethanol the city uses.

The site "has already received a DEQ citation and fine for failure to comply with performance standards," says the OMF's description.

"The tank has to be decommissioned, or they will continue to fine," says OMF spokeswoman Jen Clodius, who notes the vessel isn't leaking.

2. The NE 12th bridge over Interstate 84 isn't the stoutest

Cost: \$9,736,909

Risk Score: 33 out of 50

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

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 [National Bridge Inventory] 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.)

Rivera, PBOT's spokesman, insists the bridge isn't in any heightened danger of falling—it has been "fracture critical" since it opened, by virtue of its structure. But the bridge's supports are also unsettlingly close to I-84 traffic and train tracks, meaning an accident or derailment could imperil the span.

"The bridge can serve the public as long as no one damages those supports," Rivera says.

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

Cost: \$532,751

RISK Score: 31 out of 50

This bridge sits precariously over Swan Island, on a 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 [sic!] 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 bridge with something stronger and more stable, it says.

4. The porous roof over the emergency dispatch system

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

Risk Score: 31 out of 50

Portland's Bureau of Emergency Communications (BOEC) is vital if you want convenient things like police and ambulance service when you dial 911. But the bureau's East Portland communication center has sprung several leaks, and its roof and walls could use replacing.

As BOEC makes clear in its description, your own life could be 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 dispatch center "and is liable for disruptions in service that may occur."

5. A shoddily made retaining wall on SW Broadway

Price: \$300,000

Risk Score: 29.7 out of 50

Take Broadway as it snakes south from downtown, and you'll pass a retaining wall leaning out precariously 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, or precisely when (it speculates the wall is "in excess of 50 to 60 years old").

"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."

Hall Monitor

The Rest of the Police Reform Story

*By Denis C. Theriault
October 29, 2014*

MUCH OF the focus on federal police reform in Portland over the past few weeks has concerned a controversial decision—pitched by Mayor Charlie Hales and City Commissioner Amanda Fritz—to appeal a federal judge's order that the city return to court every year and prove it's doing everything it promised.

And that's as it should be. The city's narrowly crafted legal challenge—enshrined in a 4-0 vote by the Portland City Council on Wednesday, October 22—was seen as a slap in the face by several police accountability advocates whose trust Hales and his predecessors as police commissioner have spent years courting.

The Albina Ministerial Alliance Coalition for Justice and Police Reform (AMA), which received enhanced "friend of the court" status in the legal wrangling over Portland's reform deal with the feds, has even accused the city of using the appeal to "exclude the AMA Coalition from participating" in oversight of the reforms.

Worse, Reverend Kate Lore, a member of the AMA Coalition's steering committee, offered her resignation as a member of the city's Human Rights Commission in the hours after the council vote. Her decision, announced in the comments of an Oregonian article, came after she begged the council not to

follow through with what Hales and Fritz had sought: "Given your repeated claims that the city's in compliance, given your repeated claims of transparency, 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?"

But all that hubbub comes at a consequential time for two other variables in city hall's police reform equation. And both deserve far more attention than the crumbs they've been receiving.

On Wednesday, October 29, at 2 in the afternoon, the city council is due to discuss the three men hoping to serve as the reform deal's "compliance officer/community liaison"—an awkwardly descriptive name for the outside contractor who will be in charge of gathering data and making sure Portland's reforms are being implemented as agreed upon.

The city's been down to three finalists, as we first reported, since September. And none of them, for various reasons, have been seen as a lock for a job that pays \$240,000 a year (admittedly with the idea that some of that money could be spent on hiring a few employees to help share the load). The hearing will be the last chance for the public to share their thoughts before an eventual council decision.

Just as important, the city's also discussing—albeit far more quietly—how to seat a 15-person "community advisory board" meant to guide and challenge whoever's chosen as compliance officer.

Fritz and others are hoping to throw out part of the board's selection process—something the city negotiated years ago. The big idea, back in 2012, was to elect five at-large board members at a big public meeting where anyone who showed up could vote.

But in 2014? That's no longer the preferred method.

Fritz, in a personal meeting with advocates earlier this month, said she's become increasingly worried that kind of big hearing might be gamed by one or more groups whose members show up en masse and try to run a slate of candidates.

She also wants a better way to draft people with lived mental health experience—important because the police reform deal is meant to address findings that Portland cops engaged in a pattern or practice of using excessive force against people with mental illness.

That sounds good. But there's a problem. The city's deal with the feds says the board must be up and running 90 days after the deal's approval in court. That happened August 29, putting the deadline for the board in late November.

That deadline may have to slip. (Although Fritz cites another clause that gives the city 60 days after the compliance officer is chosen to field the full board. She says the feds are cool with that.)

Fritz is calling for meetings to figure out an alternate selection process—which would delay the board from starting until early next year.

"I'm very open to any and all suggestions," Fritz said at her meeting.

I've got some. This big of a change should land on the council agenda. And sooner. Not later. And let's make sure that the new process for picking a board isn't any worse than the one the city's ditching. I've got some. This big of a change should land on the council agenda. And sooner. Not later. And let's make sure that the new process for picking a board isn't any worse than the one the city's ditching.

Scare 'Em Straight!

Hales Hesitating on Tougher Airbnb Enforcement

*By Denis C. Theriault
October 29, 2014*

ROBERT McCULLOUGH, president of an influential umbrella group representing some 20 neighborhoods in Southeast Portland, figured he might have an in with Mayor Charlie Hales when it came time to lodge a sensitive complaint with city hall.

"The good news is I know the mayor," McCullough joked with the Mercury on Thursday, October 23. "I live four blocks from him. He knows where to find me."

Earlier in October, his group, Southeast Uplift, had sent Hales and the rest of Portland City Council a blunt letter raising pointed concerns about the city's new rules for short-term rentals, including those offered through the controversial listings website Airbnb.

One concern was deemed particularly "worrisome": Despite finding some 488 short-term rental listings within Southeast Uplift's footprint—from Montavilla to Buckman to Sellwood—the group says it received just nine applications for official licenses along the lines of the city's new rules.

And the group joined that finding with a request for something Hales has been decidedly loath to consider: actual and meaningful punishment when hosts or listings sites fall short of the city's new rules. Like, for instance, when they fail to register—a seemingly common violation, according to Southeast Uplift.

"We have adopted this odd set of rules," says McCullough. "But is anyone paying attention to them at all? The answer appears to be 'no.'"

Southeast Uplift's letter arrives at an important time for Portland City Hall, which is mulling over rules for a proposed expansion of short-term rentals to apartment houses and condominiums, first detailed by the Mercury ["Help with Baggage," News, Oct 8].

(Those rules would put a cap on available units and require explicit consent from landlords—and they would join existing rules for single-family homes that call for smoke detectors and permits, and a guarantee that any rooms for rent are part of someone's primary residence.)

Other advocates have voiced similar concerns about enforcement—on top of fears that allowing property owners to offer long-term units for short-term use will deepen Portland's housing woes.

Whether any of that fretting makes a difference remains an open question.

Hales' office, which didn't immediately remember receiving Southeast Uplift's letter, says it won't budge on beefing up enforcement of short-term rental violations absent a groundswell of support from the rest of the city council.

That stance is driven, in part, by financial realities.

"The council may say they want to have dedicated resources" for active enforcement, says Hales policy director Jackie Dingfelder, a former state senator who's been asked to find as much consensus as possible on the proposed new rules. "But it's not in the current proposal."

Right now, the only way the city might know if something's amiss is if someone lodges a complaint. Actively seeking out and policing unlicensed rentals—which may or may not pass safety inspections or have a property owner's permission—would require dedicated staff. And the job would still be a pain.

Workers would have to spend hours combing through listings and digging out addresses, which aren't immediately made public on sites like Airbnb, and then cross-check those addresses against the city's permitting records, says Mike Liefeld, boss of enforcement for the Portland Bureau of Development Services.

Inspectors might even have to call hosts directly to (awkwardly) ask them to volunteer that information.

That would all be a lot simpler if the city, as part of its new rules, insisted on obtaining an up-to-date roster of hosts' addresses from Airbnb and other listings sites. But Airbnb has traditionally challenged attempts to obtain that kind of data. Although Portland's revenue bureau collects hotel taxes from Airbnb, it's allowed to ask only for limited lists of addresses, for audit purposes.

"If we're adding this large new issue, and it's a priority," says Liefeld, "then we have to talk about what we can't do or what new resources are necessary."

But some of Hales' resistance comes down to philosophy. He's also worried about stepping on the neck of a new market he's come to cautiously embrace.

"The mayor," Dingfelder says, "is concerned about over-regulation and putting a chilling effect on this opportunity economy."

Sources say Hales has already raised Airbnb's ire by agreeing to keep a citywide cap on short-term rentals in apartment and condo housing—no more than 10 percent of a building. Bowing to earlier concerns about enforcement, Hales has promised to issue a report in 2016 that looks more deeply at violations and affordability.

But city commissioners may yet force some changes.

On Monday, October 27, the mayor's office met with bureau staffers and representatives from all four commissioners' offices to see what issues had emerged since the proposed rules for apartments and condos were formally released on October 20.

Sources familiar with the discussions tell the Mercury that enforcement—especially how to pay for it—was a big subject. Commissioners could attempt to demand addresses from listings sites, to make things easier. They might also try hiking the cost of a permit for apartment and condo dwellers. Hales has proposed \$100 for a two-year permit, short of the \$180 charged for would-be hosts in single-family homes.

Tax revenues also came up in those discussions. Bloomberg this month reported that Portland is weighing legal action against listings sites VRBO, HomeAway, and FlipKey amid concerns they're not paying as much as the city believes they owe in hotel taxes. Thomas Lannom, the city's revenue director, declined to tell the Mercury how much the city's taken in from short-term rentals since July 1, citing state law.

McCullough, the president of Southeast Uplift, acknowledged that his neighbors have yet to receive any formal complaints about dangerous or troublesome listings—despite their eagle-eyed report showing hundreds of Airbnb's hosts still seemingly content to be scofflaws.

But if city leaders don't get more serious about enforcement, he argues, it'll be a matter of time.

"It's the law now. We don't oppose it," he says. "But now that we have it, we want to do it right."

The Daily Journal of Commerce

Public invited into process to tweak mixed-use zoning

*By Inka Bajandas
October 29, 2014*

Portland planners next week will host two public workshops to gather input on preliminary concepts for new mixed-use zoning designations.

The meetings, part of the Bureau of Planning and Sustainability's Mixed Use Zones Project, will take place on Nov. 5 at 1900 S.W. Fourth Ave., in Room 2500, and Nov. 6 in the cafeteria at Jefferson High School, 5210 N. Kerby Ave. Both workshops will go from 6 to 9 p.m.

The Mixed Use Zones Project stems from efforts to update the city's comprehensive plan and encourage development of mixed-use centers for more walkable urban neighborhoods. Currently, the city uses commercial and central employment zones that were created in the 1990s, when car-centric developments and lower-density commercial projects were more common.

The project is moving into the concept development phase and city staffers would like to gather public input on ideas for potential mixed-use zones, said Barry Manning, a senior planner and project manager with BPS. The bureau this past spring hosted community walks in commercial corridors to discuss mixed-use zoning.

"This is an opportunity to check back in with the public and stakeholders," he said.

The agenda for the public meetings will include discussion of possible development standards for the new zones, Manning said. This could include specifics about building massing, transitions and step-downs, and ground-floor uses.

The city currently has nine mixed-use zoning designations, but planners believe it's possible to pare those down, Manning said.

"We think we may be able to simplify that down to four or so," he said.

Planners plan to release proposals for new mixed-use zoning in spring 2015. Public hearings on those codes will likely take place in summer 2015.