

The Oregonian

Portland Street Fund: Does Amanda Fritz support the \$46 million plan? Q&A

*By Andrew Theen
December 02, 2014*

The Portland City Council is set to vote on a controversial street tax Dec. 10, and Commissioner Amanda Fritz could well be the clinching third vote.

Mayor Charlie Hales and Commissioner Steve Novick last month proposed the plan to raise \$46 million a year for street maintenance and safety projects. The plan, part of a yearlong saga, would levy an income tax on residents and a fee on businesses and other organizations.

Commissioners Nick Fish and Dan Saltzman haven't shared their thoughts on the new version, though they both said a plan proposed in May should go before voters.

That leaves Fritz.

In a recent interview, she joined critics in saying the plan needs a sunset provision. But she also said the city needs money to fix streets.

So where is she now? Some questions and answers have been edited for brevity and clarity.

Have you made up your mind on this plan?

"I think it's a reasonable proposal that's on the table. It's something that I could support. I'm not yet convinced that it's the best thing that we could do."

You were concerned about how the May plan affected low-income Portlanders. Now some 45 percent of tax filers wouldn't pay. Is this a better option?

"Oh absolutely. In fact, I wonder if it's progressive enough. There's still a section of the middle-income folks who would be having to pay something, and it's difficult in this economy, and we know that more affluent folks have done better over the last 20 years.

"I'm very pleased to see the exemptions where they are now. Actually, frankly disturbed how many people qualify for the exemption, what a great proportion of [our city are] barely able to make ends meet. It's staggering."

You're in a very influential position on this issue.

"That's just in the public perception. Even on the things that I've voted no on in the past, I've always been talking with my colleagues, sometimes getting proposals to be better even though it still wasn't something that I could support. So I'm certainly appreciating talking with all four of my colleagues about what it is that might get more support."

Why do you support a sunset provision? In this case, the City Council would have to extend the plan after six years.

"I think the sunset is helpful because it does give a time certain when we're definitely going to have a big hearing to decide if we're going to continue this."

Do you support a so-called "cocktail" option with many revenue streams pooled into one?

Yes. Fritz said the city could combine a gas tax, vehicle registration fee and other options. "We know that even with what's on the table, that isn't enough money for all of the needs that need to be met," she said.

Should voters decide on this plan?

"I believe it's my responsibility to provide funding for necessary basic services, and then the voters have an option of referring, as they did on fluoride, if they think the council has made a mistake."

Noting that voters rescinded the city's public campaign finance system after she used it to get elected, she said she would hate to see a campaign "mostly dependent on who has the most money."

She later added: "I am certainly open to having the voters weigh in once there's something I believe that would get majority support. There's no value in referring something which is likely to fail and then that's another six months without the necessary funding."

Is the tax progressive enough?

"This is not my preferred option. It's still taxing folks who are making \$60,000 a year. If they have kids in college and mortgages to pay and medical bills, that's still not a lot of money.

"My personal preference would be to make it a truly progressive income tax and make sure that it's those who have benefited most by being Portlanders who would pay most for a public service."

Portland's wish list includes more photo radar, higher gas taxes, sick leave for all: Portland City Hall Roundup

*By Brad Schmidt
December 02, 2014*

Children make Christmas lists.

The Portland City Council writes its legislative agenda.

Without fail, both groups shape long lists every December outlining their "wants" for the year ahead – a new bike to ride, a new revenue stream to roll – knowing that not all of their desires will actually come true.

At 9:30 a.m. Tuesday, the City Council will review its draft list of state and federal priorities (you can watch live). Out of a list of dozens, here is a brief look at some of the more notable topics on the agenda:

On-body police cameras:

Mayor Charlie Hales wants to put cameras on cops. But the city doesn't necessarily want all of that footage to make its way to reporters. The city instead wants a "narrowly tailored public records exemption" that balances privacy and transparency issues for when body-camera footage would be released to the media and public. The city also wants the same rules for the new body cameras as in-car dash cameras, enabling officers to film without always notifying the public that their conversation or interaction is being recorded.

Gas tax:

As Portland pushes for a residential income tax and business fees to pay for transportation projects, the City Council also wants the Legislature to send more cash to Portland's coffers. How? The city would support a gas tax "that considers" fuel efficiency and inflation to make sure future gas tax revenues don't flat line or lose their spending power. Similarly, the city wants the federal government to increase its gas tax by 15 cents a gallon.

Fixed photo radar:

Portland wants to ensure that photo radar can be used at fixed locations, not just in the roving vans. And the push isn't about writing speeding tickets with fines, officials argue. By targeting speeding on high-crash corridors, the city hopes to cut the number of crashes, which would have "immediate positive outcomes for our community."

Children's services district:

Commissioner Dan Saltzman convinced voters in 2002 to raise taxes to help kids. But every few years, Saltzman needs to ask voters to renew the tax levy. His solution? Change state law to allow for creation of a children's services district – like a parks district or a library district – that would provide permanent funding.

Minimum wage:

Oregon's minimum wage will bump up to \$9.25 in 2015. But the City Council says that's not enough for low-income residents. So what is enough? Well, they don't specify. But the City Council is poised to

"support statewide efforts to raise Oregon's minimum wage." And the City Council supports an increase in the federal minimum wage -- which would have no impact in Oregon -- too.

Sick leave:

Portland became the fourth city in the country last year to approve a sick-leave law protecting hourly workers. Now the City Council is poised to support legislation that would expand earned sick leave for workers statewide, and oppose anything that might preempt or interfere with Portland's already approved policy, which went into effect Jan. 1.

Bull Run water:

City leaders scored a big financial victory when the feds, through the state, granted Portland a water-treatment variance in 2012. That meant Portland wouldn't have to build a \$90 million treatment plant at Bull Run, so long as the city kept monitoring water to ensure no traces of the harmful parasite cryptosporidium. But the city now says the Environmental Protection Agency is considering changes that would make it difficult to meet monitoring requirements. Portland wants to maintain the status quo.

Bike Share:

The bureaucrats in Washington, D.C., don't consider bike sharing as "transit" under Federal Transit Administration guidelines. That means no federal money can be spent on bike share projects. Portland officials – who had hopes of launching its own program – think bike sharing should be considered a valid transit mode. They note that it can serve as the final connection for a commuter taking multiple modes of transit to the office.

Complaints spur city's Independent Police Review Division to investigate Portland police handling of recent protests

*By Maxine Bernstein
December 01, 2014*

The city's Independent Police Review Division will conduct its own investigation into more than 30 complaints received Monday about the Portland Police Bureau's handling of local protests.

Four investigators in the division, which reports to the city auditor, will conduct the inquiries and forward their reports to the Police Bureau's chief and mayor for findings.

"Given the amount of complaints that we received, we decided we needed to take the time to do an investigation carefully and respectfully," said Constantin Severe, director of the division.

The complaints were made Monday after about 30 people gathered outside Portland City Hall in an event organized online by the activist group Don't Shoot Portland, which has planned some of the recent marches.

Teresa Raiford, a former candidate for the Multnomah County Board of Commissioners, said many of the concerns arose Saturday night with regard to the police use of "flash bang" grenades to move a crowd off of Southwest Morrison Street in downtown Portland, and the police bureau's temporary detention of a large group on a street corner at Southwest Second Avenue and Main Street before making arrests.

The wave of protests came after a grand jury decided on Nov. 24 not to indict Ferguson Officer Darren Wilson in the August shooting death of an unarmed black man, Michael Brown, 18, in the St. Louis suburb in Missouri.

Monday's event was organized online by the activist group Don't Shoot Portland.

More than 30 complaints were filed Monday with the Independent Police Review Division, the intake center for complaints against Portland police. At least 25 of those dealt with recent Ferguson-related protests, Severe said.

The majority of the complaints received Monday resulted from police actions Saturday night, particularly the police use of "flash-bang" grenades and the large-scale corralling of demonstrators on a street corner toward the end of the event, Severe said.

Portland police have said they used the grenades to try to move the protesters out of Southwest Morrison after one man climbed atop an occupied Portland police supervisor's SUV parked outside Macy's department store.

Other demonstrators complained about Tuesday night's efforts by police to keep marchers from entering the Interstate 84 on-ramp and Interstate 5. Police horses and lines of officers in riot gear yelled "Move! Move!" and rushed forward to keep the crowd back from a jersey barrier along the edge of the freeway. Some marchers complained about police interfering with their right to free speech, and the "overwhelming presence" of the police, Severe said.

Portland Police Chief Mike Reese, Central Precinct Cmdr. Bob Day and deputy city attorney Dave Woboril told The Oregonian last week that it was important to keep the crowd off the freeways, because of the potential danger to marchers or motorists. About 20 to 30 people had wandered into the freeway traffic, and the police did not want the rest of the crowd to surge onto the freeways, police said.

The Independent Police Review Division asks members of the public who witnessed interactions between marchers and police during the recent protests to contact its office, or provide any video footage that was taken.

For any questions, people can contact Severe (503) 823-0146 or email ipr@portlandoregon.gov.

Portland Mayor Charlie Hales responds to Ferguson protests: 'Portland is a city that demonstrates'

*By Andrew Theen
December 01, 2014*

Portland Mayor Charlie Hales issued a press release Monday in advance of a planned protest at City Hall asking for his response to police arrests and the use of "flash bang" grenades during demonstrations over the weekend.

Activists have taken to the streets in Portland for days in response to a grand jury's decision not to indict a Ferguson police officer in the shooting death of Michael Brown.

The group planned to lobby Hales for a response to police tactics on Monday at 1 p.m., but Hales issued this release minutes before:

Portland is a city that demonstrates. And that's a great thing.

Especially now in a community, and in a nation, coming to terms with the divisive issues of racial inequity, income inequality, and a lack of services for people with mental illness.

As the free-speech events this past week have shown, thousands of Portlanders have very real concerns, very real emotions, and very real histories of unjust decisions. These Portlanders deserve to be heard. It's their right to be heard.

But even in less-stressful times, civic demonstrations are part of the everyday norm in Portland. Almost every week, Portland Police work to keep public demonstrations safe – for participants and for all Portlanders. That includes permitted rallies and unpermitted rallies.

That won't change.

Most often, the hundreds of demonstrations end peacefully. Sometimes the media notice. Sometimes not. Sometimes the demonstrations lead to a change in public policy. Sometimes not. Some end in arrests. Not many, but some. Each demonstration is a balancing act, protecting rights of assembly and speech, vs. residents' ability to move around their city.

We had demonstrations almost every day this past week. One on Saturday ended in 10 arrests after hours of engagement with police throughout the Portland west side.

These are our community's expectations for demonstrations:

The first thing we cannot tolerate is anyone being injured. Public safety for all Portlanders – demonstrators and bystanders alike – is paramount. This past week, we saw demonstrations in which organizers attempted to lead people onto highways. Walking onto an interstate highway

with cars traveling at a high rate of speed is both foolish and dangerous. It's dangerous for protesters, but it's dangerous for drivers, too. We expect Portland Police to prevent such reckless protests, when possible.

The second public safety priority is vandalism. We cannot allow property to be damaged.

The third public safety priority is any demonstration that substantively interferes with Portlanders' ability to move around their city. That includes streets, highways and light rail lines. Because those are owned by the community at large and serve the community at large.

If you're a parent making \$15 per hour and your day care charges an extra \$1 for every minute you're late, then a demonstration that blocks a bus or train or a highway has real consequences in your life. Many low-income citizens rely on public transit every day just to make ends meet. So we draw the line at demonstrations that stop Portlanders from getting to and from their jobs and their homes.

Waiting an extra light cycle or two for a parade to pass is a reasonable price to pay for living in a free Democracy. Demonstrations that disrupt the transit system for a large number of Portlanders cross the line of fairness for all.

We will continue to have demonstrations in Portland. And we should. It's part of the nature of this city. And the Portland Police Bureau will continue to work to keep demonstrators safe, and all Portland residents safe. They will do so while ensuring that First Amendment rights are respected in this city.

The Oregonian will attend the activist group's 1 p.m. demonstration. Check back for further updates.

Urban renewal boundary changes could benefit big names in real estate: Portland City Hall Roundup

*By Brad Schmidt
December 01, 2014*

Portland Mayor Charlie Hales' year-long plan to rewire the city's urban renewal districts – aka, its sometimes-ATMs – is nearing completion.

The City Council on Wednesday will receive its first public update on Hales' plan since May. Hales, who has previously criticized the districts as political cash machines, wants to rewrite several downtown boundaries and kill off two districts.

The proposed changes could impact some of the city's biggest names in real estate, including the Goodman family, Jordan Schnitzer and even city Commissioner Dan Saltzman. The City Council is scheduled to formally consider the changes on Dec. 17 and vote Jan. 7.

Inclusion of property in an urban renewal district can provide major financial incentives to developers. The Portland City Council and the city's urban renewal agency, the Portland Development Commission, steer tens of millions of dollars of public money from urban renewal districts to private redevelopment projects every year.

Here's a look at what could change:

River District: The latest proposal would remove much of the land developed by Hoyt Street Properties in the past 20 years. Putting that valuable property back on the tax rolls would pump more money into the coffers of local governments. City estimates show the move could steer about \$48 million over a decade to the city, county, schools and the library district.

At the same time, officials are considering adding a few parcels of land in Old Town Chinatown, each of them currently in the expired Downtown Waterfront urban renewal area.

The additions:

- a full city block between Northwest Fourth and Fifth avenues and Couch and Davis streets owned by David Gold. The property is currently a parking lot;

- an L-shaped parcel between Northwest First and Second avenues and Couch and Davis streets. The property is held by Albert Menashe and Zachary Fruchtengarten and used as a parking lot. It also includes a building owned by Oregon Leather Co.;
- a parking lot along Southwest Ash Street between Second and Third avenues. The property is owned by the Goodman family.

The changes would not impact the city's overall ability to borrow up to \$489.5 million to pay for redevelopment projects, nor would it extend the 2021 deadline to issue debt.

North Macadam: The district would grow by about 45 acres, with 35 acres shifting over from the Education urban renewal district. The proposal also includes 10 acres that aren't in any urban renewal districts:

- Land bound by Southwest Naito Parkway and First Avenue between Market and Harrison streets. One building, Riviera Plaza, is owned by Jordan Schnitzer's Harsch Investment Properties, which separately is attempting to negotiate a redevelopment deal with the Portland Development Commission to renovate Centennial Mills.
- The other property, Harrison Square, is held by Oregon Pacific Investment and Development Company – the family business founded by city Commissioner Dan Saltzman's father. Saltzman, according to economic disclosure forms, has a 27 percent interest in the company.
- Also included in the amendments: a parking lot owned by Portland Parks & Recreation between Southwest Natio and Harbor Drive.
- Finally, the changes would add American Plaza Towers, three condo buildings built along Southwest First Avenue in the 1970s through 1980.

The proposal would maintain a debt limit of \$289 million but would extend the deadline for borrowing from 2020 to 2025.

As part of the proposal, the Housing Bureau initially recommended slashing its affordable housing goals for the area. But the Housing Bureau has now backed off that plan and instead will "maintain the original goals and communicate what is achievable with known resources," spokeswoman Martha Calhoon said in an email.

Calhoon said the bureau retreated from its initial recommendation "based on stakeholder input." She declined to elaborate.

Central Eastside: The proposal would increase borrowing capacity from \$105 million to about \$126 million and extend the last day to issue debt from 2018 to 2023.

The move also would add about 16 acres along Southeast Powell Boulevard into the urban renewal district, including city-owned land and about 3.25 acres purchased by Stacy and Witbeck Inc., which is building the adjacent light-rail line between Portland and Milwaukie.

Stacy and Witbeck has expanded its holdings in the area, buying an additional .12 acres for \$220,000 on April 14. The property is sandwiched between city land and privately owned buildings.

The Central Eastside urban renewal district formed in 1986. The League of Women Voters of Portland opposes extending the life of the district.

Other: As previously reported, the plan would shut down the poorly performing Willamette Industrial urban renewal area and the newly formed Education urban renewal district, neither of which has taken on substantial debt to fund redevelopment projects.

Hales' proposal would also shrink the Airport Way district, which has reached its debt limit. The Airport Way district has about \$28.6 million in outstanding debt that is scheduled to be paid off in June 2020.

Street fee sunset may not sway opponents

*By Jim Redden
December 2, 2014*

A sunset clause being added to the proposed street fee may please city Commissioner Amanda Fritz, but it's not enough to derail the petition drive planned by opponents to put it on the ballot.

Mayor Charlie Hales and city Commissioner Steve Novick have agreed the street fee should expire after six years unless renewed by the City Council. Fritz, the supposed third vote to enact the fee without referring it to the voters, said she favored the provision during the Nov. 20 council hearing on it.

The change will require the final vote to be pushed back a week until Dec. 10. But even though it might finally be enough to win Fritz's support, it won't stop opponents from trying to refer it to Portland voters.

"It doesn't make any difference. We believe that people overwhelmingly want to vote on it," says lobbyist Paul Romain, who is helping organize and fund the potential referral drive. His clients include the Oregon Fuels Association, which represents fuel and heating oil distributors, retailers and marketers.

Another opponent, small-business owner Ann Sanderson, also says the sunset clause hasn't changed her mind. "While a real sunset with a true end date — and we don't really know yet if it's even a real sunset and not just a toothless imposter — would be a move in the right direction, it certainly doesn't fix the flaws in these new tax schemes enough to gain public support. But if the Mayor and Commissioner think that this improves their proposal enough to gain public approval, then they shouldn't be afraid of letting the voters weigh in on election day," says Sanderson, who owns the Odango Hair Studio and runs the Stop Portland Street Fee Facebook page at <https://www.facebook.com/Stoppxstreetfee>.

Public wants a say

Hales and Novick are insisting the council approve the fee without putting it on the ballot. They have changed their proposal completely since it was first introduced in May to address public criticisms. It now includes two ordinances. One creates a progressive personal income tax as the residential portion. The other creates a sliding scale for businesses, governments and nonprofit organizations as the non-residential portion.

A recent poll found that the vast majority of Portlanders want to vote on the income tax portion, however. According to the poll, 77 percent of voter believe the city creation of a new city personal income tax to pay for street maintenance and safety should be approved by voters before it is implemented.

The poll among Portland-area voters was conducted by Moore Information. It was commissioned by employers and associations, and coordinated by the Portland Business Alliance. The phone poll of 400 voting age Portlanders was conducted on Nov. 22 and 23.

But Novick believes the result would be the same, regardless of the revenue source. "I'm 100 percent certain that you'd get the same poll result no matter which revenue mechanism you were talking about," Novick says.

The proposal has its supporters, however. Several advocates for the elderly, the environment, and low-income Portlanders testified they are prepared to campaign for it at the Nov. 20 hearing. The organizations include AARP, the Bicycle Transportation Alliance, the Coalition for a Livable Future and OPAL Environmental Justice.

Renamed the Portland Street Fund, the revised proposal is intended to raise \$46 million a year for maintenance and safety projects, minus administrative costs. Fifty-eight percent of the available funds will be spent on maintenance and 42 percent will be spent on safety improvements.

The council will take public testimony on two proposed amendments on Dec. 3. One is the sunset clause. The other is a guarantee that funding for pavement maintenance from non-fund sources will not drop below current levels if the fee is approved. This will ensure that passage of the fee will more than double the annual pavement maintenance budget from current levels.

If the council then approves the fee without placing it on the ballot, opponents will have 30 days to collect signatures from 20,897 registered Portland voters for each one of them — a total of 41,794 valid

signatures. If enough valid signatures are collected and submitted to city elections officials, the proposal will not take effect unless it is approved by the voters.

Novick says most Portlanders understand the city needs new revenue to fix the streets, even though they might favor one source over another.

“We also know that about 67 percent of Portlanders understand that we need more money for transportation. And that it is hard to get consensus on how to raise the money. Generally, though, people tend to assume that everyone else would support whatever they’d support. So people who want a gas tax say, ‘yes, let’s have a vote, and what you should really do is have a vote on a gas tax, and I bet everyone will join me in voting for it.’ But in fact it would be pretty tough to get a majority for the gas tax. So it doesn’t surprise me that people want to vote — but I think many people assume that a vote would result in their preferred alternative passing, because they assume more consensus than there is,” Novick says.

Expert: More density in Portland will drive up housing costs

*By Jim Redden
December 2, 2014*

Regional plans to increase density will drive up housing costs, burden the poor and cost local governments billions they do not have, according to a new study by a Portland State University real estate expert.

The study analyzes the 2014 Urban Growth Report released in September by Metro, the elected regional government. The report says cities within the region can accommodate all predicted residential growth during the next 20 years by increasing density.

“This report deserves special attention by citizens and professionals in the local business community because it distorts economic data and will lead the region to make decisions that will harm economic growth,” says the study, which was written by Gerard C.S. Mildner, academic director of PSU’s Center for Real Estate.

State law requires Metro to maintain a 20-year supply of buildable land within the growth boundary. The Metro Council must decide whether to expand it every five years or so, and the next decision is scheduled for 2015. The report was prepared by Metro staff to help guide the decision. The Metro Council will consider adopting it at 2 p.m. on Thursday, Dec. 4.

Mildner’s “Density at Any Costs,” the study is the first independent housing analysis of the Metro report. Many of its findings also apply to the draft comprehensive land-use plan update under consideration in Portland, which also envisions higher density. The study was posted on the center’s website on Monday.

The Metro report predicts a reversal of historic home building trends during the next 20 years, with most new housing being multifamily apartments and condominiums in urban centers and along transit corridors. But Mildner’s study says that reversing the housing mix would substantially increase housing costs in the Portland region in the next 20 years, making it the fourth most expensive metropolitan area in the country, just behind San Francisco, Washington, D.C., and San Diego. Portland is the 15th most expensive metropolitan area in the country, behind Phoenix, Chicago and Denver.

And, according to Mildner’s study, local governments would have to spend billions on subsidies and infrastructure improvements to support these new multifamily buildings, including development incentives and new mass transit lines.

But Metro spokesman Jim Middaugh dismisses Mildner as one of several “libertarian-minded activists” in the region working to repeal Oregon’s land-use planning laws. He says the region does not have enough available land to support even a 50/50 mix of single family homes and multifamily housing in the future.

“The kind of development Mildner and his supporters espouse would require adding a minimum of 4,000 acres to our UGB every six years,” Middaugh says. That’s the equivalent of a parking lot with more than a million spaces — an area three quarters the size of Forest Park. A million cars would form a bumper-to-bumper line from Portland, Oregon, to close to Portland, Maine.”

According to Middaugh, "Metro's goal is to work with local cities and towns to make sure that wherever new growth happens, it's well-planned, efficient for taxpayers and good for our local economy. That's what voters in this region value. That's what local cities are asking for. That is what Metro is doing."

Mildner denies the accusations, saying he is only trying to understand the implications of Metro's land-use planning decisions.

According to PSU, the Center for Real Estate was formed in 2004 as a partnership between the Schools of Urban Studies and Planning and Business Administration to manage the real estate programs at the university and serve as the link to the real estate community. Mildner has a B.A. in Public Affairs from the University of Chicago and a Ph.D. in Economics from New York University. His research is focused on the economics of local government, including growth management, rent control, municipal sports stadiums, housing markets, land-use regulation and urban transportation.

Mildner has written or co-written numerous papers raising questions about land-use planning policies like those in Oregon and the Portland area. He has consistently said government efforts to restrict where growth can occur frequently have unintended consequences, including higher housing costs and additional taxes required for mass transit systems to move urban dwellers around.

Taller buildings?

Metro planners prepared the Urban Growth Report to help guide the council's growth boundary decisions. They are based in part on an in-house computer modeling program called Metroscope and an analysis of land-use plans adopted or under consideration by the cities within the boundary.

Mildner says he received several Metro staff briefings on the 2014 report while serving on a number of local land-use groups in his official capacity.

"Most of the business leaders were concerned about land availability for industrial supply. My expertise is housing policy and no one was looking at that section of the report. The more I looked at, the more I was appalled," says Mildner.

Among other things, Mildner says the projected increase in multifamily housing will double rents during the next 20 years. That is partly because the taller buildings envisioned in the report are the most expensive to build.

This will be especially true in Portland, Mildner says, where the report predicts that 60.2 percent of all new residential construction will happen. According to the report, 92 percent of that construction will be multifamily housing — and 37.9 percent will be the same density as the Pearl District. That will require many of the new buildings to be more than five stories high, which require steel construction and underground parking.

"The amount of the increases in prices required by the Metroscope model is staggering ... In terms of income inequality, the large projected increases in housing costs work greatly to the disadvantage of low-income households," according to the study.

But Mildner's study says the government housing subsidies required to achieve such density levels are also staggering — almost \$3 billion in developer incentives. They range from \$10,000 per unit in Tigard to \$50,000 per unit in central Portland.

"While the report says that there subsidies are, 'based on existing programs,' none of these programs are currently producing housing on this scale," according to the study. "Moreover, nothing in the Urban Growth Report suggests where these subsidy dollars will come from."

Mildner's report can be found at

www.pdx.edu/realestate/sites/www.pdx.edu.realestate/files/Mildner_UGR_article_3.pdf.

Auditor's office investigating police protest response

*By Jim Redden
December 1, 2014*

The City Auditor's Office announced Monday afternoon that its Independent Police Review division will investigate the Portland Police Bureau's handling of local protests stemming from the death of Michael Brown in Ferguson, Missouri.

According to the auditor's office, IPR investigators received over 20 complaints about the bureau's response to the protests as of 4 p.m. on Dec. 1. Portland City Code 3.21.070 authorizes IPR to open an investigation into incidents or complaints that are of community concern.

The auditor's office says several IPR investigators have been assigned to the investigation and will be conducting witness interviews and gathering evidence.

IPR requests members of the public who witnessed interactions between community members and police officers during the recent protests to contact our office. IPR is also collecting all available video.

For further information, please contact IPR Director Constantin Severe (503) 823-0146 or email ipr@portlandoregon.gov.

Council eyes \$21 million more in urban renewal spending

*By Jim Redden
December 1, 2014*

The City Council is considering raising an additional \$21 million and expanding two existing urban renewal districts to help fund a series of high-profile redevelopment projects.

The projects include the anticipated OHSU Knight Cancer Institute expansion and new employment centers along the coming Portland-to-Milwaukie light-rail line.

The City Council will hold a hearing on the proposed urban renewal area expansions on Dec. 17. They include:

Central Eastside URA - Increase the maximum indebtedness by \$21 million by adding 16 acres and extending the expiration date from 2018 to 2023. The new maximum indebtedness will be \$126 million.

North Macadam URA - Add 45 acres and extending the expiration date from 2020 to 2025. The maximum indebtedness remains the same at \$289 million.

The expansion are part of a series of changes to the city's URAs initiated by the council in May 2014. They directed the Portland Development Commission, which oversees the city's urban renewal programs, to reduce or eliminate four renewal areas: Airport Way, Education District, River District and Willamette Industrial URA. The council also directed the PDC to draw up plans to expand the Central Eastside and North Macadam urban renewal areas.

The council intended the changes to result in a net return of \$67 million in property for taxation to the city, Multnomah County, the Oregon School Fund, and library districts. According to the PDC, they will result in a net benefit to the taxing jurisdictions of all additional \$300 million for 30 years.

The PDC says the two proposed expansions are intended to help fund a variety of projects. The Central Eastside URA expansion will help pay for commercial growth within the Central Eastside Industrial District and near the new stations along the coming MAX line through Southeast Portland. The North Macadam URA expansion will support the Knight Cancer Institute, the redevelopment of more than 50 acres of brownfields, and Portland State University.

Urban renewal funds have already supported numerous redevelopment projects in both URAs. In the Central Eastside URA, they include the Eastbank Esplanade, the East Burnside/Couch Couplet, the Eastside Streetcar, the Clifford Apartments rehabilitation, the Hooper Detoxification Center, the Rivereast Building, and the Burnside Bridgehead project. In the North Macadam URA, they include Caruthers Park, the South Waterfront Greenway, the Portland Streetcar, the Darlene Hooley Pedestrian Bridge, the Portland Aerial Tram and Gray's Landing.

The hearing is scheduled at 2 p.m. on Wednesday, Dec. 17, in the Council Chambers at City Hall, 1221 S.W. Fourth Ave.

For more information, visit www.pdc.us/ura-amendments.

City seeks opinions on future of open reservoirs

*By Jim Redden
November 30, 2014*

Portland Parks & Recreation is asking the public to weigh in on the fate of the open reservoirs on Mt. Tabor. It has posted an online survey for people to take in the options under consider, or to propose different ideas.

The survey can be found at www.portlandoregon.gov/parks/66245.

The City Council has decided to disconnect the open reservoirs at Mt. Tabor and Washington Park and replace them with underground storage tanks. The decision complies with U.S Environmental Protection Agency rules against open municipal water storage, although some neighborhood activists want to keep them in service.

The three options being considered are: fill the reservoirs and maintain them; leave the reservoirs empty and maintain them; implement a design that reflects a redesign previously chosen by the city prepared by a team that includes Gustafson Guthrie Nichol Ltd. landscape architects of Seattle and London. In that redesign, Reservoir 1 would become a wetland and into a series of hillside gardens. Reservoirs 5 and 6 would become a reflecting pool. And Southeast 60th Avenue would be extend through a tunnel under Reservoir 6 to become a new gateway into the park.

The decision is expected to be announced by Commission Nick Fish and Commisisoner Amanda Fritz on Dec. 10. Fish is in charge of the Water Bureau and Fritz is in charge of Parks & Recreation.

Battle lines drawn in street fee fight

*By Jim Redden
November 27, 2014*

Businesses squared off against unions and liberal advocacy organizations over the street fee at last week's City Council hearing, revealing how the two sides could line up if it's referred to the ballot.

One wild card is the city's neighborhood associations, however. Several of their representatives raised numerous questions about the proposal during the hearing.

The revised fee presented by Mayor Charlie Hales and Commissioner Steve Novick now includes a progressive personal income tax and a sliding scale for businesses, governments and nonprofit organizations. Renamed the Portland Street Fund, it is intended to raise \$46 million a year for maintenance and safety projects, minus administrative costs.

Hales and Novick are refusing to refer their proposal to voters. Commissioner Amanda Fritz, the potential third vote, expressed interest in attaching a sunset clause to the proposal, meaning it would expire after a set number of years if it is not renewed.

But lobbyist Paul Romain testified he and others are prepared to help refer the proposal to the ballot if the council approves the current version without a public vote. Romain says he and others in the business community have solicited bids from professional petition signature-gathering firms, and are discussing raising money for the signature drive and subsequent campaign to repeal the proposal.

"We'll be ready to go if the council approves it without putting it on the ballot," said Romain, whose clients include the Oregon Fuels Association, which represents fuel and heating oil distributors, retailers and marketers.

If the referral drive is successful, the proposal could appear on the same May 2016 primary election ballot where Hales and Novick will be up for re-election. Romain says Novick is framing the fight as a dispute between the rich and the poor.

“Novick is an avowed wealth distributor. His goal is to take money from the haves and give it those who don’t have as much,” Romain said.

Although that strategy could appeal to Portland liberals, Romain believes the current proposal is so flawed that most voters will reject it, especially if the council doesn’t refer it to the ballot.

“Then they’ve got to deal with issues like arrogance of power and creating two new taxes without asking voter approval. Raising an existing tax is one thing, but creating a new income tax and a new business tax is totally different,” Romain said.

Proposal has backers, foes

Testimony at last week’s hearing was polarized around several elements in the proposal, with supporters and opponents falling into similar camps on each one. For example, the Portland Business Alliance said it could not support the proposal because of the income tax. A member of the East Portland Chamber of Commerce agreed. But Paul Cone, representing City of Portland Professional Employees Association Local 17, said his union supported the proposal. And Oregon AFL-CIO President Tom Chamberlain said organized labor supports progressive taxes, even though his organization has not yet taken a stand on the proposal.

Some business owners opposed the proposal for other reasons, however. They said the proposal potentially could tax them three times — once as city residents subject to the income tax, once more as business owners subject to the nonresidential fee, and once again as business property renters whose payments will increase when landlords pass on their nonresidential fees.

Not all businesses opposed the proposal, however. A NW Grocers representative testified in support of the nonresidential fee. That’s a switch from when the original proposal was released in May, and something of a surprise since the Kroger grocery chain would pay the second-highest amount, \$4,200 a month.

The idea of spending 46 percent of the available revenue on safety projects also split the crowd. Such projects, including more sidewalks and street crossing in East Portland, helped win the support of advocates for the poor, the elderly and the environment, including AARP, OPAL Environmental Justice, and the Coalition for a Livable Future. But a representative of BOMA, the commercial real estate owners association, said maintenance should be the top priority because of the deteriorating condition of so many Portland streets. The PBA agreed.

Several neighborhood leaders complained the nonresidential fees were not well thought out. They included two members of the board of Southeast Uplift, the influential neighborhood coalition office. President Robert McCollough and Vice Chairman Don Gardner questioned the fairness of the nonresidential fees, saying it lets large road users, such as the Port of Portland and the Union Pacific Rail Road Brooklyn Yard, pay less than some smaller ones.

Even exempting lower-income Portlanders from paying the income tax proved divisive. About 40 percent of residents would pay nothing under the proposed tax brackets. That pleased a number of liberal advocacy groups. But resident Inga Fisher Williams described it as a divide-and-conquer strategy.

The proposal is divided into two ordinances, one creating the residential income tax and the other creating the nonresidential fees. The council could pass them as early as Dec. 3. If the council does not place them on the ballot, opponents will have 30 days to collect signatures from 20,897 registered Portland voters for each one of them — a total of 41,794 valid signatures. If enough valid signatures are collected and submitted to city elections officials, the proposal will not take effect unless it is approved by the voters.

Sources Say: Want street fee details? You might have to dig for them

*By Jim Redden
November 27, 2014*

Social media may be all the craze these days, but is it really the best way to release important information on a public policy decision?

For weeks, the Portland Bureau of Transportation has been saying the proposed street fee would cost businesses between \$3 and \$144 a month, depending on such factors as their gross revenue and the number of their employees. But those figures are only for an individual location and not how much a business will be charged if it has multiple offices or stores. Some of those following the debate have pestered PBOT to release cumulative totals for individual businesses and it finally did — as a link to a chart in a tweet just two days before the City Council hearing on the proposal, now dubbed the Portland Street Fund.

The chart had a lot of interesting information, including the fact that the city of Portland would pay the most money, \$4,905 a month for its estimated 394 locations. But the chart was hard to find for anyone not following PBOT's Twitter account. The chart was not posted prominently on the PBOT website dedicated to the proposed fund.

Windows on the left?

Oregon Historical Society Executive Director Kerry Tymchuk routinely moderates the panels at the Portland Business Alliance's monthly breakfast forums. Well before that, he won the TV game show "Jeopardy" four times. And, last week he appeared to stump the alliance's members without meaning to.

As usual, Tymchuk brought an artifact from the society to introduce the forum's topic. This time it was on the need for an educated work force. Tymchuk brought a list of requirements for public schools approved by the Oregon Department of Education in 1926. One of those: each classroom must have windows on the left side of the room, prompting puzzled murmurs from the crowd at the Sentinel Hotel.

Portland State University President Wim Wiewel offered a plausible explanation when Tymchuk introduced him as a panelist. He explained that windows provided much of the light in classrooms those days, and all students were presumed to be right-handed.

"If the windows were on the right, their hands would cast shadows on what they were writing," Wiewel said, which made as much sense as anything.

Everyone wants a piece of the kicker

The state's improving economy means the Legislature should have more money to spend in 2015 than the last few years, proved the so-called kicker law doesn't rebate much of the growing surplus. But even if the rebate doesn't kick in, lobbying already is underway to claim every available dollar and then some.

For example, a new organization called Promise of Oregon recently formed to push for increased funding for pre-school through 12th-grade education, otherwise called K-14. Representatives of business organizations are scheduled to meet with Gov. John Kitzhaber soon to advocate for more money for higher education, including the state's community colleges and universities. And the Oregon Department of Transportation is looking for more money for road, transit, bike and pedestrian projects.

It's unlikely the session that starts in January will be able to satisfy everyone. Unlike Congress, the Legislature must balance the state budget every year.

Street fee returns to City Council on Dec. 3

*By Jim Redden
November 26, 2014*

The City Council will consider two amendments to the proposed street fee at 10 a.m. on Dec. 3.

One would sunset the fee in six years unless it is renewed by the council. The other ensures that pavement maintenance funding from existing sources will not drop below current levels if the fee is approved.

Public testimony will be accept on the proposed amendments, although comments on the entire proposal can be submitted in writing.

The proposed changes require the tentative final vote be pushed back a week until Dec. 10.

The fee proposed by Mayor Charlie Hales and Commission steve Novick has two parts. The residential fee is a progressive personal income tax. The non-residential fee is a sliding scale for businesses, government and nonprofit organizations. They are intended to raise \$46 million a year for maintenance and safety projects, after expenses.

The proposal is now called the Portland Street Fund. To learn more and find updates about it, visit <http://www.OurStreetsPDX.com>.

Willamette Week

Neighborhood Coalition Demands Transportation Bureau Produce Street Fee Calculations

SE Uplift files an appeal to the Multnomah County District Attorney.

*By Aaron Mesh
November 28, 2014*

Among the groups lining up to oppose the street fee, perhaps the most striking is SE Uplift. The neighborhood coalition is overseen and funded by City Hall. SE Uplift represents 20 neighborhood associations in Southeast Portland—the power blocs of Portland retail politics. The support of neighborhood associations is crucial to winning local votes.

Unlike the business lobby, SE Uplift has no natural gripe with the plan by Mayor Charlie Hales and City Commissioner Steve Novick to raise \$46 million annually for street repairs with an income tax and a business fee.

But the chair of SE Uplift, Robert McCullough, is a longtime adversary of freight interests—like Union Pacific, which runs a railroad line along his posh Eastmoreland neighborhood. McCullough is convinced freight companies are paying less than their fair share of the proposed business fee.

"If we have reduced the pain for the transportation sector from 40 percent to 0.9 percent," McCullough says, "somebody is picking up a lot of pain. And I'm afraid it's the middle class here in Portland." SE Uplift asked the Portland Bureau of Transportation to show its work papers behind the business fee. PBOT hasn't produced those documents.

That's led to an even more remarkable fight.

On Wednesday, the board of SE Uplift unanimously voted to file an appeal with Multnomah County District Attorney Rod Underhill, asking him to compel PBOT to produce its paperwork. In other words: A group of neighborhood associations is asking an outside party to force a city bureau to share records with another branch of city government.

The appeal, filed today, asks Underhill to make PBOT deliver the paperwork before a City Council vote on the street fee, scheduled for Dec. 10.

McCullough says Novick and PBOT don't want to show their math because they got it wrong. "I think we are facing a serious case of political embarrassment," McCullough says. "It's not immediately clear that Steve Novick has mastered the adding here. All we're asking for is the work papers. They promised them three weeks ago. This is something they should have been able to deliver in three minutes."

Novick and PBOT spokesman Dylan Rivera could not immediately be reached for comment.

But in a Nov. 18 email to McCullough's team, Rivera says he's provided a table of estimated tax revenues and says the bureau is still calculating the costs of processing the other records.

"You have asked for a very broad list of documents," writes Rivera, "including spreadsheets and formulas that contain information exempt from disclosure."

UPDATE, 4:04 pm: City Commissioner Steve Novick tells WW that SE Uplift's records search is quixotic. "The work group came up with the idea that no one location should pay more than \$144 a month," Novick says. "Mr. McCullough thinks that [Union-Pacific] should pay a lot more than that. That's a policy difference, and there isn't any document that can resolve it." (On Saturday, Novick clarifies that the work group capped business fees at \$120 a month, but the city's most recent proposal is \$144 a month.)

Novick says McCullough's goal of getting freight companies to pay more is laudable—it just doesn't fit with the business-fee structure the city selected in work groups over the summer.

"I think Robert believes that there must be some secret document that shows how we could fit his square-peg policy into the work group's round-hole approach," Novick adds. "He needs to understand that no matter how fine a square peg he might have, it just doesn't fit into the work group's round hole."

The Mercury

Blocked Out

The City Could Soon Double the Places Homeless People Can't Sit

*By Dirk VanderHart
November 26, 2014*

CHAMPIONS for the homeless don't often find cause to gush about Portland cops.

But there they were, on Tuesday, November 18—three of this city's most stalwart advocates talking up the Portland Police Bureau during a city council work session.

"In the 15 years that I've been doing this work in different urban environments, this is the best program that we've seen," Street Roots Director Israel Bayer said of foot patrols the bureau's Central Precinct began this spring.

"It's like having a whole other team of street outreach workers out there," said Dennis Lundberg of Janus Youth Programs.

"The approach is really good," said JOIN Director Marc Jolin. "It's going to make a world of difference."

Those fuzzy feelings are well earned. The walking beats—carried out by a small team of 10 specially chosen officers—have fanned out across downtown and along SE Hawthorne with an eye toward building relationships. Cops say they're trying to engage with people instead of just issuing tickets or making arrests. It's an approach advocates have been pushing for years, and a welcome olive branch in a year when cops also spent time arresting homeless people for camping and certain nuisance crimes ["Can't Sleep Here," News, July 30].

But some things never change.

Even as some officers show the city's destitute a softer side, the Portland Business Alliance (PBA) is looking to reduce the places where they can rest. Through its Clean & Safe program, the PBA is pressing for a nearly four-fold increase in the select areas where sitting on the sidewalk is largely prohibited—from roughly 30 block faces downtown to almost 120.

The PBA won't get most of its wish. But documents obtained by the Mercury show the Portland Bureau of Transportation (PBOT) is seriously entertaining enrolling an additional 33 block faces as pedestrian zones, more than doubling the current number.

Blocks under consideration include swaths along the MAX tracks on SW Morrison and SW Yamhill, along with sidewalks abutting Director Park, Powell's, and the Safeway at SW 10th and Jefferson.

Decisions could be made as early as next year, PBOT says, and don't require any input from elected leaders. Under Portland's sidewalk management plan, the choice falls to PBOT Director Leah Treat.

"What we're an advocate for is being able to expand the ability for police, and frankly the city, to use tools that enforce behaviors on the streets," Ty Barker, chair of the Clean & Safe program, told city council on November 18. "We still feel all the tools need to be in the tool chest."

Portland's current sidewalk law was established in 2010, not long after a Multnomah County judge ruled the city's controversial "sit-lie" policy unconstitutional. Under the law, downtown sidewalks are reserved mainly for pedestrians, with sitting permitted in a ribbon of pavement along the curb. But for sidewalks that are too narrow or present other safety risks, PBOT can eliminate that ribbon, making it illegal to sit or lie down from 7 am to 9 pm.

The tactic generated controversy last summer, when Mayor Charlie Hales designated sidewalks outside of city hall as pedestrian-only zones, in an attempt to clear out a clutch of people protesting Portland's anti-camping law ["Booted Camp?" News, July 24, 2013].

The move worked, but only in the narrowest sense. It merely pushed people across the street.

"There are less people around city hall, but there are more people around Lownsdale and Chapman [Squares]," Commissioner Nick Fish said at the recent city council session. "There's a cause and effect that we often see, and sometimes it's displacement."

That's fine with the PBA, Barker essentially told city council, so long as people are moved from desirable, busy corridors like those near Pioneer Courthouse Square and Pioneer Place Mall.

"They're still here in the city," Barker said. "Just because they're not around city hall doesn't mean they're not in the city of Portland. What we're looking for is the ability to prevent collective behaviors that are negative."

Neither the PBA nor Barker returned calls asking about the sidewalk request by press time.

The majority of the PBA's 47 individual suggestions were deemed ineligible by PBOT, since they had no grounding in the safety factors engineers consider when mulling over a pedestrian-only designation. Those include sidewalks adjacent to high-speed traffic or light rail, walkways near food cart pods, and places with especially high volumes of foot traffic.

"The high-pedestrian zone designation has been used as a safety measure to protect people who might, for example, be pushed into an oncoming MAX train," Transportation Commissioner Steve Novick said.

"It's not something we use to say, 'This is a high pedestrian zone, therefore people can't sit on the sidewalk.'"

Still, internal documents show PBOT thinks 15 of the requests are at least partially feasible. (Not all of the requests come from the PBA. Organizations like Union Gospel Mission and Mercy Corps have made small requests.)

The findings will head to a mayoral commission on homelessness issues in January, before landing at Treat's desk for a final decision, says Christine Leon, the PBOT manager overseeing the process.

Advocates and at least one city commissioner are calling for more transparency and public input.

"The way we decided the other zones was to have a group that included people living outside," said Commissioner Amanda Fritz, who pointed out that merely displacing homeless people doesn't solve anything. "That would be the best way moving forward."

And Street Roots' Bayer, pleased enough with some of the city's other efforts, sees nothing but backsliding in the push for more restrictions. It would be "very unfortunate," he says, if new progress were undermined by tougher restrictions.

"When you fight over sidewalks," he says, "you don't get to real solutions."

More forceful is Becky Straus, legislative director for the American Civil Liberties Union of Oregon. She's dubious that enough serious safety risks exist to warrant such a dramatic expansion of Portland's pedestrian-only areas.

"The sidewalks are for everyone," Straus says. "They're not just for the PBA's holiday shoppers."

The Unexamined Life

Shooting Report Says Cops Fall Short on "Discipline," "Corrective Action"

By Denis C. Theriault
November 26, 2014

THREE TIMES since 2012, the city auditor's office has released an outside watchdog's dense, detailed deconstruction of Portland police shootings stretching back a decade. Twice, the police bureau has issued a self-congratulatory news release welcoming the scrutiny—while also highlighting the kinder findings tucked inside.

Not this year. The third such report (pdf) by the Los Angeles-based Office of Independent Review (OIR Group) went public on Monday, November 24, and it came with nary a trumpet blare from police brass. Instead, behind the scenes, revision-seeking officials and city attorneys pushed back harder than ever before.

And maybe that's because—after three studies probing lessons either learned or lost after 23 shootings and in-custody deaths, including nine in the latest report—the consultants have finally hit a particularly sensitive nerve.

Despite notable lapses leading up to the use of deadly force—including flawed or nonexistent planning, tactical mistakes, and fraught communication gaffes—few officers ever seem to face discipline for their bad decision-making. Worse, the consultants found, sometimes those missteps aren't even examined by the internal investigators and trainers the bureau relies on to keep its performance sharp.

"Some law enforcement agencies rigorously examine the performance of involved officers and supervisors," the consultants wrote more than 100 pages into their report, later making clear that "this is consistent with the broadly accepted understanding that tactical decisions and judgments have consequences in the field and will often determine the need or perceived need to use force."

But in Portland?

"In our previous reports, we have identified occasions when these issues may or may not have been identified," the consultants write before coming to a devastating point: "But rarely in Portland have such decisions led to either discipline or other targeted corrective action."

In all, the OIR Group submitted 21 fresh recommendations for policy changes after examining one in-custody death (Darris Johnson, 2011) and eight more police shootings (Dupree Carter in 2006; Steven Bolen, 2007; Jeffrey Turpin, 2007; Derek Coady, 2008; Craig Boehler, 2010; Darryel Dwayne Ferguson, 2010; Marcus Lagozzino, 2010; and Ralph Turner, 2011).

The consultants fretted over lengthy administrative investigations, some of which stretched beyond two years. (That's something the city's recently approved settlement agreement with the US Department of Justice is supposed to solve.) They renewed a call, first made in their 2012 report, that the city do away with a union-bargained rule giving cops 48 hours after a deadly force incident before they have to explain what happened ["Will They Ever Learn?" News, June 7, 2012].

They also noted unheeded exhortations to produce training videos and memos after shootings that happened in part because of bad planning. And they emphatically called for the bureau's Police Review Board—made up of police leadership, peer cops, supervising officers, civilians, and an Independent Police Review representative—to play a stronger role both in poking holes in investigations and tracking the progress of policy changes.

But much of the report revolves around fine-toothed reviews of the nine cases selected for study—with the consultants matching the concerns they'd flagged directly against their demands for change. For instance:

- In examining the in-custody death of Johnson—which followed a 4 am traffic stop and foot chase that left him out of breath before he died in the back of a police car—the report pointedly called out officers' decision not to call for paramedics at the first hint the 26-year-old was in trouble ["When Should Cops Call for Help?" News, July 14, 2011].

Officers Justin Thurman and Zach Zelinka said they thought Johnson's troubles were a predictable result of the chase—only to realize they weren't routine after he stopped breathing in the backseat on the way to East Precinct. (Johnson, it turned out, had meth in his system, and also an enlarged heart.)

But the consultants said no one questioned some telling details that might have undercut the officers' assertion that no paramedics were required: namely, that 20 minutes had elapsed between the moment Johnson took off running and his arrest, and that the running itself lasted only about a minute.

Given that the officers had "fully recovered" from the chase, the consultants wrote, their outright dismissal of Johnson's ongoing breathing difficulties could have been seen as "less reasonable."

Earlier, they found "there was no discussion" in the bureau's investigation of whether Thurman and Zelinka violated a policy that clearly lists "respiratory difficulty" among prescribed reasons for seeking medical help. And they called on the bureau to add a policy encouraging officers to "err on the side" of calling paramedics.

- In the 2010 shooting of Boehler, who died in a house fire that he set after taking shots at several tactical and plainclothes officers in a standoff, the consultants wondered why investigators never questioned a glaring inconsistency in the decision-making of the cop who fired at Boehler, Peter McConnell.

McConnell said at one point that he thought officers would be safe from Boehler's bullets because they were inside an armored vehicle or behind cover. But he also said he shot Boehler, when given the chance, because he feared for those same officers' lives.

"Officer McConnell's independent decision to shoot in order to stop Mr. Boehler was in contrast to the discipline exercised by the rest of the team," the report says. "For that reason, it falls to the bureau to ask if there was an actual exigency that made the use of deadly force necessary at that moment...."

"The investigation and review did not explore these questions."

- The report noted that six of the eight shootings involved confrontations "at or near a doorway of a residential dwelling"—and that poor planning often marred those rushed encounters, with few lessons actually gleaned from these mistakes.

In the Bolen shooting, officers burst into his home without waiting for tactical officers after hearing from neighbors (but never verifying) that Bolen was beating his girlfriend. A review board's urging that trainers produce a video based on the Bolen case slipped through the cracks.

When two officers knocked on Ferguson's door, stepping into a dispute Ferguson was having with a neighbor, they never announced themselves or thought to craft a plan based on an earlier report Ferguson might have had a gun. (He had a fake gun, which he waved when opening the door, not knowing it was cops who were knocking.) Investigators gave the officers a pass on both.

In the Turner shooting, cops were shot at as soon as they knocked on the door—something admittedly difficult to prepare for. And what was supposed to be a welfare check spiraled into a shootout that saw an officer hit in the stomach. All the same, the consultants said, poor communication in the wake of the chaos resulted in sergeants being pinned down as targets instead of taking the lead as supervisors. They also said the bureau's emotional response to the incident may have clouded its willingness to look for tactical mistakes.

In documents attached to the report, and in footnotes sprinkled throughout, bureau officials quibbled with some of OIR Group's findings and rebuffed a handful of recommendations outright. Often, they pointed to reforms initiated after 2012, beyond the time period examined in the report, as part of the city's reform deal with the US Department of Justice.

They also directly rejected a suggestion that officers ask the medical examiner to evaluate whether a shooting victim's wounds might have been survivable if medical attention was provided sooner. The report cites delays in rendering aid as an ongoing challenge.

In one case, when the bureau said it agreed with a recommendation, it did so without actually addressing what was being demanded. The consultants suggested the bureau combat fatigue by putting limits on officers' extra-duty work on specialty units, like the tactical squad. The bureau said that was its "current practice," but described a discretionary system in which supervisors "evaluate" cops' capacities, with no firm limits ever actually in play.

Mike Reese, the soon-to-retire chief of police, was as tart as ever about the OIR Group's work in a letter that came just before the bureau's detailed response.

"Many of the [reviewed] shootings occurred under very challenging circumstances and include one where officers were shot and others where officers and the community were at grave risk," he wrote. "During these rapidly unfolding events, officers performed commendably and relied on the high caliber of training

they have received. While we agree with the majority of the recommendations, we have concerns with some of the tactical analysis and conclusions drawn in this report."

Reese will have a chance to say more in a few days. The report is scheduled for a Portland City Council hearing on December 3.

Hall Monitor

Who Else Here Is Darren Wilson?

By Denis C. Theriault
November 26, 2014

THE OBVIOUS LACK of tear gas and smoke and flames in downtown Portland on Monday, November 24—hell, the decided lack of protesters period, aside from maybe 150 or so diehards who marched through mostly empty streets—said volumes about Portland's ongoing response to the outcry in Ferguson, Missouri.

In Portland, many of the mainstream activist groups enjoy an open (and abidingly frank) line to Portland City Hall—and vice versa.

And thanks to a deft bit of outreach and negotiation, city leaders leveraged that relationship to put off the inchoate rage that afflicted other cities in the immediate aftermath of a grand jury's failure to indict Darren Wilson, the cop who shot Michael Brown.

Ministers and other advocates worked with officials to schedule a "nonviolent" rally for the day after the announcement. Moreover, Portlanders, as deeply upset as many of them were, mostly agreed to go along with the program.

That says some things about where we live.

One of those things, cynically, is that Portland has a relatively small African American population—one that's been scattered from inner neighborhoods to the city's eastern reaches beyond. The passion that blazed in Ferguson and Chicago and Oakland might not ever be felt as personally here.

But another thing is that we're a lot better off than some of the other cities that boiled over. Yes, Portland cops struggle with racially disparate stops and searches. But we're ahead of much of the country.

For more than 20 years, accountability advocates have been shaping and bending the discussion around police issues in Portland—using tragedies like the deaths of James Chasse Jr. and Aaron Campbell and Kendra James to shock us into paying attention.

Local media, including the Oregonian's right-leaning editorial board, have been trained to mostly talk about deadly force and racial prejudice in the right way. Past city leaders, prompted by ministers in the black community, invited the US Department of Justice to town to help goose along changes.

Portland's retiring police chief, Mike Reese, tried firing the cop who killed Campbell (even if an arbitrator slapped him down). The Multnomah County District Attorney's Office indicted the cop, Dane Reister, who nearly killed a man in crisis when he mistakenly loaded a live round into his bright-orange beanbag shotgun.

The police bureau has actively trained its supervisors to admit and own their biases.

We even have a mayor, Charlie Hales, who made police reform a central tenet of his campaign.

And yet even that's not enough—a point proven by the marchers who didn't wait for the official rally to put their feelings on display.

Over the weekend, activists policing the police discovered three cops on Facebook with profile pictures showing an "I Am Darren Wilson" bracelet wrapped around a Portland police badge. Maybe worse, as commenters noted, several other cops saw the picture and happily clicked "like."

Sure, that's just a fraction of the nearly 1,000 cops paid to keep the peace in Portland. But those are just the cops who were unthinking enough to publicly share a sympathy most know to keep private.

Reese moved quickly to launch investigations and order the photos removed. Hales backed him up. Both of those facts bode well.

But it's hard to think that sends any real message to the rank and file. These are the same officials who wiped away discipline for Mark Kruger, the cop who'd been punished for putting up a Nazi Germany shrine in a city park. And most cops know it.

Which means maybe we're not as far along as we think. And maybe those protesters who came out Monday, without waiting for city hall's blessing, weren't jousting so pointlessly after all.

More Than 20 People Have Filed Complaints About Saturday's Police Action, and One Man Says He'll Starve to Death for Reform

*By Dirk VanderHart
December 1, 2014*

Portland's Independent Police Review (IPR) is more popular than ever.

The wing of the Portland Auditor's Office has never seen an influx of pleas for investigation like it got this afternoon, when dozens of protestors flooded the ground floor of city hall. They came because of Saturday night, and what they say were Portland cops' troubling tactics for cracking down on mostly-peaceful demonstrators. Those tactics involved cops using flash grenades, prodding demonstrators with the broad side of their batons, and surrounding people in a "kettle" near the Hawthorne Bridge.

In all, IPR received more than 20 complaints over Saturday's events. And in a week filled with confrontation (demonstrators also drew a heavy police presence on Tuesday and Wednesday) Severe's office has only heard complaints about Saturday, he says.

One guy, filling out a form in the city hall atrium this afternoon, said cops' tactics amounted to "psychological torture." Some on scene claimed they were targeted for arrest as members of the "alternative media," and there was a sense that cops had given protestors deeply conflicting signals: they ordered people into the street so they could be more-easily arrested, but then only arrested people who abided by those orders and stayed in the street, one arrestee said.

Teresa Raiford, a sometimes-candidate for public office who's been a leading voice in these rallies, urged demonstrators to call out Mayor Charlie Hales specifically (Hales is Portland's police commissioner). Meanwhile, Hales spokesperson Dana Haynes handed out pens to demonstrators looking to fill out complaints. More than 20 people have done so, according to IPR. (Demonstrators filled out formal complaints with the NAACP, as well.)

What happens after I file a complaint?

After a community member files a complaint, the IPR will assign the case to a complaint investigator for an initial investigation. The investigator will interview the complainant(s), all available civilian witnesses, gather police reports, dispatch records, and video or audio recordings of the incident. The IPR Director will then choose to have the complaint handled in one of the ways listed below:

- **PPB Referral:** The case can be referred to the Police Bureau Internal Affairs for their review and handling.
- **Dismissal:** The complaint can be dismissed if falls under one of the dismissal criteria in [IPR's case handling guidelines](#). The case will then be closed and the complainant will receive a letter explaining why the case was dismissed.
- **Mediation:** In certain cases, with the approval of both the complainant and the police officer, the case can be mediated. IPR will arrange for an outside mediator to meet with you and the officer with the intent to clear up any misunderstandings by discussing the incident in an informal and non-confrontational setting.
- **Referral:** Certain cases may be referred to other City Bureaus if they can more appropriately deal with the complaint. For example, if there is evidence of criminal conduct, the IPR Director can refer the case to the PPB or the District Attorney's Office for a criminal investigation. If the complaint involves a non-PPB officer, then the complaint will be referred to the appropriate police department.
- **Independent Investigation:** IPR is authorized under City Code to conduct independent investigations into allegations of police misconduct.

The IPR will investigate each complaint, Severe says. He says the office had no staffers out on Saturday, as it did at an earlier protest, but cops and protestors both film these confrontations, meaning ready access to potential evidence.

While everyone was filing complaints on City Hall's ground floor, a smaller movement began two floors up. Michael Meo—a former math teacher, current police critic, and another sometimes-candidate for office—was sitting in the ante-chamber to Hales' office, quietly waiting to be arrested.

Meo says he'll sit until city hall closes this evening and simply refuse to leave. Once in jail, he'll refuse to eat. And if they let him go, he'll get peaceably arrested again, still starving. He figures he can survive 40 days on water alone.

The point? Meo says he's sick of the city spinning its wheels on federally mandated police reform. He wants Hales to follow the recommendations of the Albina Ministerial Alliance Coalition for Justice and Police Reform in that regard.

"Until then, I'm willing to die," Meo told the Mercury this afternoon. "This is a decision that has been coming for some time. Look at all the people dying on the streets of Portland."

What if Hales called him in for a meeting, we asked. Not enough, he said.

"I don't wanna talk to him, I want action," Meo said. "I'm gonna sit here starving until that happens."

As of this writing, Meo's not in custody at the jail.

Update, 5:21 pm: That didn't last long. No sooner had I hit "publish" on this post than I got an e-mail from Meo. Who is at home. Cooking spaghetti.

It's not for himself, Meo says, but for his son. And he's still committed to a hunger strike but no longer to arrest.

"I am as bound not to eat as before, but I am not entering the arrest-and-booking-in merry-go-round if I can reasonably well avoid it," he writes. "Maybe I would in other circumstances but I am not accompanied.

"Anyways, I will be drinking coffee with cream and sugar, fruit juice, and some milk (not much)."

Cops Explain Why I Was Detained Longer Than Other Reporters During Ferguson March: Commander Didn't Recognize Me

*By Denis C. Theriault
December 1, 2014*

Yesterday, I got an answer from the Portland Police Bureau about why—after personally asking supervising official Commander Sara Westbrook whether I could leave a police kettle Saturday night—I was detained with dozens of other protesters apparently facing arrest.

The simple answer? A police spokesman says Westbrook didn't recognize me—even though I thought she did.

She wanted me to pass along that she didn't recognize you from being interviewed in the past and if she had, would have had you pulled out sooner.

I suspect the same to be true for most of the officers at the scene—TV folks wearing identifiable clothing, gear, etc., easier to discern that they were media.

As you might have read, I complained bitterly on Sunday morning about that interaction. Before the kettle got tight, after a PA van descended and announced that everyone gathered was "under arrest," I shouted for her attention and made eye contact and waved a notebook and asked if I'd been snared like everyone else. I was told I was. (Eventually, a sergeant I'd never met, Richard Stainbrook, said he recognized me and let me out.)

I assumed Westbrook gave her answer while knowing full well that I'm the annoying Mercury reporter who often haunts protests. I didn't think that was much of a stretch. For a lot of the march Saturday, with a dead phone, I was actually carrying and using a notebook.

But more than that, just two weeks ago or so, before the Million Mask March on November 15, we nodded at one another in the manner of people who are acquainted. And I mentioned her promotion to the head of East Precinct and we talked about fall weather and bicycling. We'd first been introduced three years ago during the Occupy protests.

It's possible she didn't connect me to those events in the heat of a protest kettle. Or she might not have remembered me at all, even when we spoke on November 15. The Oregonian's interview with bureau spokesman Sergeant Pete Simpson put a finer point on things.

Simpson relayed that Westbrook "did not recognize Denis as anyone she knew."

"Media being contained within the crowd was an unfortunate byproduct of the need to gain containment before making arrests," Simpson said.

It wasn't just me who wound up in the kettle. KGW's Mike Benner was initially caught. But later I saw his and his camera operator's tell-tale yellow ponchos maneuvering safely behind the riot lines. I was still inside, waiting to see what would happen. So was the omnipresent protest filmer who posts under the handle Laughing With Liberals.

After the declaration that we'd all be arrested, we were told we'd be let go, one-by-one. And yet 10 protesters were still arrested and given charges at the end of the night. I've asked for an explanation of why some were arrested and some were not, and why some were booked and some were merely cited.

Simpson did offer up the logic behind the shifting PA instructions. It's to get compliance quickly and build a stronger interfering with a peace officer case with the prosecutor's office.

Also, regarding the PA instructions, we are required to give those instructions when we are going to make arrests to ensure prosecutable cases (that people heard instructions and willfully disobeyed them). It does not in anyway mean that everyone WILL be actually arrested.

That distinction isn't sitting well with everyone. Notably, right wing commenters.

Update 1:27 PM: After the jump, read Mayor Charlie Hales' statement on how police handled last weekend's protests—and also how they plan to handle future events.

One unwavering red line? "When possible," meaning when the numbers aren't so outrageous that officers won't be overwhelmed, protesters won't ever be allowed onto freeways, like in other cities.

Walking onto an interstate highway with cars traveling at a high rate of speed is both foolish and dangerous. It's dangerous for protesters, but it's dangerous for drivers, too. We expect Portland Police to prevent such reckless protests, when possible.

Another? Don't mess up public transportation. Click for the rest.

MONDAY, DEC. 1, 2014 – Portland is a city that demonstrates. And that's a great thing.

Especially now in a community, and in a nation, coming to terms with the divisive issues of racial inequity, income inequality, and a lack of services for people with mental illness.

As the free-speech events this past week have shown, thousands of Portlanders have very real concerns, very real emotions, and very real histories of unjust decisions. These Portlanders deserve to be heard. It's their right to be heard.

But even in less-stressful times, civic demonstrations are part of the everyday norm in Portland. Almost every week, Portland Police work to keep public demonstrations safe – for participants and for all Portlanders. That includes permitted rallies and unpermitted rallies.

That won't change.

Most often, the hundreds of demonstrations end peacefully. Sometimes the media notice. Sometimes not. Sometimes the demonstrations lead to a change in public policy. Sometimes not. Some end in arrests. Not many, but some. Each demonstration is a balancing act, protecting rights of assembly and speech, vs. residents' ability to move around their city.

We had demonstrations almost every day this past week. One on Saturday ended in 10 arrests after hours of engagement with police throughout the Portland west side.

These are our community's expectations for demonstrations:

The first thing we cannot tolerate is anyone being injured. Public safety for all Portlanders – demonstrators and bystanders alike – is paramount. This past week, we saw demonstrations in which organizers attempted to lead people onto highways. Walking onto an interstate highway with cars traveling at a high rate of speed is both foolish and dangerous. It's dangerous for protesters, but it's dangerous for drivers, too. We expect Portland Police to prevent such reckless protests, when possible.

The second public safety priority is vandalism. We cannot allow property to be damaged.

The third public safety priority is any demonstration that substantively interferes with Portlanders' ability to move around their city. That includes streets, highways and light rail lines. Because those are owned by the community at large and serve the community at large.

If you're a parent making \$15 per hour and your day care charges an extra \$1 for every minute you're late, then a demonstration that blocks a bus or train or a highway has real consequences in your life. Many low-income citizens rely on public transit every day just to make ends meet. So we draw the line at demonstrations that stop Portlanders from getting to and from their jobs and their homes.

Waiting an extra light cycle or two for a parade to pass is a reasonable price to pay for living in a free Democracy. Demonstrations that disrupt the transit system for a large number of Portlanders cross the line of fairness for all.

We will continue to have demonstrations in Portland. And we should. It's part of the nature of this city. And the Portland Police Bureau will continue to work to keep demonstrators safe, and all Portland residents safe. They will do so while ensuring that First Amendment rights are respected in this city.

The Daily Journal of Commerce

Planters being designed for green street project

*By Inka Bajandas
December 1, 2014*

A Bureau of Environmental Services green street project in Northwest Portland calls for installing stormwater planters designed to filter runoff from nearby industrial areas.

BES staffers are in the early stages of designing the \$137,000 Northwest Front Green Street Project, bureau spokesman Linc Mann said. Three stormwater planters will be built on Northwest Front Street near the intersection with Northwest 26th Avenue. The planters will be designed specifically to collect and filter stormwater in an area with lots of sediment, impervious surfaces and surrounding industrial uses, Mann said.

The project will help BES staffers figure out the best methods for installing green streets in industrial areas, which often have space and site constraints, harsh environments for plants and greater maintenance needs, he said. This could include using hardier plants able to survive in a highly paved and trafficked area and a planter structure capable of handling large amounts of sediment.

"This is a pilot project to see how this kind of stuff can be applied in other industrial and commercial areas," Mann said.

The planters installed on Northwest Front Street are anticipated to filter runoff from a 1.1-acre area and improve the quality of stormwater flowing into the Willamette River.

Design is scheduled to wrap up in February 2015, and construction is set to begin in June 2015.

Protesters to Mayor: We Didn't Block Any Bridges or Roads

*By Cornelius Swart
December 2, 2014*

Residents protesting the exoneration of a Missouri police officer who shot and killed an unarmed black teen said Monday that they didn't block streets during protests they organized in downtown Portland last week.

Organizers of the events said participants were peacefully protesting by the rules and were blamed for disruptions caused by unaffiliated protesters.

"We didn't close any bridges, the police closed the bridges," said organizer Teresa Raiford, Monday evening. "We do have a constitutional right to protest in the street, but we did not block any bridges."

On Monday, Portland Mayor Charlie Hales issued a statement defending police actions and saying that police would continue to protect public safety and clear the roads for traffic and public transit.

Demonstrations have run almost nightly in Portland since Officer Darren Wilson was exonerated last Tuesday for the shooting death of 18-year-old Michael Brown.

Police broke up several marches through downtown using flash bang grenades, mounted units and arrested at least 17 people.

Activists organizing under the banner Don't Shoot Portland filed down to City Hall Monday and filed dozens of complaints against police for actions taken to quell the demonstrations.

Approximately 40 people filed complaints with the City Auditor's Independent Police Review Division (IPR), according to Raiford. She said about 50 people in total filed complaints with the IPR, the NAACP and the National Lawyer's Guild.

Raiford said that demonstrators trained for months on how to protest peacefully, within the constraints of the law.

Tuesday night, police had to clear demonstrators from a freeway onramp after a march snaked from downtown to the inner eastside industrial district.

"Walking onto an interstate highway with cars traveling at a high rate of speed is both foolish and dangerous," Hales said in a statement on Monday. "It's dangerous for protesters, but it's dangerous for drivers, too."

Raiford said that there were several groups of people who had broken off from the original group that was organized by Don't Shoot Portland and who were responsible for blocking roads. Raiford said she could not describe the participants in detail.

Jails Return Confiscated Cash in Debit Cards, Minus Hefty Fees

*By Taya Alami
December 2, 2014*

Some protesters who were jailed following late night demonstrations Saturday evening were surprised to find that the county returned their confiscated cash back to them, minus some hefty fees, in the form of a prepaid debit card.

The county policy of transferring inmate cash to debit cards at the inmate's own expense sparked a torrent of comments on Portland's Reddit page Monday, racking up over 200 comments in 8 hours.

The program is managed by Numia Financial, a for-profit company. County officials said it saves their staff time while saving the taxpayer money, but critics argued that the practice is especially unfair to indigent suspects.

"We can't trust them with our cash, but we can trust them with our lives; sweet," one Portland Redditor wrote.

"No one should be forced to make a purchase to get their money back."

The cards have a monthly fee of \$5.95 and an ATM fee of \$2.95.

Every inmate booked into Multnomah County Jail, no matter how long, is issued an account in their name. The money in the inmate's account is typically what they had on them at the time of their arrest.

If someone is released late at night with \$20 on their card and they need cash to get home, one of their few options are an ATM withdrawal. After the fee is paid, the account would hold \$17.05 — too little to meet the minimum withdrawal requirement of \$20 held by most ATMs, leaving the releasee without many options to get home.

"It will take lawsuits to undo this kind of behavior by government institutions because right now it's in their best interest," another Redditor stated.

Officials said the cards cut down on the amount of cash-handling jail staff have to do.

Lieutenant Steve Alexander from the Multnomah County Sheriff's office said a December 2011 audit was one of the main reasons the county adopted the system.

"Handling cash takes time," the audit stated. "The Sheriff's Office estimates that the Fiscal Unit spends approximately 2-3 hours per day handling inmate cash at a cost of \$23,000 per year."

The county handles a lot of cash. In 2011, it dealt with \$3.7 million in jail and inmate related transactions. It's unknown how much of that figure can be attributed to tallies of cash possessed by inmates during the booking process.

Multnomah County saves in operational costs from issuing prepaid cards but doesn't receive any direct financial benefit.

"We don't make any money off of it," Alexander said. "This provided a better way to do security controls and cash accounting. It just worked."

"This is kind of the way a lot of the jails are going because there's more cost controls," Alexander added.

Columbia County uses the same procedure, and the same company, to return money to its inmates.

"We don't have to count, double count and worry about errors of accounting," Columbia County Sheriff Captain Dustin Hald said. "It's a reduction in time and an elimination of accounting errors."

When jail staff were tasked with handling the money of inmates from when they were booked, Hald said simple human errors came up — like two \$100 bills sticking together, for example.

A number of other counties across the nation have adopted similar procedural systems; a number of them have since encountered lawsuits.

Hald said he believes the practice is here to stay, adding that there are no fees associated with using the card, aside from the \$6 monthly service fee which is assessed five days after the card is issued.

"No one has shown that this is a violation of rights," Hald said. "The only fees that could happen in the first five days is if they want to load more money. They have five days to access their money free of charge."

Another blogger likened being arrested with cash to being arrested with any other type of personal possession.

"If you were arrested wearing a fedora," the blogger wrote, "they don't give you a beanie upon release with instructions on how you can redeem it for your fedora minus a small portion of the brim."

A representative from Numi Financial declined to comment. He did say, however, that the practice of obtaining government contracts to provide arrestees with the money they possessed when they were booked into jail was commonplace for the company.

Mayor Hales: Police Will Continue to Keep Protestors from Blocking Streets

December 2, 2014

Following a week of protests in downtown Portland that resulted in blocked traffic and arrests, Mayor Charlie Hales said Monday that police would continue to prevent demonstrators from blocking streets and highways.

Several dozen protesters who demonstrated during the previous week went to Portland City Hall Dec. 1. At least 20 protesters filed complaints against police officers for allegedly violating their rights.

On Tuesday, demonstrators marching against the grand jury decision to exonerated Ferguson police officer Darren Wilson momentarily blocked traffic an Interstate 5/ Interstate 84 ramp as well as traffic on the Burnside and Morrison bridges.

"Walking onto an interstate highway with cars traveling at a high rate of speed is both foolish and dangerous," Hales said in a statement to the press. "It's dangerous for protesters, but it's dangerous for drivers, too."

Civil rights leader the Rev. Jesse Jackson spoke at a demonstration outside the Portland Justice Center Saturday that was followed by a march through downtown followed. Police disbursed demonstrators with 'flash bang' grenades and took seven people to jail and cited three.

Hales said Monday that he supported residents' right to demonstrate, but blocking traffic and transit was unfair to low-income residents.

"If you're a parent making \$15 per hour and your day care charges an extra \$1 for every minute you're late, then a demonstration that blocks a bus or train or a highway has real consequences in your life," Hales stated. "Waiting an extra light cycle or two for a parade to pass is a reasonable price to pay for living in a free Democracy. Demonstrations that disrupt the transit system for a large number of Portlanders cross the line of fairness for all."

Hales said that protests in Portland happen almost every week and added that the city has to weigh the public's safety with the public's right to assemble.

The city would continue to prioritize public safety, preventing vandalism and keeping the flow of traffic and transit moving, Hales stated.

Official Audited for \$11.5 Million Office Project Also Rents City's Most Expensive Private Office

*By Shelby Sebens
December 1, 2014*

The Bureau of Environmental Service director that landed in hot water after construction costs for a city office building more than tripled, has his own luxury private office space that costs the ratepayers nearly \$500,000 a year.

Bureau of Environmental Services Director Dean Marriott, was put on paid leave after an audit found massive cost overruns in an \$11.5 million office building that was built at the city's wastewater treatment plant in North Portland.

While the Columbia Building was being constructed, Marriott, a 20-year veteran of the city bureaucracy, was working from an upscale private office building in downtown Portland.

The office at the Pioneer Tower, 888 SW Fourth St., is the most expensive private office space the city rents. It has six conference rooms and was upgraded by a local interior design company for the city in 2008 with a more open concept feel, sustainable materials and natural lighting, according to the website for CZOPEK Design Studio Inc.

Located above the new downtown Apple Store, the BES offices are located in what is called a Class-A office building, a real estate term for prime market rate space. Marriott's corner office features a view of

downtown. The entire space, which includes 64 Bureau of Environmental Services employees, costs \$28.50 per square foot or \$477,489 a year. The city's lowest rent is City Hall at \$12.53 per square-foot.

Cost Overruns and Expenses at New BES Building

Marriott was put on paid leave after a city audit found enormous cost overruns in a new office building at the Columbia Boulevard Wastewater Treatment Plant. In 2010, the building was originally budgeted cost \$3.2 million but ended up costing \$11.5 million by 2013.

Cost overruns included \$120,000 in adjustments to the building's eco-roof, including \$30,000 for soil barriers, and \$40,000 to print of an aerial photo onto glazed tiles for the building's entry wall. Other items in the lavish building included a \$1,400 coffee table, and a dozen different lounge chairs ranging in price from over \$800 to almost \$2,000, according to a report by KOIN-TV.

Commissioner Nick Fish, who took over as the commissioner in charge of the bureau in 2013, called for Marriott to be put on paid leave while an independent investigation was conducted.

Commissioner Fish and former-BES Commissioner Dan Saltzman did not return calls from GoLocalPDX in time for publication.

Marriott's Own Private Offices

Marriott and his team have occupied the Pioneer Tower since 2012.

The city leases nine off-site offices for various government employees.

The city also rents space at the Portland Spaulding Building for the Office of Management and Finance and at Columbia Square for the Revenue Bureau.

The average rental rates for Class A-Office space in downtown is around \$26 a square foot," said Michael Kapnick with the real estate firm Marcus and Millichap. Kapnick said that the city's costs per square foot appeared to be in the ballpark of average for downtown space, if a little on the high side. "Are they getting a deal? No."

The BES grew into its own downtown offices over time, according to BES public information officer Linc Mann.

The original decision to rent space in the Pioneer Tower came in 2008 when BES, then under the leadership of Marriott, asked commissioner Dan Saltzman to move employees out of the Portland Building, at 1120 SW 5th Ave., where most of the city's bureaucracy is housed.

In 2012, Marriott moved his own staff of 28 employees.

At the time, the bureau had closed satellite offices following the end of the city's \$1.4 billion Big Pipe Project.

"We needed to free space in the Portland Building to allow those employees to return. The bureau already leased Pioneer Tower space to accommodate employees from our Business Services and Pollution Prevention Services groups," Mann said in a written response to GoLocalPDX. "The Office of the Director's 28 employees were the best fit for the additional available Pioneer Tower office space. Other groups would have had to split up in order to make the move."

But the move meant expanding the city's lease in the building space for 9,851 square-feet to 16,754 square-feet at a cost of \$153,000.

"The standard ratio is 200 square feet per employee and BES employees in the Portland Building average 139 square feet per employees," he said. "BES contacted the city Office of Management and Finance to see if there was additional space in the Portland Building that could be made available, but there was none. The next option was to find leasable space within walking distance of the Portland Building for a comparable rate," Mann added.

The Bureau of Environmental Services has the option to extend its lease by a year when it's up in November 2016, but Mann said the department is waiting to see what the city will do with The Portland Building. The building, considered an iconic landmark of Post-Modernism by some, and as an eyesore by others, has problems from leaking to cramped interior spaces. The city has been grappling with whether to make repairs or tear the iconic building down.

Marriott has told the Oregonian he expects to be cleared of any wrongdoing and be back to work after the investigation is complete.