

The Oregonian

Portland minimum wage plan not as simple as it sounds: Editorial Agenda 2015

*By The Oregonian Editorial Board
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Last Friday, Portland City Council members and workers in the bureaus they supervise were preparing to meet a Monday deadline for 2015-16 annual budget proposals. Also, Mayor Charlie Hales gave his annual State of the City address. During that lunchtime speech, Hales said he intends to raise the pay of full-time city employees and workers under city contract to \$15 an hour. Though the possibility of increasing the minimum wage in some manner had been discussed, the pitch in Hales' speech was a surprise to many of the people back at City Hall.

The mayor's last-minute public declaration detonates a smoke bomb just as the inevitably contentious budget process is about to enter the negotiation stage. Whatever you think of the proposed pay increase, it will cost money -- between \$600,000 and \$1 million, according to estimates currently being used. Other ideas proposed by the mayor also would carry financial costs, but the pay proposal is particularly significant because of the ways it would ripple through the operating budget. The mayor had asked bureau managers to suggest cuts to offset any requested new spending. In his speech, Hales did not suggest any cuts to offset the pay raises, though he told The Oregonian/OregonLive editorial board this week that he recognizes "there will be hard choices to be made."

Many of those hard choices likely will affect Portland Parks & Recreation. The bureau has about 2,100 employees who earn less than \$15 an hour, the overwhelming majority of whom are part-time or seasonal workers. Hales said this week that his proposed increase will not include part-time workers, something that wasn't clear from the speech. In fact, the proposal mostly would affect employees of contractors who provide services to the city since the city has fewer than 20 full-time workers who earn less than \$15 an hour. But that doesn't mean that the proposal would have limited effect on parks operations.

Commissioner Amanda Fritz, who has oversight responsibility for the bureau, would have to sort through the consequences of the pay increase. Fritz's career provides ample evidence of her commitment to helping low-wage workers and other less-privileged constituents. But she correctly questions whether Hales' proposal is the best use of limited city funds. Instead, as previously proposed, she would like to elevate some of the seasonal parks workers to full time. Such a promotion would provide increased pay and benefits and would reward workers who have proven they are good employees. While the parks department does have hundreds of seasonal workers - 750 aquatics instructors, for example - and some of them have other jobs, it also has long-term part-time employees who took their jobs in hopes of earning a full-time city job. Many of them have served the city well and earned that opportunity, Fritz said.

Of course, just doing your job well isn't enough to earn a full-time position. Your employer has to need another full-time worker and have enough money to pay for the additional hours. Fritz said need is not an issue; there's plenty of work to support more full-time staff. The availability of money, of course, always is an issue. And that's another reason that Hales needs to slow down. The city still is trying to find a way to pay for street maintenance. And Fritz and other commissioners could find an endless array of ways to spend an extra \$1 million. "In isolation almost every proposal that comes to my office is a good thing," Fritz told the editorial board. "We can't do them all."

Commissioner Dan Saltzman, who supports the mayor's proposal, has scheduled a discussion of a city fair-wage proposal for a Feb. 18 City Council work session. Before then Hales and the rest of Council need to carefully consider whether boosting the pay of employees who work for city contractors is the most effective way to help low-wage workers and the fairest thing for city employees. Ultimately, the city will pay for contract employees' pay raises through higher fees and bids from current and future contractors.

This episode also should be instructive to the broader minimum wage debate taking place in Salem and Washington, D.C., as well as in city councils and statehouses across the nation. Boosting the minimum wage sounds good in speeches, especially for officials who, like Hales, plan to seek re-election. It polls well, and it directs money toward a sympathetic constituency - those who are working but still struggling to pay for necessities. But raising the minimum wage has consequences, and it is not necessarily the best way to help lower-income families. Governing is much more difficult than giving a speech.

The Portland Mercury

Judge Rules Portland's Camping Ban is Legal, But Says "We Must Do Better Than That"

*By Dirk VanderHart
February 5, 2015*

A Multnomah County judge ruled this morning Portland's camping ban is perfectly legal, stymieing the latest attempt to rein in a controversial strategy for dealing with homelessness via the courts.

In a 19-page opinion, Multnomah Circuit Judge Stephen Bushong found that the law passes constitutional muster. It doesn't, as public defenders had argued, amount to cruel and unusual punishment or restrict a person's right to travel in the city. And it's not vague or overbroad, Bushong found.

Most broadly, the judge slapped down the central contention attorneys challenging the ban had tried to bring: That it penalizes homeless people simply for being homeless, since they have no choice but to stay outside in many cases.

"The Ordinance, on its face, does not impermissibly punish someone for their homeless status," Bushong wrote. "The Ordinance punishes conduct—camping on public property—not the status of being homeless."

And while the judge said figuring out whether the camping ban criminalizes the consequences of homelessness "is a more difficult question," he ruled that it did not.

Portland's camping law makes it illegal "for any person to camp in or upon any public property or public right of way," and offers fuzzy guidelines about what "to camp" and "campsite" mean.

For all its import—not leastly because of the chilling effect it could have on other, future challenges to the camping ban—Bushong's ruling came in a run-of-the-mill proceeding in a criminal court case. Public defenders for a homeless woman named Alexandra Barrett filed a motion late last year asking the judge to dismiss scads of camping-related charges against her, arguing the ban violated key portions of the Oregon and US constitutions.

The motion led to a flurry of court filings, and a notable hearing late last month where attorneys on both sides made their arguments before the judge. With Bushong's ruling today, the criminal cases against Barrett on roughly 20 charges will move forward. A trial is set for early March.

"We are of course disappointed in the judge's decision, but we are ready to proceed to trial on these charges, which we think raise important constitutional issues," said Sara Mulroy, an attorney with Metropolitan Public Defenders, who represents Barrett.

A call to the Multnomah County District Attorney's Office, which fended off the challenge, hasn't been returned.

Bushong's opinion leans heavily on prior opinions from courts throughout the country. He notes that similar camping bans have been upheld elsewhere, and he says a local federal judge—presiding over another recent challenge to the ban—said there were "legitimate governmental interests of safety and sanitation" involved in the Portland law. And a past ruling in the Oregon Court of Appeals preempted him from finding that the ordinance was vague he said.

Beyond the legalese, though, the judge had a more straight-forward message: It might not be illegal, but the camping policy is ill-advised.

"The City's anti-camping ordinance is not the solution to this complex problem," Bushong wrote. "Arresting people who are struggling to survive in the streets just because they have no place else to go is not the answer. We must do better than that. But determining the best ways to address this difficult problem is the job of public policymakers, not the courts."

The decision comes a day after public defenders filed their final brief before the court, attempting to use a recent e-mail sent by Commissioner Dan Saltzman to help prove the ban is flawed.

As first reported by the Mercury, Saltzman sent an email February 20 to around 15 local agencies that might enforce the camping ban or otherwise clear out homeless encampments. They should hold off on all that stuff from January 21 to February 3, said Saltzman, the city's housing commissioner, so the county's every-other-year homeless count could proceed without undue disruption.

"To ensure that the count is as accurate as possible, we are requesting that all entities in Multnomah County that enforce the anti-camping ordinance or conduct homeless camp clean-ups suspend enforcement," Saltzman wrote. According to the housing bureau, every recipient of the e-mail announced it would comply except for Union Pacific Railroad.

The request wasn't anything new. Similar pleas have gone out in past years during the count. But for Mulroy and her colleague Francis Gieringer, the request was proof of how "arbitrary and unequally applied" the law is.

They argued the e-mail "demonstrates not only how the city camping ordinance, although facially neutral, is directly targeted at the homeless population, but also illustrates the arbitrary and capricious nature of, the ordinance where its enforcement is suspended at the city's whim. This is exactly the kind of haphazard, standardless administration of the law that is forbidden" under the Oregon Constitution.

Daily Journal of Commerce

Crowdfunding effort pays for 'parklet' project

*By Inka Bajandas
February 4, 2015*

Portland State University architecture students this spring will build a "parklet" on two parking spaces near campus following a successful crowdfunding campaign to finance the project.

The campaign led by the School of Architecture, PSU's Institute for Sustainable Solutions and the South of Market EcoDistrict Steering Committee exceeded its \$15,350 goal at the end of last month by raising \$15,640. The donations will cover the costs of building materials, maintenance and city fees for lost revenue from the former parking spots where the small park will be built near the intersection of Southwest Fourth Avenue and College Street.

The funding will help realize a project designed by students last fall in a class taught by PSU assistant architecture professor B.D. Wortham-Galvin. In collaboration with residents and businesses in the South of Market neighborhood surrounding PSU, the students chose the park location and gained city approval last summer through the Portland Bureau of Transportation's Street Seats program to occupy parking spaces on Fourth Avenue in front of a block of food carts.

In the spring, Wortham-Galvin plans to teach a course to finalize the design, construct most of the components on the PSU campus and later assemble the park on Fourth Avenue over a weekend. It should be complete by June, she said.

"Hopefully students can see that not everything is abstract book learning," Wortham-Galvin said. "I also think it's great that a whole new crop of students will be able to help build it."

Designing the parklet last year in Wortham-Galvin's class was such a meaningful experience for PSU alumnus Michael Coon that since graduating from the architecture school and starting to work for Portland-based GBD Architects he's stayed involved in the project. Coon volunteered his time over last summer to complete the construction documents. He also led efforts to get the project through the city permitting process. When PSU students start constructing the park this spring, he will help oversee the work as the project manager.

From the start, Coon said he was attracted to the concept of creating a new pocket of public space in the neighborhood.

"It's become this really great community project," he said. "It's just a really interesting project as a student. Having it actually be tangible is really great."

Community involvement in the project was coordinated through the Institute for Sustainable Solutions' Sustainable Neighborhoods Initiative, which connects PSU students and faculty with neighborhood organizations to collaborate on sustainable projects.

"We want to be part of the broader downtown and making that more sustainable," said Christina Williams, the institute's communications director. "PSU is a major part of the eco-district, but we're trying to work with our neighbors."

ISS facilitated a partnership between Wortham-Galvin's architecture class and the SoMa EcoDistrict Steering Committee, a group that includes PSU and 13 other major property owners in the southern portion of downtown Portland who have committed to implementing projects that help create a more sustainable neighborhood. Building a parklet fit perfectly into one of the group's goals of place-making or creating more public space in the neighborhood, said Erin Flynn, co-chairwoman of the steering committee.

"Fourth Avenue is a very active place," she said. "You will see gobs and gobs of people at the food carts, but they don't have anywhere to sit, so we thought it would be cool to create a parklet."

The planned parklet will include high tables and stools, low benches with tables and a U-shaped bench, Coon said. The idea was to provide a variety of seating to foster the social activity of students, people who work in the area and others visiting the food carts in groups, he said.

To fit the theme of creating a more sustainable neighborhood, the park will also have stormwater planters with native plants and be constructed using recycled materials, such as reclaimed lumber and used rubber escalator handrails, Coon said.

He said he's learned a lot through the process of designing the parklet, including how to stick to a tight budget. He is looking forward to seeing how the completed project enhances the food cart block.

"It would have been great to have when I was (a student)," Coon said. "It's great to know as a new designer that I'm already giving back to the community."