

The Oregonian

New governor shouldn't change outlook for Portland street funding, Steve Novick says: City Hall Roundup

*By Brad Schmidt
February 18, 2015*

When it comes to street money, Portland Commissioner Steve Novick isn't sweating Wednesday's gubernatorial handoff from John Kitzhaber to Kate Brown.

"I don't see that it changes the outlook for transportation funding," said Novick, in charge of the Portland Bureau of Transportation.

Novick and Mayor Charlie Hales spent eight months trying unsuccessfully to secure a third City Council vote to approve new local taxes or fees for transportation maintenance and safety projects.

In the end, Hales and Novick decided in January to delay their efforts until summer to give the Legislature a "clean shot" at transportation funding. They made that decision after taking a conference call with Kitzhaber and House Speaker Tina Kotek, D-Portland.

"If you listen to the governor from the election until now, if you listen to the speaker from the election until now, I haven't heard much about transportation," Hales said in January. "I think that the fact that we've had this big loud debate in Portland has helped elevate the debate statewide."

With Kitzhaber's unprecedented resignation effective Wednesday, it's not yet known if Brown will use her bully pulpit to advocate for higher state gas taxes or other transportation revenues.

Novick said he hasn't discussed transportation policy with Brown but remains confident that Kotek and Senate President Peter Courtney, D-Salem, will press forward.

Novick, a former chief of staff to Senate Democrats in the late 1990s, also noted that any decision to increase the gas tax ultimately would fall to legislators - not the governor (cajoling aside).

And based on what Novick is hearing out of Salem, Portland's transportation commissioner said he feels "pretty good" about prospects this session.

"I haven't heard anything to make me feel pessimistic," he said.

The backstory behind Portland's fractured 'trust relationship' between Nick Fish and Dean Marriott

*By Brad Schmidt
February 18, 2015*

Newly released records detail Portland's costly breakup with Dean Marriott, who resigned from leading the Bureau of Environmental Services last month after nearly 21 years.

They show that Commissioner Nick Fish's problems with Marriott had as much to do with a lack of trust as with a fancy office building that cost \$11.5 million, three times original estimates.

And they show that Marriott, even after being warned he could be fired, boldly wrote Fish that he had it wrong.

The records help show why sewer and stormwater ratepayers ended up paying Marriott a record \$199,160 in severance. They detail how the relationship between Fish and the city's longest-serving bureau chief fractured, with Fish putting Marriott on paid leave and Marriott accusing Fish of political collusion.

Portland officials refused to release the records until ordered to do so, on appeal by The Oregonian/OregonLive, by Multnomah County District Attorney Rod Underhill.

Fish, citing employee discipline, declined to comment. Marriott did not respond to a request for comment. The Columbia Building was the driving force behind Marriott's ouster, generating headlines just as voters considered a ballot measure to strip utility oversight from the City Council.

Fish dismissed critics' calls for Marriott to resign, calling their May 7 press conference "desperate." But May 23, Fish drew up a seven-page reprimand to Marriott saying he would fire him if not for civil service protections. Marriott was the last bureau chief with the protection; the others were hired after the jobs were made "at-will" - and subject to easier dismissal - in 2001.

The reprimand, delivered to Marriott three days after voters trounced the ballot measure, listed six problem areas, including the Columbia Building.

"Your performance over the last year has caused me to lose confidence in your judgment and in your ability to achieve overall program and cost effectiveness," Fish wrote, and Marriott's management and interactions "have damaged our trust relationship."

On the Columbia Building, he wrote that Marriott "failed to provide adequate oversight and financial controls." When asked for a full accounting, he wrote, Marriott's office provided inaccurate information.

"Even after you became aware of that error, you failed to notify me of the correct cost, despite the clear opportunity to do so at our weekly meeting," Fish wrote. "As a consequence, I provided inaccurate information to a reporter, and thus to the public."

Marriott went on to give an interview "that publicly contradicted my position on the issue by attempting to justify expensive frills." That, Fish wrote, bordered on insubordination. Marriott's defense of the costs "has further damaged our customers' trust in BES and my trust in you."

Fish cited five other problems: not pushing employees to cut a watershed grant for Southwest Neighborhoods Inc.; not being transparent enough during annual budgeting; not cooperating with budget analysts; not participating in conference calls involving top city officials during a 2013 snowstorm; and failing to lead staff, "jeopardizing the City's legal position" on cleanup of the Superfund-designated Portland Harbor.

Failure to show "immediate and sustained improvement," Fish wrote, would result in Marriott's firing.

Marriott, known as a skilled administrator prone to be dismissive toward outsiders, responded with a five-page letter May 27.

He said he was in "complete shock" over the reprimand, saying it first time he learned of any dissatisfaction.

He said he thought he was being set up for failure, then addressed each issue under the heading "Correcting the Record Regarding Your Examples."

"When you and I toured the project area and the Columbia Building," Marriott wrote, "you were very complimentary, saying what a great addition this was to the neighborhood."

His statements to the media were not insubordination but reflected disagreement with Fish's staff. Marriott wanted to provide tours to reporters and the community, he wrote, before the "media circus" but Fish's staff rejected the advice.

"I was confident the public reaction to the improvements would mirror your very positive reaction," Marriott wrote.

On other issues, Marriott wrote that he had documentation to prove the neighborhood association was warned about budget cuts; conceded the budget process was "rocky" but nonetheless aboveboard; didn't think it was budget analysts' job to "pass judgment" but agreed to cooperate; kept tabs during the snowstorm and would participate in future meetings; and had provided leadership on the Superfund since before 2000. He found Fish's criticism on that "distressing."

Marriott concluded that he would work to fulfill Fish's expectations.

Five months later, Fish placed Marriott on paid leave after a city audit concluded that Columbia Building costs increased because of insufficient design oversight, elaborate design choices and an expanded project scope.

Fish hired an outside attorney to investigate whether laws, rules or ethical guidelines had been broken.

Marriott threatened to sue, arguing that he'd already been punished for the building with Fish's reprimand. He accused Fish and then-Auditor LaVonne Griffin-Valade of colluding to discredit him while advancing their own political goals.

Marriott agreed to resign Jan. 7. In addition to one year's salary, he received nearly \$50,000 for legal fees, taking total costs to nearly \$250,000.

As part of the settlement, Marriott received a letter of reference signed by Mayor Charlie Hales.

Marriott later asked to meet with Fish. Scheduled for last Friday, the sit-down didn't happen. Marriott canceled.

Portland's minimum wage: \$15-an-hour advocates see victory, push for more

*By Andrew Theen
February 17, 2015*

The Portland City Council could amend the city's Fair Wage Policy on Wednesday to guarantee that 175 full-time city contractors and employees are paid at least \$15 an hour.

The vote comes less than a month after Mayor Charlie Hales made the \$15 minimum a centerpiece of his third annual State of the City address. In his speech, Hales called the policy, which could cost the city up to \$1.2 million a year, "the right thing to do."

If Portland passes the proposal, it will join Multnomah County and Home Forward as other metro agencies to approve \$15 minimum wages for all full-time employees. Hales and Commissioner Dan Saltzman are co-sponsoring the resolution. Fewer than 20 full-time city employees currently earn less than \$15 an hour.

If the city goes ahead, the decision would mark another victory for minimum-wage advocates, who spent the past year pushing local agencies to raise their wages. They're part of a national push with high-profile successes in Seattle, San Francisco, Los Angeles and Santa Fe, New Mexico.

For Portland's service contractors, the policy change amounts to a \$2.70 an hour raise, according to city documents. The wages would go into effect in July.

Multnomah County's plan affects 151 employees, primarily in the library. Home Forward's change affects 30 staffers.

Advocates are looking for bigger gains and are lobbying Salem lawmakers to raise Oregon's \$9.25 minimum wage, which is one of the highest in the country. They're also pushing to remove a state law that prevents cities from setting their own minimum wages. The federal minimum wage is \$7.25 an hour.

Both advocates and city officials say the proposal is a good first step.

"We support what the mayor is trying to do," said Justin Norton-Kertson, co-founder of 15 Now PDX, "But it clearly falls short of raising [to] 15 for everyone."

The proposal applies to parking attendants, janitorial staff and security personnel. The plan doesn't apply to staff at Providence Park. Converting those contract employees to \$15 an hour would cost an additional \$200,000 a year, according to city finance staff.

Some 1,800 seasonal or part-time city employees also won't be affected by the proposal. Raising would cost an estimated \$3.1 million a year, according to Commissioner Amanda Fritz, who oversees the Parks Bureau.

"I still would prefer to direct more money to my employees, our city employees," Fritz said Tuesday. "But I very much support our City Hall janitors and custodian staff."

Fritz said she doesn't like referring to those workers as seasonal, noting that dozens of parks employees are part time in name only and work up to 1,200 hours a year.

Fritz is requesting more money in the 2015-16 fiscal year budget to convert additional part-time parks rangers and maintenance workers to full-time positions.

Dana Haynes, Hales' spokesman, said Hales started looking into ways to raise the minimum wage for staffers thanks to "a wide array" of outside influences, including pressure from unions, increases in other cities, and the 15 Now PDX organizers.

Haynes said the group made "pretty good, pretty sound and pretty heartfelt arguments" in favor of raising the wage. Hales also signed onto a U.S. Conference of Mayors' proposal to raise the federal minimum wage to \$10 an hour last year.

Norton-Kerston said the movement is riding some momentum, and he said it was "almost inevitable" Portland would take action.

One of the important takeaways of the past year of lobbying City Hall, he added, was the success of City Council candidate Nick Caleb in bringing the \$15 proposal to elected officials' attention.

Caleb, an adjunct professor at Concordia University and lawyer who works for a Portland nonprofit, ran against Saltzman last May and received 19 percent of the vote.

He credited organizers including Norton-Kerston for pushing the issue regionally. "The city does have the power to do quite a bit for low-wage workers and people that are struggling," he added, saying the City Council will be pushed on other issues such as affordable housing.

Rob Wheaton, AFSCME Local 189 representative for the city's workers, agreed that Wednesday's vote could be a nice first step.

"We really appreciate what's being done for working people in Oregon," Wheaton said.

But he said many city contractors who are funded by grants wouldn't be included in the proposal.

Norton-Kerston said he expects a packed council chamber for the 2 p.m. public hearing and vote on Wednesday.

Portland should join JTTF fully: Editorial Agenda 2015

*By The Oregonian Editorial Board
February 17, 2015*

On Thursday afternoon the Portland City Council will take up the by-now familiar question of whether to join the federal Joint Terrorism Task Force, which works behind the scenes to ferret out threats to civil order and public safety.

Nationally, JTTFs date to the 1980s but multiplied rapidly following 9/11 and were at work during the Boston Marathon bombing and the 2010 arrest of a bombing suspect in Pioneer Square during the city's annual tree-lighting ceremony. Yet Portland has resisted being fully vested in the federally sponsored "boiler room" of intelligence gathering on the grounds it might somehow collude in clipping the privacy of Portlanders or, worse, be a witting or unwitting party to the errant arrest and detainment of someone such as Brandon Mayfield, whose rights were abridged and whose life was seriously set back. Also feared are setbacks in Portland to hard-earned gains in community policing, in which no group should fear profiling or undo suspicion.

But the JTTF is a necessary tool in a time of escalating threat and as terrorists recruit youths domestically while employing social media and common technologies that can undercut privacy. The city's participation in the JTTF would deepen the broad-brush work of federal investigators who'd profit from the community ties and knowledge earned by Portland police - this while Portland JTTF representatives would be

apprised in real-time of investigative leads they would otherwise not know about. Significantly, Portland could help federal investigators make informed, responsible sorts on incoming information, helping to connect dots that should be connected but preventing the connection of those dots that should remain separate.

Portland should join the estimated 100 cities across the United States that work with their local JTTFs. The City Council, after being half in and conflicted on the matter, should decide on Thursday to go all in and authorize the Portland Police Bureau to dedicate two officers to the task force. To do so would be to act in the interest of public safety.

A persistent concern, cited before the council by the American Civil Liberties Union, is that the work of a JTTF could lead to the profiling of citizens based upon creed, color or nationality. And this week at the White House, President Barack Obama is reportedly scheduled to join others to explore the establishment of pilot programs in Boston, Los Angeles and Minnesota's Twin Cities that would bring religious and business leaders together to track the radicalization of youth without the presence of law enforcement. The idea is to have community-led, non-police "intervention teams" to whom concerned citizens could report their suspicions of radicalization. This is important work, spearheaded from the Twin Cities, which boasts the largest Somali population in the U.S.

But for now, the JTTF model works. And some groups in Portland for whom a JTTF might be perceived as threatening, in fact support the city's participation in JTTF. Case in point: the Somali American Council of Oregon.

Mussè Olol, chairman of SACO, wrote to the City Council on Feb. 5: "(The) Somali community represents two thirds of the Africans in Multnomah County. Somali language is the third spoken language (in the) Portland school district ... and the Somali community is the largest Muslim community in our city. We support the (Portland Police Bureau) in joining the JTTF because our youth have higher risk in joining gangs and being recruited by religion extremists."

Olol offered that he'd lost a family member to ISIS recruitment and knew of others, as well. And he continued: "We took bold steps in building relationship with law enforcement after the tree lighting incident.... Both PPB & FBI have very good and professional relations with the Somali community in Portland."

Terrorism isn't going away. The need for Portland to be aggressive in protecting itself from threat - whether an outright attack or in the recruitment of its youth by international terrorist organizations - is greater now than before.

Mayor Charlie Hales and Commissioner Steve Novick, most recently undecided about joining, would be helping to keep Portland safe by voting yes. They would join all-in votes from commissioners Nick Fish and Dan Saltzman, leaving only Amanda Fritz as a possible no vote. Too much rides on this decision to split the vote widely or, worse, to fail to fully rise to the responsibility of learning where civil threat lies and doing so in a manner that poses no threat to community policing efforts.

Willamette Week

Independent Board Says Water Bureau Properly Handled Its Rainy-Day Fund

City Commissioner Nick Fish pledges annual review of funds.

*By Aaron Mesh
February 17, 2015*

Last fall, WW reported how the Portland Water Bureau sat on a reserve fund that grew to \$32 million over the past five years, even though Water Bureau sales to customers were in decline. In response, City Commissioner Nick Fish called for an outside review of the "rate stabilization fund," which the Bureau of Environmental Services also keeps.

Now that independent ratepayer advocate, the Citizens' Utility Board, has issued a report saying the Water Bureau did nothing wrong.

"WW's article seems to suggest that the rate stabilization funds for PWB and BES are somehow used as slush funds," CUB director Janice Thompson writes. "We do not find that to be the case."

Thompson says the bureau did the right thing by saving money to smooth the cost of capital projects, like underground reservoirs. She says the industry standard of using rate stabilization dollars to offset declining water sales only applies to cities with seasonal water shortages.

Fish says he'll stick with the CUB's recommendation.

"We made a commitment to seek independent review of the water bureau's use of its rate stabilization fund," he tells WW. "We kept our promise by asking the Citizens' Utility Board to take a look and report back to me. In their report, they conclude that the bureau's use of those funds was 'targeted, strategic and planned.'"

Thompson's one suggestion for changes? Bureau managers should report to a new independent regulator—the People's Utility Board—its savings and spending of reserves, "which, though valid, should be more transparent."

Fish says he'll do that, too.

"While I'm pleased we got a clean bill of health," he says, "I also think the recommendation we conduct annual briefings is a good one, and we intend to implement it. We're going to institutionalize annual review of these funds."