

The Oregonian

Portland politicians are preparing for a 'retreat' but details scarce: Portland City Hall Roundup

*By Brad Schmidt
April 08, 2015*

Portland's five City Council members are preparing for an informal meeting this month, but so far, Mayor Charlie Hales isn't sharing details.

The event is being described as a "retreat" on some City Council calendars and is supposed to be led by Donna Silverberg, a consultant whose firm specializes in consensus building and conflict management.

Silverberg's company landed a contract last year to lead a retreat for Hales' office.

"The mayor and commissioners are discussing holding a retreat, but we don't have any details to share with the public yet," Dana Haynes, a spokesman for Hales, said in an email Monday.

According to city commissioner calendars, Nick Fish, Dan Saltzman and Amanda Fritz are all set to meet with Silverberg this week.

Fritz's calendar noted that Silverberg is "facilitator for City Council Elected Officials' Retreat." Saltzman's calendar says the retreat is Friday, April 24.

Neither Hales nor Commissioner Steve Novick have posted calendars for the week.

"DS Consulting's focus is on helping people improve their ability to help themselves with their problems in innovative and sustainable ways," the company's website reads.

Haynes did not respond to follow-up questions Monday about the purpose of the retreat, how much it will cost, who will pay for it or whether it will be open to the public. The city also has not responded to a request for Silverberg's contract.

It's fairly common for elected leaders to gather for informal retreats, although the meetings are supposed to be open to the public if officials discuss public business.

But it's been years since the Portland City Council held one, with the last event thought to be under Mayor Tom Potter, who led Portland government from 2005 through 2008.

Since taking over in 2013, Hales has corralled the City Council for work sessions beyond regular weekly business meetings.

Most recently, Portland's urban renewal agency held a retreat in December to "address the health of the organization," according to meeting minutes.

Hales attended the Portland Development Commission retreat.

Among other things, he told the PDC board of commissioners that he planned to talk with the Housing Bureau and Saltzman to ensure that they put forth the same efforts that PDC is putting into the relationship, according to minutes.

He also said he'd like to have a conversation about creating a "Bureau of Public Spaces," moving toward a resolution on the U.S. Post Office site in the Pearl District and deciding the fate of the Veterans Memorial Coliseum.

"He does not want to limp along any longer on the Veterans' Memorial Coliseum; either find more uses for it, or demolish it," the minutes read.

Portland could expand low-income utility discounts, panel says: City Hall Roundup

*By Brad Schmidt
April 10, 2015*

Without question, Portland utilities have the ability to extend discounts to thousands of low-income residents who are currently ineligible, a city panel concluded Thursday.

Whether it actually happens - that remains a political calculation for the Portland City Council.

"That's the whole question: if we're willing to invest time and effort into creating the system," said Jill Smith, chief operating officer for Home Forward, the housing authority serving Multnomah County. "It's possible."

The recommendations may carry far-reaching impacts for all ratepayers. If the City Council expands low-income discounts, everyone else would need to pay more or officials would need to tap the general fund to offset millions of dollars in lost revenue.

For two decades, city officials have acknowledged a fundamental flaw in their system for awarding low-income water and sewer discounts: low-income renters are considered the neediest but are largely ineligible.

City estimates suggest about 40,000 households meet income guidelines but can't receive the discount.

That's because Portland offers markdowns only to low-income individuals who directly pay a water and sewer bill. Most renters pay indirectly to a landlord through monthly rent.

Despite knowing about the problem, officials never solved it.

This year, Commissioner Nick Fish reluctantly took up the issue after being called out by Commissioner Steve Novick during the street fee debate. Fish, in charge of the Water Bureau and Bureau of Environmental Services, convened a panel of experts who met for a final time Thursday and will issue formal recommendations by May.

The work group determined that Portland could most easily expand discounts to about 11,000 low-income households - about one quarter of those who are currently ineligible.

The panel decided that reaching low-income renters in market-rate projects would be too difficult but members believe discounts could be extended to regulated properties. That would include units owned or operated by Home Forward or non-profit providers that rent only to low-income residents.

Experts recommended offering fixed-rate discounts to more residents. As an example, officials estimated that a low-income renter could save about \$40 a month on rent if discounts were extended.

At the group's final meeting, even the Water Bureau's customer service manager who oversees billing acknowledged the city could do more.

"Is it possible? Sure," said Kathy Koch, later acknowledging that she was beginning to feel overwhelmed because of the work involved. "Is it probable or practical or efficient? I don't really know."

The work group suggested that city officials study administrative expenses of expanding the system as part of a cost-benefit analysis. Members suggested the possibility of a pilot project to determine effectiveness, noting that it could take years to reach 11,000 households without additional Water Bureau staffing.

They also stressed that the city shouldn't expand markdowns if it means reducing existing breaks for roughly 8,500 households who currently participate.

David Shaff, the city's retiring Water Bureau administrator, said officials will follow whatever policy the City Council sets.

Shaff also acknowledged his surprise that so much progress has been made after previous efforts fizzled over the decades.

"It'll be interesting to see if something comes of it," he said. "I was really not thinking that much would."

Uber a rebel no more? Company promises it's done defying Portland taxi laws

*By Joseph Rose
April 09, 2015*

Under pointed questioning at a public hearing, Uber on Thursday promised not to relaunch its controversial ride-hailing services without a green light from City Hall.

Commissioner Nick Fish asked Brooke Steger, the Northwest general manager, what Uber would do if the City Council didn't approve a citizen task force's proposal allowing it to operate.

"We will wait until there are regulations in place," Steger said. "But we do ask the council to deal with this sooner than later."

It looks as if the company will be forced to wait longer than it anticipated.

After a six-hour hearing, the council accepted the for-hire transportation task force's report, but postponed a vote on the proposals initially set for next Wednesday. Instead, the council plans to hold a formal work session on April 21 to further discuss the possibility of ride-hailing companies operating within the city limits.

"Potential action at a later date," said Portland Bureau of Transportation spokesman Dylan Rivera in a text message.

Uber's promise is a complete U-turn from the stop-me-if-you-can approach employed by the company last December, when it operated illegally within the city limits for two weeks.

After issuing a cease-and-desist order against Uber, city transportation officials hit Uber with \$67,750 in fines.

Commissioner Steve Novick convened the for-hire transportation task force that same month to explore revamping city taxi regulations to possibly allow emerging for-hire transportation companies such as Uber and Lyft in Portland.

In turn, Uber agreed to suspend its controversial UberX ride service -- which allows residents to hail and pay for private rides with the push of a smartphone button.

UberX contracts with drivers who use their private vehicles as de facto taxis, which is illegal in Portland.

Behind the scenes, Mayor Charlie Hales told Uber it could start rolling again if the city didn't come up with new rules allowing it to operate by mid-April.

However, Uber has apparently decided to take a more diplomatic approach moving forward. In fact, earlier this week, the Portland Bureau of Transportation said Uber had paid off its fines.

During the Thursday hearing, the task force presented its recommendations to the City Council.

Among other things, the task force calls for a 120-trial period, when Uber would be allowed to operate with a long list of conditions and long-standing caps on the number of taxis allowed to operate within the city would be lifted.

Under the proposed rules, Uber drivers would not be allowed to queue up with cabs, including at the airport, or be hailed from the curbside.

Steger told the council that Uber would be open to sharing ridership and service data during the four-month pilot period to help city officials understand supply, demand and what riders are willing to pay as they draft final code changes.

Fish and Commissioner Amanda Fritz voiced concerns about whether proposed guidelines for insurance coverage, criminal background checks and service for disabled riders were adequate.

At one point, Fish said he was worried that the task force was allowing Uber and Lyft to operate on "separate but unequal" playing fields.

For example, current rules prohibit taxis from charging more than \$2.60 per mile for each fare. That wouldn't change. But Uber would be allowed to activate its controversial "surge pricing," which jacks up fares when demand spikes.

Fish made it clear that he didn't think that was fair.

Task force chairman Mike Greenfield noted that taxi pricing in the city has always been arbitrary. "There's no data to show what the price structure should be," he said.

It also wasn't clear if Fish and some of other commissioners had taken the time to dive into the current taxi code.

At one point, Fish said he had spent time researching how ride-hailing companies had greatly devalued taxi medallions in other cities, hurting drivers and taxi companies who had paid big bucks for the permits and wanted to rent them out. He indicated that he was worried about the same thing happening in Portland.

However, if Fish had read PBOT's page of basic FAQs about taxi regulations, he would have seen that the city does not have a medallion system. Instead, drivers must pass a driver test and an annual background check to purchase a permit.

Novick stopped Fish to say, "We don't have a medallion system like other cities."

On Twitter, Fish joked about the stumble:



Former state Sen. Avel Gordly criticizes Portland leaders for not educating community panel on police settlement

By Maxine Bernstein
April 09, 2015

Three months after Portland set up a new community board to help monitor federally mandated police reforms, members on Thursday night heard a city attorney offer training on the settlement the city reached with U.S. Department of Justice officials.

Former state Sen. Avel Gordly, a member of the new Community Oversight Advisory Board, politely interjected and then bluntly criticized the city, saying such training should have occurred at the board's first session.

She called it a "huge oversight" by the city. The settlement stemmed from a 2012 federal investigation that found Portland police used excessive force against people with mental illness.

"It's just mind-boggling, really, to be at this point to hear you offer Settlement Agreement 101," Gordly said.

Deputy City Attorney Ellen Osoinach agreed the training should have come much earlier.

"We weren't very thoughtful about the way we prepared you for this role," Osoinach said. "'I'm sorry it's taken this long in the process.'"

The board's meeting came a day after the stunning announcement by former Oregon Chief Justice Paul J. DeMuniz that he was withdrawing from chairing the board as the city-hired community liaison and a week after the board hosted a contentious public hearing.

The hearing revealed the public's deep distrust of police and dissent among board members about whether the community board could truly act independently. The city and Justice officials are still working to determine how to fill DeMuniz's position.

David Knight, a Justice Department civil rights attorney who attended Thursday night's meeting in Southeast Portland, tried to assure board members that their work is important. He said the board understandably has been bogged down trying to adopt bylaws, establish procedures and define its role, but he looks forward to its work.

Knight addressed some board members' concerns that the city-hired compliance officer/community liaison team was trying to curtail the board's authority.

While the team of Chicago-based academics was hired to assess whether the Portland Police Bureau and city are complying with the reforms to police policy, training and oversight, the community board is to review the team's findings, share them with the public and report back whether it agrees with them or make other recommendations, Knight said.

Justice officials agree with the Chicago team that it's not appropriate for individual board members to request their own data from the Police Bureau or conduct their own inquiries and that alternate board members should not chair subcommittees.

"When we talk about your independence, no one should be censuring the conclusions you draw," Knight said. "I don't want to constrain the (board). I want to focus here."

Some board members weren't satisfied.

Member Rochelle Silver said the public's interpretation of the board as "independent" may be different.

"If you try this experiment again," Silver told Knight, "you might leave that word out."

Board member Sharon Maxwell complained that the Chicago team wasn't the right fit for Portland. "We feel like we've been set up to fail," she said. "The (team) is too far away, living in Chicago, while we're living in Portland, the city that doesn't work."

Knight said Justice officials will give the board flexibility to do its work and are committed to ensuring the board's success, considering the amount of work that went into forming it. It's the first time a community-based group has been set up to help monitor a Justice Department settlement agreement on police reforms, he said.

Dennis Rosenbaum, who leads the Chicago team and is director of the Center for Research in Law & Justice at the University of Illinois at Chicago, said the fact that he and his colleagues don't live in Portland and don't have ties to city officials or the Police Bureau are factors that should serve in their favor. That means they have "no motivations to make them look good," he said.

"We're trying our best," he said. "We're not perfect. ... This is a fairly unique process where the community has a voice. We want to respect that. We want to work together."

Board member Dr. Sharon Meieran said she believes it's time for the board "to reboot," as Rosenbaum had suggested, and move forward in good faith.

Gordly urged the group to seek "healing and reconciliation." She spoke of the pain, grief and loss experienced by Portland residents in encounters with police.

"It's a form of mental health crisis unaddressed," she said. "There needs to be an opportunity for people to speak their truths, whatever it is."

More than an hour into the meeting, the board took its first action, voting to reverse an earlier decision and back away from recommending that Portland State University researchers be hired to collect data for a community survey on residents' feelings about Portland police.

Several board members have expressed mistrust of past PSU surveys and reports on police. The board directed a subcommittee to return and recommend alternative groups or agencies to conduct the survey.

Rosenbaum, who had recommended PSU collect the data and his team analyze it and write a report, accepted the board's action.

"We are rebooting, and we are getting some progress here tonight," he said. "I want you to feel like you have a voice and some independence -- the PSU (issue) is an example of that."

Former Portland Police Chief Mike Reese showed up at the board meeting, standing during the first half in the back doorway. Local consultant John Campbell, who had unsuccessfully sought to serve as the city's compliance officer, also attended the meeting, and stood at least twice to try to help the board understand its role.

Northwest Portland Parking Plan: Will the new meters and zones help? (Video, poll)

*By Anna Marum
April 09, 2015*

City workers recently finished installing signs advertising new parking zones in Northwest Portland - near one of the city's busiest shopping streets - that limit parking hours to four hours for those without permits. Meters will soon follow.

The changes are part of the Northwest Portland Parking Plan, which is now being implemented after years of discussions and negotiations.

The Portland Bureau of Transportation says the new zones and meters should increase turnover on the area's busiest streets while helping residents find parking near their homes and discouraging the practice of using the neighborhood as a park-and-ride by those who work downtown or in the Pearl District.

However, some worry that the ability to feed the meter (the practice of paying for additional time after the initial allotment displayed on the sign), a concession made by the city at the request of local business owners, will enable people to park as long as they want, decreasing the turnover time.

We recently visited Northwest 23rd Avenue (we even found parking!) and asked shoppers, employees and business owners what they thought of the impending changes. Watch the video above to hear their thoughts, then vote in the poll to share your own.

The Portland Tribune

City councilors not ready to hitch a ride with Uber just yet

*By Steve Law
April 9, 2015*

Uber promised to play nice with the city of Portland Thursday, agreeing it won't force its way into the local taxi market again without the support of the Portland City Council.

But after a six-hour public hearing, the City Council agreed to ease off the gas pedal in crafting a four-month pilot project designed to let Uber and its peers compete with local taxi companies.

Several hours of testimony revealed many unanswered questions about the pilot project, such as whether Uber would get unfair advantages over taxi companies, whether its drivers carry enough insurance, and whether the city should require better service for passengers in wheelchairs, by traditional companies and Uber.

The council agreed to postpone a planned April 15 final vote on the pilot project and instead agreed to hold an informal work session on April 21 to hash over many thorny issues.

Uber and its competitor Lyft allow people to convert their personal cars to taxis that are hailed by customers using smartphones. Uber started the whole debate in December when it began operating in Portland without the proper permits. The city sued the company, and ultimately Mayor Charlie Hales struck a deal whereby Uber withdrew on condition the city allow it back in April.

Now that schedule may prove too optimistic, after a citizen task force rushed to create a set of guidelines for the four-month pilot project. In essence, the task force suggested an experiment in partial deregulation of the taxi industry.

Task force members, led by retired state administrator Mike Greenfield, laid out several ideas for accommodating Uber, while assuring that its drivers undergo background checks, its cars are inspected,

and it provide insurance. Though the task force sought to create a level playing field between traditional taxis and “transportation network companies” like Uber and Lyft, it’s clear they fell short.

Uber drivers would pay token permit fees to enter the market, while large taxi companies pay \$150,000 a year in permit fees, said Raye Miles, president of Broadway and Sassy cab companies.

Traditional cab companies pay \$50,000 for taxis that can accommodate wheelchairs, and local cab companies have ordered many more of them to meet a new city requirement that 20 percent of their fleets are so equipped, double the prior requirement.

The task force said Uber and other transportation network companies could simply refer customers to other services that can accommodate passengers in wheelchairs. Miles testified that only 1.3 percent to 2 percent of all cab riders use wheelchairs, so to serve them requires subsidies of as much as \$34 a ride.

Its unclear if Uber would pay anything close to that to arrange alternative rides.

The pilot also enables Uber and Lyft to avoid putting video cameras in their private vehicles used as taxis, as required in regular taxis as safeguards for taxi driver safety.

“It does strike me that we are potentially setting up a separate but unequal system,” Fish said.

But Brooke Steger, Uber’s general manager for the Northwest, seemed pleased by the task force’s recommendations.

“We definitely support the recommendations that came through,” she testified.

Steger also announced the company has struck a deal with an entity called First Transit to subcontract service to passengers in wheelchairs.

While commissioners seemed to like Steger’s cooperative approach on some matters, Steger raised some hackles when she balked at requiring local Uber drivers to get business licenses before being allowed to operate here.

That’s crucial to city officials, because business licenses would be the avenue to collect taxes on the income of Uber drivers, who operate as independent contractors.

The company prefers that the city deal directly with the drivers to assure they get business licenses, Steger said.

She also resisted the notion that Uber would provide the city a list of all its driver names and license numbers.

Uber would prefer to provide the final five digits of drivers’ licenses, to assure anonymity, she said. The city could then do spot checks to assure compliance with its rules by seeking data on a random sample of the drivers, she said.

“This is shades of STRs,” said City Commissioner Nick Fish, referring to the city’s fight with Airbnb and other short-term rental companies.

Commissioner Amanda Fritz noted that 95 percent of Airbnb hosts in Portland have failed to get home inspections and permits required by the city. Airbnb is violating a city ordinance that requires Airbnb to assure hosts get their permits before their properties can be listed for rent on Airbnb’s website.

If Uber doesn’t give the city a full list of the drivers, Fritz asked, the city will have no way of knowing which ones don’t have business licenses.

“I think we can have a further discussion about the business license,” Steger said, still reluctant to yield on that matter.

The City Council heard a more cooperative tone from Lyft, Uber’s smaller competitor also based in San Francisco.

Lyft would require a business license before allowing someone to use their smartphone app in Portland, pledged Annabel Chang, the company’s West Coast public policy manager.

Chang also touted the company’s environmental values and its appeal to women. “The idea for us is we’re taking cars off the road,” she said, appealing to Portlanders’ green sensibilities.

Half of Lyft’s top executives are women, Chang said, along with a third of its drivers and 65 percent of its passengers. “We’re excited to see the Portland twist in how Lyft will operate.”

Mayor Charlie Hales and Commissioner Steve Novick have made it clear they want to find a way to allow Uber and Lyft to enter the market. Portland shouldn't be the "last holdout" that keeps them from competing here, Hales said, but neither should the city "surrender, as other cities have done."

But the other three city commissioners seem more reticent.

Commissioner Dan Saltzman, who might turn out to be the swing vote on the issue, said he's worried the emergence of Uber and Lyft will cause a "race to the bottom" in taxi driver wages. "In this unregulated frontier that we're being asked to go to, there seems to be a real chance of that happening," Saltzman said.

Fish said he has "enormous reservations" about allowing the pilot test under the proposed rules.

Fritz was adamant that Uber isn't providing enough insurance for its drivers. And Fritz relayed that she was taught a woman doesn't take rides from strangers in cars, and she'll continue to follow that. "I am never going to use Uber," she declared.

Hales promises to replace police liaison soon

By Jim Redden

April 10, 2015

Mayor Charlie Hales is not yet sure when and how he is going to replace the most visible local face of his police reform efforts.

Retired Oregon Supreme Court Justice Paul De Muniz surprised Hales Wednesday by stepping down from his position on the team overseeing the implementation of the U.S. Department of Justice settlement agreement with the city because of health reasons.

Hale's spokesman Dana Haynes says the mayor will do something quickly, even though the situation is something he hasn't had to deal with before.

De Muniz was the only local member of the out-of-state consulting team contracted by the city to oversee the implementation of the agreement to eliminate a pattern of excessive by police against the mentally ill. Hales has pushed hard to enact all of the parts of the agreement, and has included funds for them in his proposed budget for the Portland Police Bureau next year.

In a Wednesday email to the members of Community Oversight and Advisory Board overseeing the reforms, De Muniz wrote, "I am sorry to inform you that as a result of a private and personal health issue, on the advice of my doctor, I have withdrawn from this project effective immediately. It has been a pleasure to get to know each of you and wish you every success."

Will taxi companies get a bad deal when Uber revs?

By Steve Law

April 9, 2015

Get ready for taxi deregulation, Portland style.

The Portland City Council may embrace the arrival of Uber and similar cab services into the city's taxi market for a four-month trial period, under ground rules suggested Monday by a citizens task force.

The Private For-Hire Transportation Innovation Task Force, led by retired state administrator Mike Greenfield, proposed that Uber, Lyft and other "transportation network companies" be allowed to compete with traditional taxi services, if they meet some basic standards for insurance, driver background checks, vehicle safety and other terms.

The task force will deliver its recommendations to the Portland City Council starting at 2 p.m. Thursday, April 9, followed by a public hearing. The council has scheduled an April 15 vote on the demonstration project.

Greenfield said the task force sought to create conditions for a level playing field between taxi companies and Uber-style services, which allowed people to turn their private cars into taxis that are "hailed" by customers on their smartphones.

However, traditional taxi companies say it will still be difficult to compete fairly. For example, they've been required to outfit a share of their vehicles to accommodate passengers with wheelchairs, but Uber would be allowed to merely refer such customers to other companies — even traditional cab companies — rather than accommodate them.

Cab fares would remain capped by the city for traditional companies, while Uber would be free to charge what it wants, except during emergencies. That means the company could continue its use of controversial "surge pricing," when rates go up during periods of high demand or other times.

Greenfield said the task force had to work under a tight timeframe after Portland Mayor Charlie Hales struck a deal with Uber that assured the company could enter the market in April. The task force proposed an initial set of terms for the 120-day demonstration project, and the city will use that time to gather information on cab response times, handicapped-service metrics and other data. Then the task force intends to propose more definitive rules after the four-month trial period.

The city intends to levy extra fees on the transportation network companies to pay for the data analysis, which is estimated to cost \$20,000 to \$30,000 said Bryan Hockaday, a policy adviser for city Transportation Commissioner Steve Novick.

Dylan Rivera, spokesman for the Portland Bureau of Transportation, said the city is confident Uber will cooperate with the demonstration project, noting that it recently paid \$67,750 in fines levied by the city for operating illegally here in December.

"We are receiving indications that the industry is interested in complying," he said.

The city made it clear those fines must be paid at the onset of the task force proceedings.

PBOT, which is devising the pilot project, will see to it that Uber and other companies respect the new requirements during the demonstration project, Rivera said at a media briefing Monday afternoon. "We're going to monitor closely. We're going to hold the industry accountable."

The task force proposed relaxing some city regulations for cab companies during the demonstration project, in an effort to be more evenhanded. For instance, the city would lift all current limits on the number of cabs that can operate in Portland.

But it's not clear that traditional taxi companies could move very fast to take advantage of those, or would want to. It costs them about \$2,500 to paint their vehicles, add top lights, decals, security cameras, and meters, according to the Transportation Fairness Alliance, a coalition of several cab companies.

"We're not going to be able to take advantage of the 120 days," said coalition leader Raye Miles, general manager of Broadway Cab.

In contrast, the task force suggested that Uber add a decal to its vehicles so customers can identify it.

The task force also proposes to relax the requirement of in-cab cameras, used for security purposes. However, the cab companies already have installed those — another allowed difference between Uber and the cab companies.

Cab companies now have to take all passengers, Miles said, and some customers jump out the door upon arrival at their destination and skip paying. The Uber model, she said, only takes people who pay in advance with their credit cards, giving them another financial advantage.

The task force suggested the Uber, Lyft and other transportation network companies can use third-parties to perform background checks on drivers, driver training and vehicle certification, if those meet city standards. The same rules would apply to cab companies, though it's unclear if they'll want to change their procedures for a four-month period.

Uber drivers would be barred from sitting in taxi lines at the airport or in front of hotels, or accept rides that are hailed from the streets. That is designed to assure traditional companies retain that share of the market.

Commercial-level insurance for Uber vehicles is another requirement the task force says is comparable to requirements for regular taxi companies. That could impose an additional cost for Uber, though the company recently announced new insurance coverage. Terms of such an umbrella insurance policy covering each car haven't yet been authorized by Oregon's state insurance regulators.

The biggest controversy among task force members was in serving people with disabilities.

The city recently upped the requirement that 10 percent of all taxis be equipped to accommodate people in wheelchairs, moving it up to 20 percent, though there is a backlog in getting the specially rigged vehicles. The task force proposed moving that standard back to 10 percent for regular taxi companies, though they may not help companies that already placed orders to meet the new higher standard.

Greenfield said the city didn't have any data to suggest that more wheelchair-accessible taxis need to be provided, but he expects to gather such data during the pilot period.

The task force would like the city to move into measuring taxi service by outcomes, Rivera said, such as how long people wait for rides.

Sue Stahl, a task force member who relies on taxis fitted for wheelchairs, said she often experiences long waits for cabs, and she fears relaxing the 20 percent requirement will make matters worse. "The system is broken," she said. "As we go forward, the system will continue to be broken."

Stahl proposed adding a policy that requires both traditional taxis and transportation network companies to gradually end disparities in wait times for people with disabilities. Task force member Richard Lazar, who forcefully advocated for greater deregulation, said that idea was untested, and suggested it be considered later. That didn't sit well with Stahl or task force member Jewel Mlnarik.

"If you defer civil rights," Mlnarik said, "You deny civil rights."

Assuring equal treatment for people with disabilities is one of many issues the task force intends to address during coming months, Greenfield said.

The Portland Mercury

Claim Dumpers

A Decades-Old Law Says City Hall Should Do the Right Thing. No One Remembers It.

*By Dirk VanderHart
April 8, 2015*

JUDY WICKMAN says a city-owned bomb took out her chimney.

It was the night of June 7, 2014, and cops were swarming outside the house next door to Wickman's small home on NE 66th, looking for a murder suspect.

Officers tried tear gas to flush out the man. When it did no good (the suspect wasn't home), they detonated six explosive charges on the front door and other access points. Wickman, who waited down the street for the drama to resolve, remembers how enormous booms shook the entire neighborhood.

"I thought they had accidentally blown the house up," she says.

So she was relieved, upon returning home, to find only a couple of her windows had broken in the chaos—damage that the city paid \$445 to repair within weeks.

It wasn't until months later, when the rains settled in, that Wickman realized she had a much larger problem. Her chimney was cracked, and had somehow separated from her home. Water was seeping in with every storm, causing thousands of dollars in damage, Wickman says.

"I'd never had trouble with my chimney," she says. "The damage was a result of blasts that were done on June 7."

Wickman says the city should pay up. And until around 25 years ago, she might have stood a good chance at remuneration.

For the last 70 years, it's been city policy to pay out "fair and moral" claims to citizens who've suffered damages at the hands of Portland employees—even if there's no legal liability involved.

For most of that history, the process was used frequently, and for all manner of delightful reasons.

The city paid \$14 to a woman whose Italian sandals had been savaged by a parks bureau lawnmower, and \$1,000 to a man whose cows were inadvertently poisoned by the fire department. Officials gave a

woman \$18,000 after the city sold her house out from under her, and considered the case of a man whose dog went missing while he was in jail.

As a 1983 memo from the Portland City Attorney's Office noted: "The possibilities for variety among 'fair and moral' claims are endless."

Until, that is, they ended.

Ever since a seemingly innocuous policy tweak in 1990, officials haven't paid out a single "fair and moral" claim to members of the public, even as the policy for honoring them remains a part of law. At the same time, city employees routinely use the policy when their personal property is damaged on the job.

What's more, a committee that's supposed to consider these claims—required by code to consist of two city commissioners and the city auditor—hasn't convened in 25 years. Elected officials contacted about the committee had no idea it was even supposed to exist.

But the policy's getting new attention in light of Wickman's chimney predicament. The situation has City Ombudsman Margie Sollinger calling on Portland officials to either resurrect the policy, or formally do away with it.

"The fair and moral claims process is an avenue for recourse that the public is supposed to have," says Sollinger, an internal watchdog tasked with calling out bad decisions by the city. "If council no longer wants to offer a fair and moral claims process, it should formally repeal the process that's described in code."

WICKMAN HAS talked about her broken chimney with everyone she can think of since discovering the damage in October. Now she's pinning her hopes for recompense on the "fair and moral" policy.

After the city paid for her broken windows, Wickman says officials refused to help with what she estimates is \$10,000 in damages related to the chimney—damage she didn't even realize existed until long after she'd cashed the window check.

"They were very sorry, but the policy is, once I sign the check they weren't responsible for anything," Wickman says.

After being "dismissed at every level in the city process," Wickman brought her story to Sollinger, whose job it is to investigate citizen complaints about city bureaus. The ombudsman dug up the "fair and moral" claims policy, all but lost to obscurity, and wondered if it could apply to Wickman's case.

The policy dates back to May 1946, when voters decided by a wide margin the City of Portland should pay citizens for unjust damages, even when the city wasn't legally liable. (Until 1967, citizens weren't allowed to sue the city, under state law.)

Under the policy, a three-member "Committee on Claims" considered loads of cases, large and small, until the late '80s. Then a 1990 ordinance changed everything.

In September of that year, Portland City Council turned responsibility for the "fair and moral" process over to the Risk Management Division, which already wrangled potential lawsuits against the city. City leaders also gave risk management staff the ability to handle all claims below \$1,500 without consulting the claims committee.

The changes would "result in the routine administration and processing of these claims," council found. They would also "lessen demands upon the claims committee's time."

City commissioners were half right: Since the 1990 tweak, the claims committee hasn't met once. That's partly because the Risk Management Division has not used the policy to address a single "fair and moral" claim filed by the public. The only reason any member of city council has heard of the policy at all is that Sollinger took her concerns about its disuse to the mayor's office.

"All the credit goes to her for finding this," says Dana Haynes, spokesman for Mayor Charlie Hales. Haynes says the office hasn't taken a position on whether the policy needs to be reinvigorated—those discussions will wait until after budget season.

"It sounds like a conversation worth having," Haynes says, "but there's certainly not an opinion coming from our office about whether this is something that's lacking."

Risk management says state law is to blame for the abandonment of the policy. It says "fair and moral" claims are a relic of a bygone era, and became largely defunct after the city's immunity to being sued was stripped in 1967.

"Community members can sue the city for just about anything" these days, says Portland Office of Management and Finance spokeswoman Jen Clodius.

But citizens successfully filed "fair and moral" claims with the city for decades after those changes. They only ended when the Risk Management Division took control in 1990.

At the same time, city workers are free to file "fair and moral" claims when their stuff breaks while they're working. They've done so an average of seven times a year since 1990, according to city records obtained via Oregon's open records law.

Most often, these requests come from police officers who break their watches and eyeglasses in the line of duty. In fact the city's most expensive claim since 1990, a \$662 payout, was for broken glasses. But the city has also cut checks to an employee whose purse was snatched (\$100), and to cops whose gloves and boots were ruined in a meth bust (\$134.99). One city employee had his shorts ruined by a keyboard in 2008. He got \$30.

The claims are rarely large. Just 16 have involved more than \$200 since 1990, according to risk management. In that time, the city's paid out just under \$10,000—the same amount Wickman wants for her chimney.

WHICH BRINGS US back to that chimney, and how Wickman hopes her problems reverse the trend of the last 25 years.

The facts are hardly cut and dried.

The police bureau confirmed to the Mercury it used "very low grain weight explosive material" to gain access to the suspect's home, but says it's impossible that the blasts caused any chimney damage.

"Officers were standing near it," says police spokesman Sgt. Pete Simpson. "If an explosion were to cause damage to the chimney, it like would have injured officers which it did not. It's a very technical skill."

But Wickman says she's got evidence to back her up. As part of an insurance claim that's still unfolding, she's had a structural engineer and chimney inspector over to her home. She believes their accounts will help prove to the city that it wronged her last June—and that, liability or no, it would be "fair and moral" to undo the damage.

She's also been studying the Portland City Charter, noting what's required to seek recompense through a time-honored, if forgotten, process.

With Sollinger's encouragement, she put her "fair and moral" claim in the mail on Tuesday, April 7.

"I'm stubborn," Wickman says. "This has escalated to a point where they would like this to go away, but it's not gonna go away."

Your Ride's Here Pilot Program Has Equal-Access Advocates and Cab Companies Uber Mad

By Shelby R. King
April 8, 2015

THE "SHARING ECONOMY" that threw a monkey wrench into Portland's cab industry last December stands to get the green light to resume operations later this month. But will the rules placed on peer-to-peer ride-sharing services—like Uber and Lyft—be equitable for everyone?

As Portland City Council gears up to vote on rebuilt city code requirements for transportation network companies (TNCs) and cab services, civil-rights advocates and lobbyists for the taxi industry worry they're getting shortchanged.

On April 9, a task force will deliver to city council its final recommendations on rules to allow TNCs to operate in Portland. Commissioners are expected to enact some or all of those recommendations on April 15.

The basic proposal overhauls Portland's heavily regulated "private for-hire transportation" system: For an initial 120-day period (a pilot program, of sorts), the city would remove all regulations on the number of permits issued to cabs and TNCs like Uber. During this window, the task force suggests the city require TNCs and cabs collect and provide data on how customers are using their services in a less-regulated environment.

After the pilot period, the city could choose to reinstate permitting limits, or come up with new rules, says task force chair Mike Greenfield.

"We'll be able to learn more during this pilot program," Greenfield said at a Monday media briefing on the recommendations. "This is an opportunity for us to compare two business systems, so that in phase two we can come up with a more detailed regulatory structure."

Uber drove into Portland late last year without the city's permission—earning itself \$67,750 in fines for operating without proper permits. The company paid those fines in late March, according to Portland Bureau of Transportation spokesman Dylan Rivera.

Presumably, Uber made good on its debt to the city in preparation for later this month, when it plans to re-enter Portland lawfully. The ride-hailing giant voluntarily suspended service to allow the task force—convened by Transportation Commissioner Steve Novick in January—to take on the behemoth task of rejiggering city regulations.

The 12-member task force met 10 times over the course of four months, and as the April deadline loomed, members used the phrase "leave it up to staff" more and more when sussing out details.

At the same time, the group grappled with issues that have long plagued Portland's taxi market. Among them: equal access for disabled customers.

Sue Stahl, a task force member representing the Portland Commission on Disability, frequently mentioned the long hours disabled Portlanders spend waiting for cabs because there aren't enough ADA-accessible vehicles available. Portland cab companies are required to have a certain number of wheelchair-accommodating vehicles on duty, but companies like Uber and Lyft—which don't own the cars they access for ride shares—have said such a requirement doesn't fit their business model.

It's one of the toughest questions facing the city as it tries to integrate Uber and others, but it won't be solved at the April 9 council hearing. Instead, the task force anticipates making a recommendation on ADA accessibility later this year.

TNCs in some cities contract with companies that already own specialty vehicles (something Portland is also considering). In cities like Seattle, TNCs are required to pay a 10-cent surcharge per ride to the city; the collected funds are earmarked for equal accessibility. But cab companies say that isn't fair, and disability rights advocates worry separate won't mean equal.

In Portland, the task force's proposal recommends merely requiring cab companies and TNCs to collect data during the four-month pilot period.

That lack of meaningful action has led to criticism from researchers at Lewis & Clark Law School.

"The initial task force plan fails to impose a duty on TNCs to provide wheelchair access and it subjects persons reliant upon wheelchair access to even less service capacity while the city proposes to 'study' a relatively simple, longstanding, and well-known issue," wrote Michael Schultz and Thomas Walsh, members of a group from Lewis & Clark that studied TNCs in more than 100 jurisdictions.

The group developed a plan, which Stahl introduced to the task force as the Portland Equal Access Plan. It suggests imposing a standard for acceptable service rather than a requirement for how many ADA-accessible vans a company must have. The task force implemented some of the group's suggestions into its proposal.

For their part, the TNCs revving their engines in anticipation of getting back on Portland streets say they're committed to providing equal access to all riders, and that they aren't gunning to take away business from traditional cab companies.

"Access for all Portlanders to transportation options is a longstanding issue, and we want to be a partner in determining how to find a solution," said Uber spokeswoman Kate Downen. "Getting more data is crucial to finding out how to increase accessibility, and we are committed to being a part of that process."

Chelsea Wilson, a spokeswoman for Lyft—which is also waiting to cruise into Portland—echoed Downen's statement.

"Lyft was founded with the goal of expanding transportation access and mobility for all," she said.

"We look forward to working with the city to ensure that all Portland residents have access to reliable rides."

But advocates for people with disabilities and lobbyists for the taxi industry claim the ride-sharing companies are more like an exclusive club, choosing customers and flouting rules.

"The playing field isn't fair at this point, and it's not going to be if [TNCs] are able to cherry pick their fares," said Raye Miles, president of Broadway Cab. "It's just been a constantly changing landscape [since December], so we've all been scrambling. And it's hard to get our arms around how we'll compete."

Hall Monitor

Death, Taxes, Budgets, and Horse Cops

By Dirk VanderHart
April 8, 2015

A YEAR AGO, as the scalpels of budget season were glinting in the March sunshine, the Portland Police Bureau seemed marked for some serious invasive surgery.

A citywide budget study helmed by Commissioners Nick Fish and Steve Novick had just suggested the bureau was obscenely top-heavy. It found redundancy among high-paying positions, and recommended 22 command positions be incised.

Cops weren't happy. Then-Police Chief Mike Reese dismissed the study's suggestions as unrealistic and potentially disastrous. And, partly because the city's budget outlook was far better than the relative bloodbath the year before, police escaped the knife.

But if there's a beauty to the yearly budget dance, it's in the cycles, the repetition. On Wednesday, April 8, city council will hear another set of findings about the police bureau—this one very different.

A private consulting company that just took a hard look into the department's staffing says cops should be adding more than 27 positions, not cutting. Researchers at the California firm Matrix Consulting Group also say in their report the bureau could perhaps shed three command staffers—not 22. And it should reshuffle resources to better combat problems like auto theft and computer crimes, while taking cops away from burglaries, robberies, and gangs.

By design, the study's a deeper, more police-specific look at the bureau's realities than last year's report. And it's perfectly positioned—in a year when Portland has \$31 million more than expected—to play a role in Mayor Charlie Hales' proposed budget, anticipated in the next month or so.

"The timing was set so we could be making decisions right now," Dana Haynes, the mayor's chief spokesman, says of the staffing report. "This might be a year where we get to do some investing in all bureaus—not just police."

It's a very different place from where the cops were a year ago. But this being budget season, there's also that repetition.

For the first time in years, the police bureau's requested budget didn't offer up its five-person Mounted Patrol Unit—the horse cops—as a potential cut. New Chief Larry O'Dea explained to city council he'd avoided the unit, and similar "sacred cows," in favor of proposing trims throughout the bureau.

That didn't work. The horse police are on the table anyway.

"It's time to talk about the mounted patrol again," Commissioner Amanda Fritz said at a budget hearing for the police bureau in late March.

Commissioners Dan Saltzman and Novick, the only other councilmembers present, piled on. Novick—a critic of both the mounted patrol and the Drugs and Vice Division—questioned why O'Dea would favor eliminating cops from patrol, traffic, and gang duty instead of killing a unit many see as superfluous.

"For me, it comes down to what the community wants," the chief replied. It's true the mounted unit generates more heat than perhaps any other. For the last two years, the group Friends of the Mounted Patrol has subsidized the horse cops with \$200,000 in annual donations rather than see it wither.

But with that money drying up this year—and with the cops in need of a new stable—this police budget is looking more familiar all the time.

And The Cabs Just Keep On Coming

By Shelby R. King

April 8, 2015

Now's the time to start a cab company, because the Portland Bureau of Transportation's Private For-Hire Transportation Review Board—which used to pick and choose which fledgling cab companies got to play with the big boys—is accepting anything on wheels.

OK, that's a total exaggeration. There are still rules, and applicants have to meet minimum code requirements, but that's it.

At today's board hearing, all three cab companies seeking permission to get their drivers on the road—PDX Yellow Cab Drivers Association, Rainbow Cab Co., and United Independent Cab—got the go ahead from the board.

Apparently this wasn't always the case.

"It's a new game now, with new players and a new commission," said PBOT Program Manager Frank Dufay. "We're looking at things differently now, strictly going by the code, and the bar is lower, to be honest."

Aside from the drivers happy about their shiny new permits, no one at today's meeting was pleased with the current state of Portland's taxi industry, and the spectre of Uber and Lyft loomed large.

On Thursday, the city council will hear recommendations from PBOT's Private For-Hire Innovation Task Force on how rewrite code to allow ride-sharing companies to operate legally. Cabbies have consistently complained they were inadequately represented, and Darin Campbell—a Radio Cab driver and taxi board member—did what he could today to change that.

Campbell moved the board create a subcommittee that, during the next 120 days, will put together its own set of recommendations for city council to consider during the "pilot program" that starts when city council votes to enact the task force's plan. The motion passed.

Campbell also got a motion passed that allows cab companies to add regular vehicles to their fleets without first complying with city code requiring 20 percent of their cars to be wheelchair-accessible because there's apparently a "nationwide shortage" of specialty vehicles.

"Well, there certainly aren't a lot available, but I did some checking and there are some available," Dufay said. "They're not as high quality, but with the task force recommendations it's kind of a moot point."

The task force plans to recommend dropping that number from 20 to 10 percent for the pilot period, which went over like an Edsel with other cab companies at the meeting who claim they've already shelled out the cash to buy wheelchair-accessible vans as they become available.

"Just how far has the bar been lowered, Frank?" asked Raye Miles, president of Broadway Cab.

Daily Journal of Commerce

Pearl District design appeal heard

By Inka Bajandas

April 9, 2015

After hearing two hours of testimony for or against a proposed Pearl District development, the Portland City Council on Wednesday postponed until later this month its decision whether to approve a design appeal.

Commissioners agreed to grant a request by Preserve the Pearl LLC, a group opposing Security Properties' Block 136 development, at 1241 N.W. Johnson St., to postpone their decision until April 23. Burton Francis, a Portland attorney representing Preserve the Pearl, told the council that this would give group members additional time to respond to a 51-page document Seattle-based Security Properties filed on Tuesday as evidence to support the Portland Design Commission's approval issued in January.

"In order to have a full and fair hearing, you have to have time to review the documents that have been submitted by your opponent," he said. "There is no way for us to meaningfully prepare to address those arguments."

Plans for the full-block development call for a five-story office and retail building facing 13th Avenue and a 15-story residential tower on 12th Avenue separated by a public courtyard connecting Johnson and Kearney streets.

Preserve the Pearl in February filed an appeal, questioning the design commission's unanimous approval of the Block 136 design by Seattle-based Mithun. Group members claimed that the city's public process to gather feedback on the design was flawed, including insufficient communication with the Pearl District Neighborhood Association. They also questioned whether additional height should have been granted for the residential building.

Design commissioners responded overwhelmingly favorably to the proposed Block 136 design, despite concerns raised by neighboring residents at commission hearings. The proposed 150-foot residential tower would cast large shadows and be inconsistent with shorter surrounding structures, neighbors testified.

"We felt the overall quality of the design from concept to materials was one of the best projects we've seen in years," Design Commission Chairman David Wark told the City Council on Wednesday.

Shadow studies by the design team and city planners showed that the tower wouldn't cast any more darkness on nearby Jamison Square than existing buildings, he said. Commissioners also appreciated that the shorter office building was designed in context with a neighboring historic district.

The commission approved the taller residential tower because the developer proposed as a trade-off extensive active uses on the ground floors, including retail on 13th Avenue and a publicly accessible courtyard, Commission Vice Chairman Ben Kaiser said.

"It is eight sides (that are) all extremely active, in my opinion, and giving straight back to the city of Portland," he said.

"As the city grows," he added, "these are the kind of growing pains we're going to experience."

Francis said Preserve the Pearl members do not oppose the proposed office building, but have grave concerns about the city offering height bonuses for the residential tower. He suggested reorienting the tower from facing north-to-south to east-to-west. This would make it feel less imposing on shorter neighboring structures and reduce the shadows it would cast, Francis said.

"This 150-foot wall that they want to erect in our neighborhood is obviously an outlier," he said. "If you orient the building east-west, you reduce the profile. It would reduce the afternoon shadows cast on the existing buildings in the district."

Mithun associate principal Heidi Oien said rotating the building to an east-west orientation would make the development's proposed courtyard less appealing.

"Having the courtyard oriented north-south allows good sun access into the space," she said. "If it were east-west, it would be in shade all day."

Francis' claims were backed by neighbors of the site who testified Wednesday in favor of appeal. The residential tower would block views from their homes, decrease the values of nearby condos and cast too much shade on the popular, kid-friendly fountain in Jamison Square, neighbors claimed.

Other neighboring residents disagreed and testified in favor of the project. The proposed development would be a welcome addition to that portion of the Pearl District, they said.

Pearl District Neighborhood Association members who worked closely with the project design team said they were pleased with the outcome. Bruce Morrison, PDNA board vice president, said the development would be a vast improvement to the existing single-story building, which formerly housed the Pacific Northwest College of Art. The structure is set to be demolished to make way for the Block 136 project.

"I think it's an excellent design that will increase the vibrancy and vitality of the neighborhood," Morrison said.

Following public testimony, the City Council agreed to hold the record open for seven additional days to give Preserve the Pearl members more time to respond to the lengthy Security Properties report. Public comments regarding the appeal must be submitted before April 15 at 5 p.m. by email to cctestimony@portlandoregon.gov.

The City Council will reconvene to deliberate over the appeal on April 23 at 2 p.m. in City Hall.