

## The Oregonian

### Portland watersheds get inaugural report card; city and green leaders call it powerful tool

*By Andrew Theen  
May 02, 2015*

Last October, officials and environmental advocates gathered in Southeast Portland's Westmoreland Park to celebrate the completion of a long-desired restoration project in a vulnerable waterway.

Mike Houck, executive director of Urban Greenspaces Institute, recalled the event as "amazing." Not more than 100 feet away from the festivities, Houck said, the fruits of the restoration project were already evident as salmon spawned in Crystal Springs, a key tributary to Johnson Creek.

"Those kinds of successes are really inspiring," Houck said.

This week, the Bureau of Environmental Services posted its inaugural Watershed Health Index, a detailed assessment of water quality, fish and wildlife habitat, and other critical conditions across the city's five designated watersheds.

The report card is a labor of love years in the making, and Houck and city officials hope it both shines a light on successes such as Westmoreland Park's salmon spawning grounds, while also highlighting problem areas across the city.

"I think this will focus our attention on where the challenges are," said Commissioner Nick Fish, who oversees the bureau.

Fish said the years of sampling would help guide city leaders in making good policy decisions. "Good policy is driven by good science," he said.

Portland has 300 miles of rivers and streams, with native steelhead and salmon inhabiting nearly 127 miles of waterways. Habitat for fish and wildlife is a persistent concern, and city officials say the report card could help direct where the city should invest to effect the most change.

The report card is built on four years of scientific monitoring from 128 locations across the five watersheds — the Willamette River, Tryon Creek, Fanno Creek, Johnson Creek and the Columbia Slough.

It comes nearly a decade after the City Council adopted a detailed plan to manage the watersheds.

City officials ranked each watershed on variables including the temperature of the water, presence of E. coli, total mercury, riparian corridors, stream accessibility and other factors.

At a council meeting last month, Mike Rosen, bureau watershed division manager, said the testing would allow the city to track the impact of projects over time. "We're acknowledging that we live in a system that's already impacted because we live in an urban area," Rosen said.

Each watershed receives a letter grade from A to F based on four categories (hydrology, fish and wildlife, water quality and habitat).

Some of the grades aren't flattering.

Fanno Creek: D-minus in Fish & Wildlife. "There are only a few fish species, and they are not abundant," the report reads.

Willamette River: D in Hydrology. "Upstream dams, riverfront development in the floodplain, and agricultural runoff affect our section of the river but are out of the city's control," the report says.

Johnson Creek: Fish and Wildlife, D+. "High stream temperatures and lack of large wood limit the ability of salmon and other native fish to grow and thrive."

Columbia Slough: Fish and Wildlife, F. "While a few large natural areas support fish and wildlife, inadequate riparian buffers and tree canopy limit overall conditions."

Fish said the tough grades are by design, saying, "No one will accuse the bureau of grade inflation."

At the council meeting last week, Houck and other environmental leaders praised the city for the report card, saying it was a powerful tool with years of important data.

But Houck said he has some misgivings about the grades not capturing how far the city has come in restoring habitat in difficult areas such as the Columbia Slough. Houck suggested a weighted grade system that would capture the city's strides.

"We don't want to dispirit people who have been working their butts off for decades," he added.

Fish thinks the watershed health index, which will be updated again with the next four years of data and revised scores in 2018, arrives at the perfect time.

His bureau is preparing to hire a new director, and the city fought off a ballot measure last November that would have stripped the City Council of control over setting water and sewer rates.

Combined with the \$1.4 billion Big Pipe cutting down sewage overflows into the Willamette River and the Gray to Green infrastructure program, Fish said the sewer bureau has "turned a corner."

"We're no longer fighting yesterday's battle. So there's kind of a bright future," Fish said.

Houck said the report card also serves as an educational tool for the general public "and probably some folks on council" who might not know the mission of BES and what projects it's completed.

The city has come a long way, Houck said. "But the scorecard shows we have a helluva lot of investments to make."

## **The Portland Tribune**

### **Hales to release proposed budget Tuesday**

*By Jim Redden*

*May 4, 2015*

Mayor Charlie Hales will release his proposed budget for the coming fiscal year on Tuesday.

It will first be released at a press conference that begins at 9:30 a.m. at the East Portland Community Center, 740 S.E. 106th Ave. in Portland.

Hales and city budget staff will then meet with reporters at City Hall at 3 p.m. Tuesday to answer more questions in an informal session known as a Budget Scrum.

The next fiscal year begins on July 1. After years of revenue declines caused by the Great Recession and a slight increase as the economy began to recover, city revenues are now growing at a near-record rate.

According to the most recent revenue projection released by the City Budget Office last week, the City Council will have \$49 million more General Fund dollars to spend next year. That includes an additional \$13.1 million in ongoing resources and an additional \$35.9 million in one-time resources.

Although General Fund dollars are only a portion of the overall budget, they are the ones with the fewest strings attached, giving the council the most discretionary in how they are spent. The CBO projects General Fund revenue will total \$484.8 million next fiscal year.

The revenue forecast can be read [here](#).

Some of the additional money is already committed. In January the council approved a proposal by Commissioner Amanda Fritz to commit 50 percent of annual one-time funds to maintenance or infrastructure improvements. The policy applies to transportation, parks and emergency management projects.

Transportation Commissioner Steve Novick issued a statement Thursday asking for \$10 million — half of the 50 percent one-time fund set-aside — for paving projects. Novick asked for another \$8 million to make the improvements on 122nd Avenue that TriMet says is necessary to begin frequent bus service.

Novick also asked Hales to commit a large portion of the additional ongoing General Fund dollars to upgrading the Portland Building, a project now estimated at \$175 million for a complete renovation.

The council will consider Hale's proposed budget over the next two or so months. A community budget forum is set from 6:30 to 8:30 p.m. on Thursday, May 7, at George Middle School, 10000 N. Burr Ave.

More budget information can be found on the CBO's website at [www.portlandoregon.gov/cbo](http://www.portlandoregon.gov/cbo).

# Attorneys spar on whether Hayes emails should be public

*By Hillary Borrud/Capital Bureau  
May 1, 2015*

Lawyers for former Oregon first lady Cylvia Hayes and The Oregonian newspaper wrestled Friday afternoon in court to determine whether the state should release Hayes' emails to the public.

Marion County Circuit Judge Tracy Prall listened to nearly an hour of arguments on a motion for summary judgment in the case, but did not ask any questions during the May 1 hearing. Prall did not specify a date when she expects to rule on Hayes' motion.

The hearing was the latest development in a lawsuit Hayes filed Feb. 25 to stop the release of her emails. Hayes did not appear at the Marion County hearing.

The Oregonian asked the court to give the newspaper access to correspondence to and from Hayes' personal email accounts that dealt with state business. Hayes is fighting back, saying her emails should be kept private.

Although Hayes had an influential role and directed staff in the administration of former Gov. John Kitzhaber, she was not on the state payroll and never had a government email account. Hayes used several private email accounts to correspond with public employees regarding state policy, travel arrangements and her private consulting business. One of those was a Gmail account with the signature "Cylvia Hayes First Lady State of Oregon." The Oregon Attorney General's Office sided with The Oregonian and ordered Hayes to turn over the emails in February. Hayes then filed the lawsuit.

Separately, Hayes and Kitzhaber face state and federal criminal investigations into allegations the couple used their public positions for financial gain. Kitzhaber resigned Feb. 18 but has maintained that he is innocent of wrongdoing.

Fifth Amendment rights?

In her lawsuit, Hayes has asserted her Fifth Amendment right against self-incrimination and stated that her Constitutional rights supercede Oregon's public records law. The lawsuit also restated many of Hayes' previous arguments against the records release, which the Oregon Department of Justice rejected in February. These included the claim that Hayes was never a public official and thus her emails are not subject to the state's public records law.

Hayes' attorney, Whitney P. Boise, told the court Friday that if Hayes were to release emails that she believes dealt with state business, that could reveal information prosecutors could use against her in a criminal case.

"In selecting documents and determining what is the business of the state of Oregon, that would be self-selecting, I believe, and also would be revealing her belief on something that she has a right not to incriminate herself," Boise said. "That could be one of the very issues involved in the federal criminal investigation."

Boise suggested the court could avoid the issue of self-incrimination if it reviews Hayes' emails and decides which pertain to public business. The office of Gov. Kate Brown already released 94,000 emails between Hayes and administration staff last month, and Boise said Hayes has approximately 30,000 additional emails from the time period requested by The Oregonian. Boise said a company that helped the governor's office review those emails prior to releasing them estimated it would take 1,500 to 2,000 hours to review Hayes' remaining emails.

Charles Hinkle, a lawyer for The Oregonian, told the judge that the Fifth Amendment right against self-incrimination would only apply in this case it were not already known that Hayes' emails exist. Instead, news reports have covered Hayes' email exchanges that were already released, including emails in which Hayes discussed state policy and directed the work of state employees.

"It is already publicly known that they are in her possession," Hinkle said during Friday's hearing.

## The Portland Mercury

### Just In Time For May Day, The Portland Parks Bureau Has Been Improperly Using Some of its Many Low-Paid Workers

By Dirk VanderHart

May 1, 2015

Some of the worst-paid city employees may be in for a sweet raise—despite City Hall's best efforts.

The City of Portland today was ordered to stop giving low-paid temporary and seasonal Portland Parks and Recreation employees tasks that are supposed to be carried out by union members. In a 25-page ruling that capped a two year labor dispute, an arbitrator found the city is violating its labor agreement with Laborers' Local 483 by using so-called "casual" workers to prop up a growing parks system that lacks sufficient full-time and part-time staffers.

This is a huge deal for the many parks employees who toil under yearly limits to how many hours they can work and meager wages. As we reported in February, some of these workers are on food stamps despite being city employees for years. Others told the Mercury they felt devalued and ashamed by a system that ensures they won't receive benefits and are unlikely to obtain full-time work.

Today's decision—on International Workers' Day, fittingly—delves deeply into the legalese of union contracts, but it comes down to what Arbitrator David Stiteler termed the "idiomatic Duck test." ("If it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.") Essentially, if an employee does a job covered under a labor agreement, that employee should be covered by the same labor agreement.

"There is little disagreement that some RSPs [recreational support persons, the designation for the casual parks workers in question] are doing most, if not all, of the same duties that are and/or have been done by recreation leaders in the unit, as well as some duties that are and/or have been done by recreation coordinators," Stiteler wrote.

The ruling contains a bunch of examples of unrepresented workers who do the same tasks as people "in the unit," or covered by the labor agreement:

*Chenille Holub works 30 to 35 hours a week at the front desk at Mt. Scott; her position is not in the unit. The individual who preceded her was a recreation leader in the unit.*

*Vanessa King is a preschool teacher at Montavilla; her position is in the unit. Before she was hired as a regular employee, she was an RSP working as a preschool teacher and had the same duties.*

*Esther Smith is in a recreation leader position in the center. There are about twice as many RSPs as unit positions, and there is no significant difference in the work they do, including handling permits, reservations, and rentals.*

Et cetera.

This is nothing new. Portland Parks and Recreation has become increasingly reliant on casual workers as the recreation system expanded in recent decades. And those workers are far worse off than the City of Portland's regular employees. As we reported in January, 97 percent of city workers who earn less than \$15 an hour work for parks. Many of those employees earn less than \$12 an hour.

Requests for comment from the parks bureau, the labor relations office, and Parks Commissioner Amanda Fritz's office haven't received meaningful responses.

The union is pleased.

"This is a win for all the staff in Portland's Recreation centers," said Erica Askin, Local 483's business manager, in a statement to the Mercury. "For years these hard-working and caring people serving our community have been getting by paycheck to paycheck, and not honored the way they should be. Finally, it is recognized that their work is honorable union work, worthy of good wages, benefits, and rights on the job."

Local 483 has actually been fighting to represent these kinds of workers for more than a decade, but filed this particular grievance in 2013. The city's opposition was a bit contradictory, Stiteler notes in his ruling. First negotiators wanted case-by-case proof that casual workers were doing union members' work. But

the city also readily acknowledged (in the Mercury's previous story and before the arbitrator) seasonal employees were doing that work, and had for years.

The city's essential argument, then, was that none of that mattered. As long as the parks workers were designated "casual," the city said, it didn't matter what work they were doing. The arbitrator disagreed.

"To remedy the violation, I will order the City to cease and desist from assigning bargaining unit work, as defined by the unit job descriptions, to non- unit employees, except on an incidental basis," he wrote.

What happens next is a huge question, particularly with summer fast approaching. The union's grievance claimed between 250 and 300 employees should be brought under its contract if the city wanted them to keep doing that work. That would be an expensive proposition. The lowest-paid employees under the union's current contract make \$16.71 after just six months of employment. They're paid more than \$20 an hour after three years.

But the city's other alternative is to strictly prohibit its casual parks workers from doing union members' jobs. If that happens, it could severely impact service at the parks bureau going forward.

Fritz's office is expected to release a statement later this afternoon about the finding.

Update, 4:23 pm: Not much of a statement though. Here's the quote a parks spokesman just forwarded from Fritz.

"We are currently reviewing the decision. I appreciate the Union's expressed interest in meeting with the City to work with us on how best to move forward, and I look forward to finding solutions collaboratively."

I followed up with a boatload of questions, including:

- Will this impact the parks bureau's budget request this year?
- Will it impact the bureau's ability to run recreation programs this summer?
- How much money would folding all of the affected casual workers into the contract cost?

"Everything remains to be seen at this point," was the response from parks spokesman Mark Ross.

I should note this ruling comes as the city's already looking at how best to deal with its seasonal workers. Earlier this year, Portland City Council ensured all of the city's full time regular and contract workers will make at least \$15. And Fritz, who has repeatedly stressed her commitment to bringing more seasonal workers on full time, has also said she'll lead a task force looking into pay increases for the city's 2,000 part-time and seasonal employees.

## Daily Journal of Commerce

### Portland's first-ever housing report approved by City Council

*By Beverly Corbell  
May 3, 2015*

Three things became clear when the Portland Housing Bureau presented its first-ever State of Housing in Portland Report to Portland City Council: new home starts are behind new apartment buildings, being able to afford housing in Portland is harder than ever for people with low incomes, and more funding is needed to create affordable housing.

Commissioner Dan Saltzman said the report was comprehensive and data driven and will be valuable to the city in making future decisions.

"I'm pretty struck by the picture that if you are trying to rent or buy, many people can't afford to rent in Portland," he said. "It's pretty sobering in its message and we must rededicate ourselves to affordable housing for those who are most vulnerable."

Traci Manning, outgoing executive director of the housing bureau, said the report is the first of its kind and includes information that the city didn't have access to before. A second phase of the report will be issued in October when public and stakeholder comments are added, and the report will be updated annually.

"This is data to help the city set policy, and it looks at housing types and affordability for different types of households," she said.

Matthew Tschabold, the housing bureau's policy and equity manager, said the report looks at 24 neighborhood areas and uses information from the U.S. Census, Metro, the city and private market sources. He said the 105-page report gives a clearer picture of housing in Portland than was available in the past.

"There had been a lot of under-counting of lower income and communities of color," he said. The report is divided into five sections, he said, including a summary; populations, households and income; city-wide analysis; neighborhood profiles; and methodology. The entire report is available at the housing bureau's website.

Manning said the report gives hard data to support "what we know intuitively," that housing is a crisis for very poor people who live on 30 percent or less of median income levels.

"Central city is unaffordable (for poor people) and some people are being pushed out of the city altogether," she said. "Separation by poverty has terrible outcomes, but we are not giving up on having a city where everyone can afford to live."

Tschabold said the report shows that while single-family and multifamily production development have increased in recent years, annual production has not yet reached pre-recession levels. However, multifamily (apartment) permits for 2013 and 2014, respectively at 2,619 units and 4,236 units, are at an all-time high. By contract, single family permits for 2013 (815 units) and 2014 (886 units) are still well below levels of the early 2000s.

The report states that multifamily production was concentrated around city central including the northwest, interstate corridor, in the St. Johns neighborhood, and along Belmont, Hawthorne and Division streets.

In the meantime, housing for communities of color is more difficult because incomes for those residents continue to fall, he said, and low-income people continue to have a hard time finding housing.

"Single moms and seniors and communities of color continue to struggle and have very few choices," Tschabold said. "They often pay far more than 30 percent of their income for rent."

Mayor Charlie Hales said the city has spent \$200 million through Tax Increment Financing (TIF) funds during the last five years in nine urban renewal districts, and although the use of TIF is declining, more affordable housing units are needed.

"We need to build more units, but we need more money and need to find more public revenues," he said. "Urban renewal is not dead yet, but we need to avoid gentrifying our single-family base and I believe we should tax demolition."

The housing report's executive summary provides more detail.

"With disproportionately lower incomes when compared to white households, households of communities of color are faced with severely limited choice as they relate to housing," the report reads. "Housing choice is also increasingly becoming an issue for families in need of more than a single-bedroom housing unit."

As housing stock is increasingly focused on multifamily housing, affordability of two- and three-bedroom units in or close to the city center "are out of reach for a staggering number of Portland households," the report states.

The executive summary goes on to state that a decline in federal funding for housing over the last two decades "has left the bulk of financing for home ownership and rental housing to local jurisdictions."

Between 2000 and 2011, according to the report, the number of regulated affordable units in the city increased from more than 12,700 to almost 20,000 units and 65 percent were funded by the city.

## **Housing bureau issues RFQ for Grant Warehouse project**

*By Stephanie Basalyga  
May 4, 2015*

The Portland Housing Bureau is calling for submissions of a request for qualifications for the development of a vacant set of parcels totaling 32,400 square feet on Northeast Martin Luther King Jr. Boulevard between Northeast Ivy and Northeast Cook streets.

The parcels, known as the Grant Warehouse Redevelopment Project, are located within the Interstate Corridor Urban Renewal Area. The project will incorporate between 45 and 70 two- and three-bedroom units that are affordable for those whose income is at or below 60 percent of the median family income level. The project also will feature retail outlets on the ground floor.

For the affordable housing segment, the housing bureau will award up to \$4.5 million in tax increment funding from the urban renewal area, up to \$10,000 for contracting support and a predevelopment feasibility loan of up to \$25,000. The housing bureau encourages development teams to form partnerships “to enhance responsiveness to this RFQ.”

More details on the RFQ can be found on the housing bureau’s website.

## **Portland Business Journal**

### **Portland might not be Uber's holy grail**

*By Malia Spencer*

*May 1, 2015*

San Francisco-based Uber's deal with the city of Portland was heralded as a possible new model for a company known for contentious relations with local governments.

However, David Plouffe, senior vice president of policy and strategy for Uber, told a Portland crowd Thursday evening that isn't necessarily the case.

“The important thing to realize is every state and country is different,” he said, a lesson that comes from years in politics. Prior to his time at Uber Plouffe served as Barack Obama’s campaign manager and White House adviser.

“How you (operate) in Virginia is different than how you (operate) in Florida and if you think it’s similar you will lose both,” he said.

In other words, maybe Portland isn't a perfect model after all.

Plouffe was in town for an event put on by TechFestNW where he shared the stage with Portland Mayor Charlie Hales. The two were interviewed by Willamette Week Editor Mark Zusman.

Uber had a rough start in the city when it launched last December without city approval. It operated for two weeks before voluntarily suspending service while the city revamped its for-hire transportation rules.

Eventually, the city launched a pilot program in April that cleared the way for Uber, Lyft and other transportation network companies to operate for a 120-day pilot.

Plouffe said the service already has more than 500 drivers in Portland. The company expects that number to eventually hit 10,000.

During the pilot, the city will collect data and use it to shape permanent regulations.

Hales said the collected data will demonstrate whether the options will disrupt mass transit use. He noted there are still areas of the city, such as East Portland, that are still hard to reach.

About a quarter of Uber rides start within a quarter-mile of public transit, Plouffe said. In Seattle the company has cars with bike racks, suggesting that people use it as a last-mile option.

Hales added that “One of my jobs is to make sure we have a deliberative process... It will be imperfect but it will be discussed and a public process, an iterative process.”

## The Skanner

### Oregon House Approves 'Ban the Box'

*By Sheila V. Kumar, Associated Press  
April 30, 2015*

SALEM, Ore. (AP) - Oregon employers would be barred from asking job seekers about their criminal backgrounds on application forms under a bill passed by House lawmakers Wednesday.

Known as "ban the box," the measure would forbid businesses from using application forms that ask candidates to state whether or not they have a criminal record. It does allow employers to ask questions about criminal records during interviews, when the applicant can offer an explanation.

The measure would also prevent employers from considering or inquiring about an applicant's criminal record before an interview or before making an employment offer if there was no interview.

The bill's sponsor, Rep. Rob Nosse, said the measure will help people with criminal records earn a living and rebuild their lives.

"We know that after spending time in prison it's not always easy to re-enter society. And all the research shows that access to housing and employment are among the two most effective ways that we reduce the chances of former inmates going back to prison," the Portland Democrat said.

Nosse said the bill doesn't override restrictions on people prohibited from working with some groups, such as children or the elderly, and it doesn't apply to jobs that lawfully require a background check.

But opponents argued the measure could expose employers to a slew of lawsuits if applicants believe their criminal records were considered before an interview.

"So in other words, you don't have to have a box on the application. But if you inquire into or considered the history of someone prior to an interview, you are committing an unlawful employment practice," said Rep. Mike McLane, the Republican leader in the House.

He also argued many companies, such as Wal-Mart Stores Inc. and Home Depot Inc., have already removed the criminal history question from its application forms.

Groups that advocate for workers' rights have been lobbying state governments for years to adopt policies that reduce barriers to jobs for people with criminal histories. Supporters say the movement has gained momentum in the last two years as states including California to and Jersey have scrubbed the question from job applications.

According to Fair Chance For All, a coalition of more than 50 organizations across the state that support the measure, the box has already been eliminated from applications for jobs with the city of Portland and Multnomah County. Sixteen states, including Colorado, New Mexico and Georgia, have passed similar legislation.

Oregon's bill, HB 3025, passed on a 33-27 vote and now goes to the Senate.

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