

## **The Oregonian**

### **Portland Commissioner Nick Fish names 3 finalists to lead Water Bureau**

*By Andrew Theen*

*July 23, 2015*

Portland Commissioner Nick Fish, after a nationwide search, has decided on three internal candidates as finalists to replace Water Bureau Administrator David Shaff, according to public records.

Shaff is retiring after for more than a decade leading the bureau.

The finalists -- Michael Stuhr, Chris Wanner and Edward Campbell -- are all senior employees with more than a decade at the bureau.

The new hire will inherit a staff of 550 and roughly \$8 billion in assets.

The bureau has weathered challenges in recent years, including a failed ballot measure to create an independent board to set utility rates and a lawsuit questioning bureau spending.

Water officials are also overseeing projects to disconnect Mount Tabor's reservoirs and demolish one reservoir and add an underground tank in Washington Park

The city recently finished new covered reservoirs at Kelly and Powell Buttes. Portland's Bull Run Watershed provides drinking water to nearly 1 million people.

The finalists are well-versed in those challenges and construction projects.

The Oregonian obtained the three finalists' resumes and application materials through a public records request.

City officials also interviewed three candidates from outside Oregon.

Stuhr, 64, is the bureau's chief engineer and director of engineering services. He lives in Newberg, which doesn't receive its water from the Bull Run. Stuhr previous worked for a private contractor and the U.S. Army Corps of Engineers.

Wanner, 57, is the bureau's director of operations. The Portland resident has worked for the Water Bureau since 1984, and previously worked for Horizon Airlines and other aviation companies. Wanner also served in the U.S. Army as an aviation technician, according to his resume

Campbell, 46, of Portland is the bureau's resource protection and planning group director. Campbell previously worked for Commissioner Dan Saltzman and former Multnomah County Chairwoman Beverly Stein.

The position pays \$138,986 to \$199,160 a year. Fish will likely announce the new director the first week of August, according to Policy Director Liam Frost.

## **The Portland Tribune**

### **Is taxi subsidy the answer to wheelchair policy?**

*By Steve Law*

*July 23, 2015*

Jim Parsons, a paraplegic for 45 years, has traveled the world and rarely finds decent taxi service for people in wheelchairs.

"Getting a taxi in any city is horrible. It's next to impossible," says Parsons, who operates the Wheelchair Jimmy website from the Seattle area to advocate for travelers in wheelchairs.

Portland is often bashed for bad taxi service for those in wheelchairs, despite its early role in requiring taxi companies to equip 10 percent to 20 percent of their cabs with wheelchair lifts. Despite the good intentions, many say Portland's approach hasn't really worked.

Now, as city officials seek to deregulate the taxi market to accommodate Uber, Lyft and other companies that allow citizens to turn their cars into taxis hailed via smartphone, serving the needs of passengers in wheelchairs has been one of the toughest nuts to crack.

"It's a huge systemic problem that's not just about Portland," says Lavaun Heaster, chairwoman of the Portland Commission on Disability.

Nickole Cheron, disability coordinator for the city, is one of several Portlanders using wheelchairs who swore off taxis after getting stranded on the street for long periods awaiting a ride.

"I stopped using taxis about five years ago," Cheron says.

Heaster has heard enough of those stories, plus stories of blind people turned away by taxi drivers reluctant to accept seeing-eye dogs, that she thinks they're not isolated incidents.

"I had heard about it for years," Heaster says, and then experienced it herself while traveling for work with two colleagues in wheelchairs.

If people give up on finding a taxi ride, they're more prone to remain cooped-up at home.

The problem is only going to get worse, Heaster fears, as Baby Boomers age and more people rely on wheelchairs.

### **City mandate expensive**

The problem boils down to money. Portland cab companies estimate it costs them \$30 to \$40 more to transport someone in a wheelchair than it costs them to transport other passengers. Taxis with lifts can cost \$37,000 to \$70,000 or more. What's more, the vehicles use more gas and cost more to maintain and insure. It also takes drivers longer to operate the lifts and assist passengers in wheelchairs.

Yet taxi companies can't charge higher rates to people just because they're in wheelchairs, so they find ways to subsidize the fares and assure taxi drivers make money driving those vehicles.

Complicating matters, only an estimated 1 percent to 2 percent of Portland taxi customers need wheelchair lifts, though the city has mandated 10 times that number of wheelchair-accessible vehicles in their fleets.

To assure the vehicles don't sit idle, taxi companies inked contracts to serve hospitals, school districts and others that have clients with ongoing needs for wheelchair lifts. But that means when someone in a wheelchair calls for a ride, the cabs with lifts may be busy fulfilling those contracts or taking on regular customers, forcing people in wheelchairs to wait longer.

In the city of Portland's four-month pilot project allowing Uber and Lyft to enter the market, the ridesharing companies got off easy. They were allowed to contract with an outside company to handle customers in wheelchairs, rather than assure their drivers' vehicles were so equipped. But few customers know about those services, so only .01 percent of Uber's customers have required wheelchair lifts so far, says Brooke Steger, Uber's Northwest general manager.

Lyft hasn't been able to provide wheelchair-accessible vehicles, known as WAVs, around the clock, even if needed. "Lyft has been warned that their WAV service is unacceptable," Ken McGair of the City Attorney's Office said at a City Council hearing last week.

### **Subsidy proposal**

City Commissioner Steve Novick, who is leading the charge to accommodate Uber and Lyft along with Mayor Charlie Hales, appointed the Private For-Hire Transportation Innovation Task Force to recommend terms for the pilot test, and for permanent changes when the pilot test ends next month. The group's

subcommittee on accessible vehicles proposes the city set standards for lower wait times for passengers, rather than requiring a set number of equipped vehicles.

The subcommittee opposes the idea of having one company provide all the wheelchair service inside of the city. "I don't like the idea because it basically feels like separate but equal," says Cheron, who served on the subcommittee.

That idea is not under consideration, says Mike Greenfield, who leads the subcommittee and the full task force. But the subcommittee has settled on a proposal borrowed from Seattle and Houston: collecting a surcharge for every taxi ride or Uber/Lyft ride, then using the money to subsidize drivers who carry passengers in wheelchairs.

They've talked about a 10-cent charge per ride, as Seattle does, but that's likely too low. If only 1 percent to 2 percent of the customers need wheelchair lifts, collecting a dime for the other 98 percent to 99 percent of rides would yield a subsidy of \$9.80 or \$9.90, which might have to be split two ways. That's much less than the \$30 to \$40 subsidy per ride that the taxi companies say is needed.

"I don't know that a dime is the answer; it may be 25 cents," Cheron says.

But she likes the idea, as it delivers money to the taxi drivers providing the service.

"I think it's a pretty innovative solution," Cheron says. "It sounds really great on paper."

Novick's aide working on taxi industry deregulation, Bryan Hockaday, also seems enthused by the idea. The city would mandate the fee, collect the revenue from all providers, and then dole out the money to all the operators who carry the passengers with wheelchairs, Hockaday says. That should provide an incentive for all providers to offer more timely service, he says.

The proposal also means Uber and Lyft wouldn't have to spend money out of their own funds to provide specially equipped vehicles or subsidies.

Steger, of Uber, likes the idea — if the money goes to her drivers. "If that subsidy is there for a driver, then the driver has an incentive to invest in a wheelchair-accessible vehicle," she says.

Steger doesn't like how Seattle handles the proceeds from its dime-per-ride surcharge. All the money goes to one taxi company, she says, and it's unclear how well that system works out.

### **Taxi companies resist idea**

The Transportation Fairness Alliance, a coalition of Portland taxi companies, opposes the subsidy idea, saying the mandate to assure 20 percent of their fleets are wheelchair-accessible vehicles can work just fine if it's enforced properly.

They argue that if Uber and Lyft are allowed to contract out the service, there's no guarantee there will be an increase in accessible vehicles in the market. So they argue that Uber and Lyft should be held to the 20 percent requirement they have been held to, at least for the first six months after the market is deregulated.

The taxi companies argue that they've found ways to subsidize wheelchair-accessible vehicles internally, such as by charging the drivers lower weekly "kitties" for their share of the company operating costs.

Uber and Lyft take a 20 percent or greater cut from each fare, says Steve Entler, Radio Cab general manager. They could simply change that formula to generate money to subsidize their wheelchair-accessible drivers, Entler says.

Jeanette, who drives a wheelchair-accessible vehicle for Radio Cab, says if she can figure out a way to make the service pencil out, a giant corporation like Uber can do it as well. "They've got to figure out a way to subsidize a \$50 billion company?"

Local taxi company executives also question why the Portland Bureau of Transportation, just as it pushes for deregulation, should take on a new role as money collector and distributor.

“To create a whole new level of bureaucracy here in the city ... doesn’t make any sense,” Entler told the City Council last week.

He wonders how the city knows when a person in a wheelchair took a ride with a taxi company or Uber, and thus deserves the subsidy. “That sounds like a whole new nightmare,” he says.

Cheron isn’t sure the idea will work out well, but given past history of bad service she’s willing to give it a try.

“For me and my community, this is a win,” she says of the subsidy plan. “I hope that other people don’t lose to have this win.”

## **Council OKs plan to keep Tabor reservoirs filled**

*By Jim Redden  
July 23, 2015*

The fight over the future of the three open water reservoirs in Mt. Tabor Park isn’t quite over yet.

The Portland City Council approved a plan last week to maintain water in the reservoirs when they are disconnected from the distribution system, But the final council vote on the land-use permit allowing the Water Bureau to actually disconnect them will not happen until Aug. 19.

Some opponents, including the grassroots Friends of the Reservoirs, are considering challenging the permit before the state Land Use Board of Appeals. Others are talking about staging civil disobedience protests at the reservoirs when the work begins.

The council still will have to find at least \$4 million over the next four years to restore the reservoirs to their original conditions. However, lawyers representing ratepayers in an ongoing civil lawsuit against the city are questioning whether water funds can be used for aesthetic displays of water — not actual use.

Despite the potential obstacles, the plan approved by the council represents a significant step toward resolving a controversy that has dragged on for years.

“The issue has been at the forefront of the city since the 1990s,” said Commissioner Nick Fish, who is in charge of the Water Bureau, when he voted for the legally binding resolution that included the plan.

The council has agreed to disconnect the reservoirs by the end of the year to comply with U.S. Environmental Protection Agency rules intended to prevent the spread of waterborne illnesses. The council already has authorized the construction of underground storage tanks in Washington Park and at Kelly and Powell buttes to replace most of the lost capacity. Opponents have long argued the open reservoirs are safe and the council should keep using them, saying the EPA has agreed to review the rules in the near future. They also say the reservoirs are located in a historic district on the Southeast Portland volcanic cinder cone.

“Water is a historic characteristic of the park, and the park was designed around the reservoirs,” said Stephanie Stewart, land-use chairwoman of the Mount Tabor Neighborhood Association.

The plan approved by the council addresses many of these issues. It was negotiated by the bureau and representatives of the MTNA, one of the best organized and most vocal of the opponents, over the course of eight two-hour meetings. The MTNA promised not to appeal the permit to LUBA if the council approved the plan.

The plan calls for the reservoirs to be disconnected in a way that can be reversed if the EPA changes its rule and a future council decides to use the reservoirs again. And it calls for them to be preserved in their historic condition, with the council committing to spend \$4 million to restore them over the next four years and consider spending an additional \$1.5 million to replace the lighting at two of them.

During the hearing, Fish said people should not expect a future council to put the reservoirs back online. But that did not stop MTNA representatives and other supporters of the plan from talking about that option

as one of its most important provisions. For example, MTNA representative John Laursen referred to the “future capacity” of the reservoirs for the city’s water system.

Only Commissioner Steve Novick balked on committing the funding outside the normal budget process, casting the lone “no” vote on Wednesday.

But when the budgets are prepared for the next four fiscal years, the council will have to decide whether to fund the work with ratepayer funds or discretionary general fund dollars. The bureau has said using water funds will require a rate increase, although it did not say how much. The \$4 million is only half the estimated \$8 million cost of disconnecting the reservoirs, however.

The plan calls for the bureau and the MTNA to jointly prioritize the restoration work at the reservoirs, and to discuss alternatives for keeping the water stored in them — which cannot be used for drinking — as clean as reasonably possible. The bureau and the MTNA also are required to present written reports on the progress of the plan to the council every six months, with the council holding a public hearing on the progress once a year.

Water Bureau Director David Shaff, who has announced his retirement, said the bureau and MTNA representatives will begin meeting soon to discuss the issues.

## **Willamette Week**

### **As Seattle Fights Over Composting Fines, Portland Says "No" to Garbage Snoops**

*By Beth Slovic  
July 23, 2015*

Seattleites are battling it out over new rules that let garbage haulers snoop in residents' recycling and composting bins to ensure they're sorting their waste properly.

Seattle officials in 2014 adopted fines for scofflaws, then suspended the penalties in April, instead opting for a longer public outreach campaign.

Three years ago, Portland adopted rules that set the stage for similar fines.

But Bruce Walker, Portland's solid waste and recycling program manager, tells WW the city still has no plans to move forward with penalties here.

"That's not something we are considering doing," Walker says.

For now, that means you're free to throw out your marijuana trim with your garbage—or your compost. (Although, if you're curious, trim is supposed to go with your tea bags, fish bones and coffee grinds in your yard-waste bin.)

### **Portland Street Fee Could Come Back on May 2016 Ballot**

*By Beth Slovic  
July 22, 2015*

Commissioner Steve Novick is reexamining the city's options for a street fee now that the 2015 Legislature has failed to deliver a comprehensive transportation funding package. And those options could include asking Portland voters for money in May 2016.

"We're having some quiet conversations with people who we know are interested in addressing the problem and getting their ideas preliminarily," Novick tells WW in an interview today. "We told the Legislature we would stand down during their session, because they thought our conversation would muddy the waters. We were respectful of that, and now we're talking with some of the folks who are interested in the issue. I can't tell you much beyond that."

And the possible ballot initiative?

"I wouldn't rule anything in or anything out," Novick says.

On the question of what to do with Portland's crumbling streets, Novick's political calculation probably looks a little different than Mayor Charlie Hales'.

Novick has pitched himself as the unconventional politician willing to tackle tough problems, even if that makes him unpopular. His attempts to get a street fee have so far been a disaster.

But it's hard to imagine what his pitch to voters would look like when he runs for re-election next year, if he walked away. As he told WW during a May interview, he thinks many Portland voters appreciate his daring.

"It's something that has to be solved," he told WW two months ago. "I'm the guy who refuses to kick the can down the road and instead puts my foot on the can and says we have to deal with this can."

Today, Novick says he's not making a political calculation.

"If we were pushing something in the next year, then clearly we'll draw criticism for that, and if we weren't pushing something, then clearly we'd draw criticism for that, too," he says. "I don't think the political calculus is obvious, and it shouldn't be the basis for determining what to do."

## **The Portland Mercury**

### **High Rises, Low Standards**

#### **A Contractor with a Hand in Portland's Apartment Boom Faces Serious Labor Complaints**

*By Garrett Andrews*

*July 22, 2015*

DON'T LIFT too much weight around the job site, Laramie Lexow was told by the foreman at his new job at Instafab in 2013. "You're a grinder."

Grinders—iron-working tools used for cutting and shaping—go down all the time. If one breaks, you throw it away and go get a new one: No big deal. To Lexow, a 33-year-old husband and father, this comment from his new supervisor struck him as ominous.

"It's hard to have pride in your work when you're treated like an animal," he said on a hot weekday morning earlier this month. "This is 2015. The way they operate is just not the way things should be done."

Lexow and 13 other employees of Vancouver-based Instafab are on strike. These days, they can be seen picketing with their supporters outside Instafab's 12 active Portland-area job sites—a new high-rise at the east end of the Burnside Bridge, a large mixed-use project on N Williams, the Landing Drive apartment project in Johns Landing, and others.

Their efforts reveal a hidden cost of the condos and apartments shooting up around the city—including at least one tied in with the City of Portland.

Placards and leaflets brandished by Instafab's striking workers allege a litany of abuses calling to mind Upton Sinclair: no water at job sites or shaded places to rest, 16-hour workdays followed immediately by forced days off. Employees seen talking with union members or striking workers are said to face termination on the spot.

Since the first wave of strikers walked off the job five months ago, they've filed complaints with the National Labor Relations Board, met with lawmakers, and given interviews to the press. They thank their families for supporting them financially. And they call out the man they hold responsible: their old boss Bruce Perkins, Instafab's owner.

The strike began at the start of the workday February 27, when five Instafab employees brought Perkins' top foreman a list of demands, including benefits like health insurance and retirement plans, and more basic items like safety harnesses and water at job sites. They were told they'd be fired if they left work, which they promptly did.

Among their demands was union representation. The union Ironworkers Local 29 got them in touch with a number of sympathetic building trade organizations, and Portland's Jobs With Justice, an umbrella group of faith and labor organizations. Its director, Diana Pei Wu, said she was shocked by what she heard.

"Everyone was like, 'This is a no-brainer,'" she says. "We felt that, as a city, we owe it to these guys."

On July 1, Wu, backed by eight of the workers, appealed to the Portland City Council to honor its commitment to labor and cease doing business with contractors who use Instafab as a subcontractor.

"These are egregious violations of federal, state, and local policy," she told the council.

Only one of Instafab's 12 active projects is touched by the Portland Development Commission (PDC) and its aggressive workforce equity policy. But PDC spokesman John Jackley says the policy doesn't apply here because the commission sold the land for the project—that fast-moving high-rise on the Burnside Bridge's east end—at a fair market price (\$1.54 million in 2013).

"If you sold your house to someone at a fair market price, and the new owner hired a prime contractor who in turn hired Instafab as a subcontractor, would that make it [your] project? Of course not—and that's why it's not a PDC project either," Jackley wrote to me via email.

Perkins founded Instafab in Portland in 1987, and moved it to Vancouver, Washington, in 2000. As a primary subcontractor for Andersen Construction and Skanska, the company today supplies steel components—everything from handrails to roof frames to stairwells—and installs them around the metro area. It employs between 30 and 60 people at any given time, with about a quarter assigned to installation crews in the field. Perkins is proud to say he's always run an open (that is, nonunion) shop.

"It doesn't feel like a very free country when someone can come along and tell you, this is how you're going to run your company," Perkins says.

For his part, Instafab's owner says this flare-up of bad feeling is only the latest ginned up by a jealous ironworkers union—who he says is behind the strike entirely, and against whom his business regularly, and easily, wins bids. Perkins says Instafab's ability to fabricate as well as install is attractive to large general contractors looking for more control over scheduling. Using fewer subcontractors also limits instances of back-charging, where costs grow as work orders are revised.

"We've developed a nice niche doing what we do," he says. "People think we're doing a good job."

"This whole thing is a farce," Perkins continues. "If my workers were unionized, the union's biggest competitor in this area, Instafab, would cease to exist, and the union would get all of that business."

Instafab's workforce represents only a fraction of the area's ironworkers. More than 1,200 belong to Local 29, which represents around 90 percent of Portland's ironworkers, according to union official Robert Camarillo. He's been an officer with the 110-year-old local since 2006. He disagrees with Perkins' self-assessment.

"He's by far one of the most unscrupulous contractors in the area," Camarillo says.

Instafab has been written up numerous times by regulatory agencies, including the Oregon Bureau of Labor and Industries (BOLI) and the Occupational Safety and Health Administration (OSHA). In 2009, Oregon OSHA found multiple safety violations by Instafab at the site of a Gresham Fred Meyer, including exposing several employees to potentially dangerous falls.

That same report included the company's injury log from the previous year, describing 16 incidents ranging from heat exhaustion to second-degree burns to metal particles in the eye. On July 14, in response to alleged violations of Oregon's wage and hour laws and Portland's sick time code, BOLI issued seven separate warning letters to Instafab.

Though his business model wins bids, Perkins admits the union has the advantage in attracting employees. It hurts, he says, to watch workers "robbed away" by the union after years with him. What

Perkins says doesn't hurt is all the abuse he receives from the strikers. He recalled attending one protest of Instafab where he was depicted as a giant inflatable rat. That is, until the rodent's generator failed and it collapsed to the ground. "We were just sitting back, laughing," he said.

The striking workers say sitting back is often Perkins' tack. They say he stood them up for a July 8 meeting to discuss the strike, after weeks of wrangling. (Perkins says he was worried he'd be "ambushed" by union representatives and activists. The parties have yet to meet.) And following an article on the strike in the Northwest Labor Press last May, Perkins tangled with his opponents in the comment section, under the moniker "Truth Be Told."

"Hi! I'm back, and I had a few questions about the issues presented here, so I contacted someone at Instafab to get some more details. This is what I found out," began one of the posts by "Truth Be Told."

Camarillo with Ironworkers Local 29 said he expects decisions from the National Labor Relations Board to come down before the end of the month. He's heard from current employees that in response to the strike, Perkins has given out promotions and a companywide pay raise—though it's not all good news he's been hearing.

"I'm talking to [Perkins'] workers, and it still hasn't changed. He's reaching at straws trying to justify what he's been doing to his workers for years," Camarillo says. "There's still no water at the job sites. Today I got a call from a worker—they didn't take a break all day.

"It's inhuman the way he treats his workers. It's sad."