

The Oregonian

Portland's 'ban the box' plan returns -- as does opposition

By Andrew Theen

November 17, 2015

Portland will discuss a new plan Wednesday that would require most employers to wait until after they've offered a job to ask about someone's criminal history.

It's the first time Portland will debate a "ban the box" ordinance since Mayor Charlie Hales proposed the idea in March. The public will have an opportunity to testify at the hearing, 2:45 p.m. at City Hall.

Ban the box is a nationwide movement, backed by unions and civil rights organizations, to level the playing field for ex-offenders seeking jobs.

Hales said in his State of the City address last January that it would be a top priority, but he tabled the issue last spring in the face of business opposition and as lawmakers in Salem took up a statewide plan.

Gov. Kate Brown signed legislation in July requiring Oregon employers to wait until interviewing potential employees to ask about their criminal background.

Hales said in an interview Monday that he appreciates the law but that it doesn't go far enough.

"You look at the combined effects of race and recidivism and the stigma that comes with having been in the criminal justice system," Hales said, "and it's no wonder that we haven't moved the needle much. We need to do some overcorrection."

The Portland Business Alliance disagrees. "We encourage the city to allow the new [state] law to take effect and see how it works before doing something that sets Portland apart from the rest of the state," Sandra McDonough, the chamber's president and CEO said in a statement Monday. The state law takes effect Jan. 1. Hales' plan would begin July 1.

One of the key differences in Hales' plan: Portland would outsource enforcement to the state's Bureau of Labor and Industries.

Final costs are unclear, but the city's 2015-16 budget included \$100,000 for "education, outreach and contracting with BOLI."

The law would exempt businesses with fewer than six employees. Early background checks also would be allowed in public-safety professions and for businesses that work primarily with children, the elderly or people with disabilities.

Otherwise, business owners could not consider arrests that did not lead to a conviction, expunged criminal histories or charges that were dropped if the offender went through a deferral program.

Employers that ask about an applicant's criminal history would have to consider the nature and gravity of the crime, when it happened and whether it is pertinent to the job.

Hales said the policy is doubly important because of Portland's booming economy and the city's rising gang violence.

"It is really still very difficult for people with a criminal record to get a shot at a job," Hales said, citing the unemployment rate for young black men in Portland as more than 20 percent, four times the rate for their white counterparts. Helping ex-offenders find work could divert them from joining gangs in the first place, he added.

He added: "We'll hear predictions that this is going to be difficult and expensive for business, but all we're doing is delaying when a question is asked."

Portland wants new homeless shelter open on Thanksgiving

By Brad Schmidt

November 16, 2015

A new homeless shelter may open in Southwest Portland on Thanksgiving with the goal of becoming the city's largest temporary refuge.

Portland officials hope up to 200 homeless Portlanders will sleep each night in the city-owned facility, in the Multnomah neighborhood. That's twice the capacity of the largest shelters downtown.

Officials plan to bus homeless people in and out each night.

The plan follows an emergency declaration by the Portland City Council last month meant to cut through bureaucratic red tape restricting the location and size of shelters.

Mayor Charlie Hales and Multnomah County Chairwoman Deborah Kafoury pledged \$30 million toward a broader housing effort. The City Council last week approved \$1 million for the new shelter.

The shelter will be limited to about 50 people, but officials plan to quickly expand to 200. The shelter also will cater exclusively to women at first, but officials eventually plan to allow couples. It would be the first in the region to do so.

"I don't suspect we'll have any challenges at all getting to full capacity," said Tony Bernal, director of funding and public policy for Transition Projects, which will operate the shelter for Portland.

Portland's Jerome F. Sears building, at 2730 S.W. Multnomah Blvd., is eventually supposed to become a city emergency-operations facility. But with more than 1,800 people without shelter on any given night – about one-third of them women – Hales pushed for an emergency declaration so he could turn the former Army Reserve center into a shelter.

"When I see a homeless woman on the street or in a doorway, my heart is touched," Hales said in September, "and I know Portlanders' hearts are touched."

City officials will be able to use the building as a temporary shelter for only six months, and it will be open only from about 6 p.m. to 9 a.m. It's not clear whether any neighbors will oppose the plan.

Other details remain unresolved, such as the busing. TriMet's regular bus system isn't a viable option, city officials concluded, because the nearest stop is about a half-mile away.

Transition Projects expects to hire about 24 people to work at the shelter. The building will offer showers and restrooms, but the kitchen isn't up to commercial standards.

Transition Projects also operates a 70-bed emergency shelter for women and a 60-bed facility for women called Jean's Place, where the wait is about seven months.

The Oregonian/OregonLive previously reported that the number of emergency shelter beds in Multnomah County dropped from 985 in 2008 to 478 last year.

"The unmet need," Bernal said, "is really tremendous."

Criticism of proposed tree code change unwarranted (OPINION)

*By Guest Columnist Amanda Fritz
November 17, 2015*

It would have been helpful for Portlanders' understanding of the issues if The Oregonian/OregonLive editorial board had contacted me before writing the Nov. 11 editorial headlined "Nuts about trees." If that had happened, perhaps the editorial would have avoided inflammatory references to my recent tree code amendment proposal, such as "four members of the city's Tree Project Oversight Advisory Committee ... quit and walked off. They did so to protest the stunning last-minute distribution of a city memo framing a possible policy change to protect old large trees at potentially enormous expense to property owners"; and "Has anyone, meanwhile, heard about Portland's affordable housing crisis? Metro, the regional government, estimates the number of Portland households will multiply by more than 40 percent over 2005 levels by 2035. Trees could be in the way. The city's tree rules are already too restrictive."

Consider the facts.

1. My proposal, posted here, is a potential code change in response to City Council concerns on loss of especially large trees in development situations. I'm asking the Tree Oversight Advisory Committee, the Urban Forestry Commission and the Development Review Advisory Committee for comments and amendments.
2. The proposed "restriction" is for additional steps and mitigation before removing trees 45 inches or more in diameter in development situations. It is not "potentially enormous expense" for most property owners.
3. The Bureau of Development Services (BDS) issued 4,824 construction permits in the first nine months of 2015. Those 4,824 permits allowed 659 trees to be removed.

4. Of those 4,824 permits and 659 trees removed, only 18 individual trees were removed that were 45 inches or more in diameter (from 11 sites).

It's hard to understand the editorial board's assertion that asking 11 out of 4,824 developers to think carefully when cutting trees 45 inches wide or greater is too restrictive to meet infill goals. Many Portlanders may claim my proposal doesn't go far enough. A good case can be made to delay development permits and charge more for tree removals that involve cutting trees 20 or more inches in diameter, especially for some native species that rarely reach 45 inches.

In the future, hopefully community advisory committee members and newspaper editors will consider the facts before leaping to conclusions about the impacts of proposals generated by City Council members in response to community concerns.

I am proud of carrying the adoption of the tree code with the Council in 2011, despite not being in charge of either parks with the Urban Forestry staff or the Bureau of Development Services (BDS). I felt privileged to lead its implementation independently in 2015, until BDS was reassigned last July. I appreciate working collaboratively with Commissioner Dan Saltzman to coordinate parks and BDS since then. Portland's trees are important for multiple values — combating climate disruption, reducing stormwater management costs, increasing home values and protecting neighborhood character are just the beginning of the list of proven virtues of keeping and planting trees throughout Portland. Being named Tree City USA more than 30 times is more than a nice accolade. It's a fundamental core value of our community.

Supply finally meets demand on a Saturday night: Editorial sketchbook

*By Helen Jung
November 16, 2015*

I will never be mistaken for an early-adopter of technology. That's one reason that a year after I first downloaded the Uber app, I still had not taken a single ride using the taxi-like service, which connects customers with Uber drivers via a smartphone app.

But I had reason to try it out on Saturday. I was meeting friends for dinner and a concert with the expectation that adult beverages would be consumed. In the past I would have either cut my night short to make sure I could catch a bus back home or limited myself to a pre-show drink. But this, it seemed would be the perfect time to try out Uber.

The verdict: A hesitant thumbs-up. I waited only three minutes for my ride to downtown and only one minute for my post-midnight ride back home. The cars were clean, the drivers professional and the prices were fair (\$13.44 for the 4.5 mile drive in and \$23.18 for the eight-mile drive back early Sunday when the driver dropped off me and a friend who lives a few miles away).

So why the hesitation? Two rides do not make a reputation, and for now it's difficult to completely separate the service from a company so heavy on marketing manipulation

(UberKittens, for instance) and arrogance. Uber's questionable business tactics, including its rush into the Portland market last December before the city had authorized its entry, raise ample reasons to be skeptical. And Uber, as well as fellow app-based ride service Lyft, is driven by the same motivations that can propel any business into making short-sighted moves if self-interest is the sole pilot.

Like, for instance, the mistakes we saw in Portland's taxicab industry, which has failed to consider changing needs and growing demand.

To be fair, some of the criticisms of the taxi industry stem from the low number of permits issued by the city. Until 2012, the city had authorized just about 400 permits, meaning that was the maximum number of taxis that could operate at any one time in the city. Most of those permits were controlled by two taxi groups – Broadway Cab/Sassy's Cab Co. and Radio Cab.

This, however, has not served taxi drivers well. A 2012 study showed that drivers, most of whom had to pay weekly sums of hundreds of dollars to a taxi company for the right to operate under one of its permits, were making only \$6.22 an hour. And when drivers sought to create their own company with 50 new permits from the city, the existing taxi businesses vehemently opposed the effort. At least in this case, however, the city authorized the company, Union Cab, and the extra permits.

But that small boost did little to relieve demand. A limited analysis of taxi data last year showed that requests for service far outstripped the available number of cabs on weekend nights. A study by ECONorthwest found that Portland had only 7.5 taxis per 10,000 residents, a lower ratio (in some cases, way lower) than all but one of 11 comparable cities. And organizers of the national Craft Brewers Conference earlier this year raved about Portland – except for the lack of late-night transportation options. The inability to get around at night ranked as the biggest complaint by attendees who faced long walks and waits back to their hotels, organizers said.

Uber and Lyft have been operating in Portland since April under a pilot project that has helped shape the permanent regulations now under discussion. But the pilot project also revealed the consequences of a city that operates with ancient protectionist policies. While Uber and Lyft dominate the ride market, that overall market has grown, as The Oregonian/OregonLive's Elliot Njus has reported. The data show that the number of rides provided by taxis as well as the app-based services has increased 40 percent. In other words, people are now recognizing that the option of grabbing a taxi or a ride in a reasonable amount of time on a Saturday night isn't just hypothetical anymore.

As transportation problems go, this certainly isn't the most serious issue for the city to confront. But it highlights what happens when cities and companies don't recognize the changes in business strategy, population or need.

The city does not have to be the earliest adopter of technology, and it shouldn't buckle on mandating safety or other requirements for companies that serve the public. But at the same time, Saturday night was a good example of how a need that has been ignored too long is finally being met. My friend and I weren't the only ones to Uber it home that night. Another friend said she also ultimately turned to the service after her first choice, a cab company, didn't pick up her call.

The Portland Tribune

Hales going to Paris for UN climate change conference

By Jim Redden

November 16, 2015

Mayor Charlie Hales is planning to attend the 2015 United Nations Climate Change Conference set from Nov. 30 to Dec. 11 in Paris.

According to Hales' spokesperson Sara Hottman, the mayor has also been invited to speak at the conference. Hottman did not immediately respond to requests for the topic of Hales' talk or travel schedule.

Organizers hope to achieve a legally binding universal agreement on reducing greenhouse gas emissions at the conference. It is still scheduled to be held under tighter security following the Nov. 13 terrorist attacks in Paris that killed 129 people and left hundreds more wounded, some critically.

The conference will begin a little more than two weeks after the City Council approved a resolution sponsored by Hales and Commissioner Amanda Fritz to oppose infrastructure projects whose primary purpose is transporting or storing fossil fuels in Portland or adjacent waterways. The resolution, which was approved on Nov. 12, was intended to put Portland at the forefront of the emerging movement to reduce the use of all fossil fuels, including natural gas, which has been promoted as a clearer alternative to coal.

You can read the resolution [here](#).

Hales has taken an increasingly aggressive approach to climate change issues in recent months. Among other things, he single-handedly prevented the council from considering the permit application needed by the Pembina Pipeline company to build a propane export terminal at the Port of Portland.

Hales' work on the issue has been acknowledged internationally by the Vatican, which invited him and dozen of other mayors from around the world to a two-day climate change conference convened by Pope Francis in July.

The upcoming Paris conference will technically be the 21st annual session of the Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change (UNFCCC) and the 11th session of the Meeting of the Parties to the 1997 Kyoto Protocol. The Kyoto Protocol was ratified by 35 nations but not the United States. President Bill Clinton signed the Kyoto Protocol but did not submit it to the U.S. Senate for advice and consent. President George Bush subsequently rejected it.

Hales is not running for reelection and his term ends in early January 2016.

Willamette Week

Portland Auditor Demands Uber Turn Over Mark Wiener's Lobbying Contract

By Beth Slovic
November 16, 2015

Portland's independently elected auditor is demanding that ride-hailing giant Uber turn over its contract with Mark Wiener, the City Hall political consultant-turned-lobbyist whose apparent conflict of interest has been the focus of scrutiny.

The demand comes as part of a preliminary ruling Monday that Uber violated the city's 2006 lobbying rules by initially failing to register Wiener as an Uber lobbyist and by not reporting his lobbying activities on behalf of Uber as early as Dec. 17, 2014. That's when Wiener exchanged emails with the mayor's office and Uber regarding the formation of a task force to review Portland's private for-hire transportation system.

In a stern, five-page letter to Uber on Monday, Nov. 16, Auditor Mary Hull Caballero writes that her office has made repeated requests for the contract since August, when WW first wrote about Wiener's dual role as Uber lobbyist and political consultant to Mayor Charlie Hales and Commissioners Steve Novick and Dan Saltzman.

Uber has declined to respond to the auditor's previous demands. An Uber representative, Brooke Steger, did not immediately respond to WW's request for comment.

Neither did Wiener. However, representatives of Uber and Wiener told the city auditor, according to her letter, that Uber didn't sign a contract with Wiener until Dec. 19, 2014, meaning he wasn't lobbying for them before that time.

The auditor disagreed with that assessment. "The code applies to the activities of those who are authorized to lobby on behalf of an entity, whether the individual is paid or not," she wrote.

Uber's activities at City Hall have been a focus of the auditor's attention for three months. In September, she issued warnings to Hales and Novick for violating the city's lobbying rules by failing to publicly disclose on their calendars a meeting at Wiener's home with Uber lobbyists on Dec. 13, 2014.

In addition to handing over the contract, the auditor is asking Uber to answer seven questions by Dec. 4, 2015. She wants to know:

- The date of Uber's first communication with Wiener.
- The content of Uber's communications with Wiener in December 2014 and January 2015.
- The number of communications between Uber and Wiener before the parties entered a contract.
- What materials Uber used to track Wiener's time working for the company.

- Uber's view of Wiener's role at the Dec. 13, 2014, meeting at his home with Uber officials, Hales and Novick.
- Why Wiener was copied on emails sent on Dec. 17 and 18, 2014, between the mayor's office and Uber lobbyists regarding the drafting of a press release on the private for-hire transportation system task force.
- Why Wiener got a copy of a list of the task force members on Jan. 2, 2015, and why he received a draft agenda of the group's first meeting on Jan. 9, 2015.

If Uber fails to respond, the auditor says she will make a final determination in her investigation without additional information. Her conclusion could come with fines.

Update: An Uber spokeswoman, Kate Downen, says Uber got the letter Monday morning and will respond by the city's deadline.