

## The Oregonian

### Mayor's spokesman, Dana Haynes, gets \$15,000 severance

*By Brad Schmidt  
December 2, 2015*

Portland Mayor Charlie Hales' former spokesman, Dana Haynes, received a severance package of nearly \$15,000 when he agreed to resign last month, according to records released to The Oregonian/OregonLive.

The payment is just the second made to an employee who worked in the mayor's office since the City Council authorized a severance program in 2001. Including Haynes' payout, the city has spent \$5 million providing severance packages to 100 employees in the past 14 years.

Haynes, 55, received \$14,926 – the equivalent of two months' pay from his \$89,628 annual salary.

Haynes' departure came as Hales wanted to "move in a different direction with our communications," Josh Alpert, the mayor's chief of staff, said Tuesday. The severance package was meant to "reward Dana for the work he had done for the past three years," Alpert said.

Hales announced Oct. 26 that he will not seek a second term, meaning all of his political aides will be without a job in January 2017. Hales announced that Haynes was "stepping down" Nov. 3.

Haynes could not be reached for comment Tuesday. When his departure was announced, Haynes said in a statement that Hales has been "an outstanding mayor and he is served by an outstanding team."

Haynes was hired by Hales' former chief of staff, Gail Shibley, who brought a gatekeeper's approach to the mayor's office. Hales promoted Sara Hottman, 28, to replace Haynes, indicating a desire to increase the mayor's social media reach and help shape the narrative of his legacy.

Haynes' severance amounts to the 10th lowest since Portland began offering payouts. Several bureau heads, including former Environmental Services Director Dean Marriott, have received six-digit packages.

Only one other mayoral aide, Amreet Sandhu, who worked for then-Mayor Sam Adams, received a severance package of \$8,428 in 2012. None has been offered to employees who have worked for Portland's four city commissioners since 2001.

But one semi-political employee, Kenneth Edwards, did score a severance payment in 2013. Edwards was technically a Water Bureau employee but he worked out of then-Commissioner Randy Leonard's City Hall office.

Leonard's five longtime political staffers all landed positions in bureaus that Leonard oversaw. Edwards retired with severance of \$43,462.

# Portland's proposed ride-share regulations are fatally flawed (OPINION)

*By Guest Columnist Michael Schultz*

*December 1, 2015*

If Portland liked the street fee proposal, Portland will love the new transportation tax proposed by Commissioner Steve Novick.

This is how it will work if the City Council adopts Novick's new transportation tax plan on Wednesday: You will pay two new taxes each time you catch a taxi ride from any private for-hire transportation (PFHT) company, the public cost of administering Portland taxi regulations will at least quadruple, and in return for your tax money the city will no longer perform the public safety measures for which you have paid. Use an app to dispatch a driver from Broadway Cab, Uber, Green Cab, or Lyft, it does not matter which, and the city will collect two new taxes while doing less to ensure your safety during that ride.

More taxes. Fewer public safety obligations. No matter your political persuasion or socioeconomic status, this is a bad deal for everyone.

The Oregon business community should pay attention to the proposed PFHT regulations because this pattern of legislative behavior bodes ill for Oregon business. If policy makers continue to raise taxes while making special accommodations for large out-of-state enterprises, Oregon businesses will suffer a competitive disadvantage. There is a term for businesses that try to compete with less-regulated companies: closed.

Under the existing code, taxi companies internalize 12.5 cents in regulatory costs for each ride. Those 12.5 cents per ride pay for things like city-administered background checks, vehicle inspections and enforcement operations. The Novick proposal would eliminate the city's obligation to perform the safety measures you pay for and instead rely upon the PFHT companies to "regularly" provide the city with lists of drivers and cars. This half-baked scheme presents a number of significant disconnects. For instance, the director of the Bureau of Transportation has testified that she will not certify drivers that have not met the safety standards. Yet under the Novick plan, drivers apply to companies for a permit, not to the bureau. Therefore, if the city is shifting the burden of performing safety obligations onto companies, why would the city impose, and why should the public pay, two new taxes?

The disconnect between expressed intent and administrative reality is a symptom of an analog-era government struggling and failing to regulate a digital economy. Conflicting inner-oratory and a lack of desire by politicians and legislative drafters to read their legislative proposals compounds this failure. In this instance, the PFHT code revision proposal is rife with drafting errors and imprecise language. We can do better. Lets replace antiquated legalese with plain language imposing clear obligations on parties with the discretion to actually perform those obligations. Let's eliminate legacy code provisions that stifle innovation and instead allow our local transportation companies the same opportunity to adopt innovative dispatch and fare metering technologies while not betraying the fundamental government obligation to protect public safety.

Eventually, a cyclist or pedestrian will be struck by a PFHT vehicle and suffer harm. Under the proposed revisions, and because of its absurd legislative distinctions, if the incident occurs just after a passenger exits a vehicle operated by certain transportation companies rather than just before a passenger enters the vehicle, the insurance coverage required by the city will be pitifully inadequate. Yes, the proposed PFHT code revisions step insurance coverage by company and according to arbitrary dispatch status. Helpful hint to will be plaintiffs: If hit by Uber, first make certain there is a passenger inside the Uber vehicle.

We can do better than adopting the chicanery of the proposed PFHT code revisions. Here is how: Postpone the vote scheduled for Dec. 2 and fix the drafting defects. Uber has brought innovation to the PFHT industry. People want the opportunity to use the transportation services provided by Uber. People want jobs. We can responsibly incorporate those opportunities into our code and protect public safety at the same time. The PFHT code revision proposal does not. The PFHT code revision proposal will lead to unnecessary new taxes, bloated agency budgets and absurd results requiring years of expensive legislative efforts to correct.

If Portland wants to earn a reputation for innovation, City Hall should not moor our city in the past. The Novick PFHT code revisions should not be adopted.

## **Willamette Week**

### **City of Portland to Adopt Paid Parental Leave**

The city follows a path cut by Multnomah County.

*By Beth Slovic  
December 2, 2015*

The city of Portland is poised to join Multnomah County in offering qualified employees six weeks of paid parental leave.

Multnomah County enacted its own policy in October.

If approved Wednesday, Portland's policy would be available to male and female employees who give birth, adopt or agree to foster a child. The same is the case in Multnomah County.

The city's estimate for how much this will cost annually appears low. The human resources bureaus expects it will cost \$200,000 per year to provide paid leave to employees that otherwise would have taken unpaid leave. City officials estimate it will cost an additional \$300,000 to backfill positions when people are gone.

"There are also three other costs that are more difficult to quantify," city officials write in a memo to the city council. "First, to the extent that taking parental leave allows an employee to retain more vacation and sick time, there may be a higher cost at the time of separation or retirement. Second, for those employees that take more time off than they otherwise would and are not backfilled by other employees, there is a loss of productivity. Finally, it is not clear the extent to which having parental leave available may change the behavior of individuals. For instance, an employee might be more likely to take the full six week parental leave knowing that it is not impacting their other leave balances as opposed to using vacation or sick leave."

The Oregonian editorial board has railed against Multnomah County's policy of giving paid parental leave, saying it would lead to other government agencies' doing the same. Multnomah County was the first in Oregon.

"Unpaid parental leave is the norm," the editorial board wrote.

The Oregonian offers six to eight weeks of paid parental leave through its disability insurance following a birth—but only to women.

## **The Portland Mercury**

### **Say Goodbye to Two Pieces of Portland History**

#### **The City's "Demolition Epidemic" May Soon Claim Two Century-Old Downtown Buildings**

*By Shelby R. King  
December 2, 2015*

ANY DAY NOW, two 100-plus-year-old downtown Portland buildings could see demolition crews show up to tear them down, thanks to a loophole in city code.

There's the 109-year-old Hotel Albion, which sits on the corner of SW 3rd and Salmon and houses the Lotus Café. The bar's long been a popular hangout for city staff—so much so that Mayor Charlie Hales recalls sketching street plans for the burgeoning South Waterfront on a napkin at the Lotus during his stint as transportation commissioner.

On the same block sits the 123-year-old Ancient Order of United Workmen Temple, a majestic but crumbling brick and stone building embellished with columns and carved medallions. It was designed by Justus Krumbein, a prominent Portland architect who also designed the second state capitol in Salem.

The buildings are a bit neglected, but rich with Portland history. If the property owners have their say, though, that history will disappear via wrecking ball to make way for two shiny new glass and steel buildings.

One local nonprofit, aided by a Portland attorney who also serves on Portland's Historic Landmarks Commission, is working to halt that process. Restore Oregon is hoping to close a code provision it says makes it too easy to remove old buildings, like the Albion and Workmen Temple, from the city's Historic Resource Inventory.

Oregon statute requires that before a building designated as historic can be demolished, the owner must wait 120 days while the public is notified and allowed to offer alternatives to demolition. If a building is first removed from the city's Historic Resource Inventory, though, the 120-day demolition delay no longer applies and the owner can tear it down at will. (The owner of the two buildings is identified in county records as a Eugene man named Allen Cohen, who told the Mercury he's in the process of selling the properties. He wouldn't say to whom.)

The loophole the buildings' owners are trying to jump through to avoid delay was created in 2002, when Portland adopted a bit of code that allows owners to remove their building from the city's list of historic properties merely by submitting a written request to the Portland Bureau of Development Services, which must make a prompt decision on the matter. If the bureau agrees, the once-historic building can be turned to rubble.

"This provision allows owners of Historic Resource Inventory properties to be removed on the same day their owners request removal," says Brandon Spencer-Hartle, senior field programs manager at Restore Oregon. "On November 5, two properties that you can see from the front door of city hall were removed from the Historic Resource Inventory list with the expectation they'll be demolished."

Spencer-Hartle is talking about Hotel Albion and the Workmen Temple, which he's been working hard to save.

Restore Oregon has asked the city to remove the problematic bit of code—an idea which city commissioners seem to be considering—but says that removal probably couldn't be applied retroactively to properties already slated for demolition.

Still, Hotel Albion and the Workmen Temple may avoid the wrecking ball.

On November 4, the firm Ankrom Moisan Architects submitted a request for design advice to the city for the property where Hotel Albion and the Workmen Temple stand. The request included plans to replace the old buildings with a hotel and an office building. The development would wrap around another property on the block—the Auditorium Building—which is protected by the federal National Register of Historic Places and isn't included in the plans. Ankrom Moisan didn't respond to requests for comment about its plans.

The preservationists at Restore Oregon have tapped Carrie Richter, a Portland land use attorney, to appeal the city's decision to remove the buildings' historic designation and save them from demolition.

"City staff knew the intent was to demolish the buildings," Richter testified about the proposed demolition at a November 18 city council hearing. "That is a real problem that necessitates amending the code and being more rigorous when these applications come in."

Richter argues the buildings should've gotten the 120-day waiting period before being scotched from the city's historic buildings list. The day after her council testimony, she made that argument in appeals filed with the city and with the Oregon Land Use Board of Appeals.

If Richter's appeals win favor, it could give activists like Restore Oregon leverage for saving the Albion, the Workmen Temple, and hundreds of other old buildings they believe are at risk of demolition at their owners' whim, in a city that's been shedding old buildings lately.

"We are in the midst of a demolition epidemic... [that's] chewing away at the character of many older Portland neighborhoods," says Restore Oregon Executive Director Peggy Moretti. "This is now spreading to downtown. The Lotus Café building and Workmen Temple could come down without one bit of public comment or conversation.... What a loss this would be to the historic fabric of our city."

## Hall Monitor

### Closed Bridges and Close Calls

*By Dirk VanderHart*

*December 2, 2015*

IN THE SCHEME of recent chaos on the Broadway Bridge—the painters' scaffolds and off-limit lanes—a weeklong closure in mid-August came off as no big deal.

The deck near the bridge's streetcar tracks needed repairs, Multnomah County announced early that month. Take another route.

Not everyone listened. On the first day of the closure, photos shot around the internet of a Honda whose drunken operator had decided to try sneaking across the Broadway via the bike and pedestrian path. He'd have made it, if not for that scaffolding.

The larger need for the closure was lost in the noise, but it's just as interesting. It turns out the Broadway almost turned into the Morrison.

As I've written about too much in these pages, a brand-new deck on the Morrison Bridge began failing spectacularly as soon as it was installed in 2012. Screws popped loose, panels shifted and cracked, lawyers got involved, and now the county's working on an expensive replacement.

What no one said outright when the Broadway closed in August is that the same thing had begun to happen on Portland's most florid span.

"The county had gone out and noticed some screws had loosened or popped out," says Kyle Chisek, a project manager with the Portland Bureau of Transportation (PBOT). "We needed to make sure everything was secure so we wouldn't have a problem like the county did on the Morrison."

This is more than a coincidence.

When the city installed new streetcar tracks on the bridge in 2010, it surrounded them with the same stuff Multnomah County would soon slap on the Morrison: a strong and semi-experimental plastic known as fiber-reinforced polymer. And it went with the same supplier, a North Carolina-based firm called ZellComp.

Not much of a surprise, then, that it got some of the same results.

Multnomah County inspectors sent up the alarm early this year, when a routine inspection turned up some of the same symptoms the Morrison showed early on.

"If we had let everything go, it could have gone there," Chisek says.

Now, it looks like it won't. The city called in Stacy and Witbeck, its contractor on the streetcar project, and had workers fasten the plastic deck to the Broadway extra tight.

So far it's working, according to city and county officials I spoke with.

"It was a good team effort," PBOT Streetcar and Transit Manager Kathryn Levine said. "The county learned a lot from the Morrison Bridge."

Peace of mind isn't free, though. Most of the repair work was covered by warranty, but not all. The reason I even bring this up is that city council is scheduled to vote on an ordinance Wednesday, December 2, that will pay out an extra \$31,192 in city funds to cover the work.

That's nothing compared with the millions the county will wind up wasting on the Morrison—something PBOT crows about in filings before the council. And it means, maybe, that long-term disaster has been avoided.

Let's hope.

## **Uber Rules Might Finally Pass Tomorrow. Surprise Rules For Pedicabs Won't.**

*By Dirk VanderHart  
December 1, 2015*

It looks as though Portland City Council may finally pass enduring regulations on Uber and Lyft tomorrow, nearly a year after ride-hailing services first launched in Portland.

After weeks of jam-packed hearings—and complaints by Portland cabbies about basic unfairness in the proposed rules—city commissioners could well vote on more than 150 pages of amendments to city law, firmly ensconcing so-called "transportation network companies" (TNCs) into the city's fabric, and formally deregulating the amount of cabs and Ubers that can flood Portland streets, along with how much they can charge. (More on the proposal here).

One section of the new regulations city council will hold off on? Unexpected changes to modes of for-hire transport other than cabs and TNCs—changes that alarmed and angered people who pilot pedicabs and take medicare patients to doctor's appointments. It's not so much that those industries disagree with new regulations, they say, it's that they didn't expect them.

As we've reported, the city promised it was only looking to create rules for cabs and TNCs during this process—then it snuck in changes to what kinds of insurance pedicab drivers needed, stricter limits on traffic tickets for medical drivers, and other things.

"I'm very surprised to be here today," Ryan Hashagen, owner of Portland Pedicabs, told City Council during a hearing last week. "I urge you to stick with the original plan. We were told this was about TNCs and taxis."

Kirk Foster, owner of medical transportation firm Wapato Shores Transport, followed up, calling the new regulations "a copy and paste job" that didn't fit his industry.

Some councilmembers were concerned. Both commissioners Nick Fish and Amanda Fritz looked, for a moment, as though they might favor delaying the Uber regulations. But Commissioner Steve Novick, who oversees PBOT, wanted to get the rules through.

The council arrived at an inelegant solution. When Portland finally passes new regulations tomorrow—if that is indeed what it does—it'll include a provision completely nullifying any changes to pedicabs, medical conveyances, and other non cab/TNC sectors "until such time other provisions" are adopted by city council.

The council also appears ready to pass an idea that Commissioner Dan Saltzman floated—opposed by Mayor Charlie Hales—that Uber and Lyft vehicles must somehow display their city-provided business license number when they pick up fares.

The code doesn't offer any specifics for how that could be done and, as Hales pointed out, it's sort of unnecessary for a service that shows you a picture of your driver, gives you their name, and tells you the make and model of their vehicle when you reserve a ride.

The idea spurred a spirited back-and-forth between Saltzman and Hales, which I wrote down in my notes as follows:

Saltzman: "What if someone's foot gets run over?"

Hales: "The car has a license plate."

Saltzman: "Your point's well-taken, but I want to know if it's an Uber vehicle."

Hales: "I don't care if it's an Uber vehicle if it runs over my foot. I wanna know who it was."

Saltzman's amendment passed 4-1.