

The Oregonian

Portland equity committee wanted guidance, got disbanded

*By Brad Schmidt
December 4, 2015*

As Portland officials boast about improving racial equity in government, some employees say leadership has been sorely lacking.

Last month, for example, the Office of Equity and Human Rights disbanded a citywide equity committee created in 2012 to tackle institutional racism.

Committee members say the group was far from perfect, but they blame a lack of guidance from city leaders, not a lack of passion from members. This fall, members discussed an "extensive" list of concerns at one of the group's final meetings.

"It's disappointing that we're going to be further delayed" on the city's equity agenda, said James Carter, a committee member and city budget analyst. "I'm also disappointed in the director and his bureau's leadership, just a lack of prioritization."

The director, Dante James, argued, however, that the committee of about 40 employees was productive but that a new model will better promote equity within city bureaus.

Disbanding the group was unrelated to the group's concerns, he said.

"I wouldn't say that there's been any failure of interaction between my office" and the committee, he said. "It's been a success, and the work's ongoing."

The City Council, prompted by Commissioner Amanda Fritz, created the Office of Equity and Human Rights in 2011. Fritz hired James to lead the office, which promised to measurably reduce disparities in government.

City officials consider their efforts a national model. In a highly unusual arrangement, James will work in Oakland, California, for about three months early next year to set up an equity office there. Oakland will pay his salary.

"We are truly leading on this work," said James, who added that hardly a day goes by without receiving calls from other jurisdictions.

Committee members thought they were making important contributions. The group spent much of its time on a "roadmap" to help bureaus create five-year plans to break down racial inequities.

The complex process began by measuring the diversity of employees within bureaus. Officials were supposed to answer dozens of questions, such as whether communities of color help develop policies that affect them. Scored on a five-point scale, answers would give bureaus a sense of where to improve and benchmarks to set.

James originally wanted all bureaus to complete plans by year's end. But committee members warned that deadlines would not be met, citing a lack of clarity from the Office of Equity.

"Anytime you place a deadline on anybody for anything, somebody's going to complain," James said. "For me, I'd rather place a goal that folks are trying to meet and adjust it as necessary."

Work will now be complete by the end of June.

Trouble with the roadmap was indicative of larger leadership problems, members indicated.

At a tense Sept. 17 meeting, members complained that James' office needed to provide "clarity and guidance," according to minutes, including on how the committee and equity office were mutually supportive.

Carter said he was willing to speak out because he wants the city's equity agenda to move forward as "fast as humanly possible." Two other committee members, who declined to speak on the record for fear of damaging work relationships, expressed similar concerns.

"You can't just throw people together in a committee and say, 'Go with it,'" one said. "You have to have some sort of coordination and direction, and that was supposed to be provided by the Office of Equity."

The group will be replaced by a "learning cohort" of perhaps 30 employees who will receive training from the Office of Equity and outside experts, James said. Those employees will return to bureaus with a new "depth and breadth of equity knowledge" that they can share with others, he said.

The training will begin in late winter or early spring, according to a November email. James said members of the equity committee are encouraged to apply.

Portland eyes \$57 million project for earthquake-ready pipeline under Willamette River

*By Andrew Theen
December 4, 2015*

Portland's west side could have a water problem if -- or when -- the Big One hits.

The Bull Run watershed 26 miles east of downtown provides drinking water to nearly 1 million customers in the metro area, and that water crosses the Willamette River at six locations.

But the pipelines serving downtown Portland and the Washington Park reservoirs are an average of 77 years old. Two are buried in shallow and unstable soil in the riverbed. Two more 24-inch pipes are attached to the Ross Island Bridge, which is expected to fail during a big earthquake.

All of those pipelines were designed before the city knew Portland could experience a catastrophic earthquake. The city's 130,000 westside customers could be without potable water for six months or longer if and when the Cascadia Subduction Zone ruptures. The last time that occurred, geologists estimate it produced at least a 9.0 magnitude earthquake.

Teresa Elliott, the Water Bureau's chief engineer, said the city projects a 15 percent chance of a Cascadia earthquake during the next 50 years. "We have another 33 percent chance of a 6.0 magnitude earthquake from one of our local faults," she said, "and our soil is extremely liquefiable on both sides of the river."

Portland is preparing for that harsh reality by moving forward with a \$57 million project to build a 42-inch pipe 80 feet beneath the Willamette River.

It's not the only costly project to make the water agency's infrastructure more likely to withstand massive earthquakes. Portland is expected to approve a \$170 million plan to build a covered reservoir in Washington Park, which sits on a fault line and is historically prone to landslides.

The pipe project has been on water officials' wish list for a long time. It's on the bureau's five-year capital project list, and the cost is already built into utility rates.

Elliott and Mike Stuhr, the Water Bureau's administrator, briefed the City Council on the project Thursday. The bureau plans to find one contractor to design and build the pipe, but Stuhr needs City Council approval first.

The \$57 million estimate is likely well below the actual cost. According to city documents, officials have "low confidence" that will be the final figure. Preliminary designs should clarify the cost.

Portland hopes to begin construction in the summer of 2017 and finish by 2019.

The Portland Tribune

Arts Tax goes to the usual suspects

*By Shasta Kearns Moore
December 3, 2015*

If you voted for Portland's Arts Tax, you might be surprised at where the money is going. Then again, you might not.

It's all in how you read the ballot summary back in November 2012. Most of the money goes directly to schools to hire elementary school music and arts teachers. The rest goes to "Arts Access," which is administered through the Regional Arts & Culture Council (RACC).

"Remaining funds for grants to nonprofit arts organizations, other nonprofits and schools. Will fund grants to provide high-quality arts access for kindergarten through 12th grade students and to make arts, culture experiences available to underserved communities," reads the summary.

Also, a FAQ published in 2013 on RACC's website says that the nonprofit expected extra requirements for those receiving the new money.

"In exchange for these funds, general support organizations will demonstrate how they are increasing service levels for youth and underserved communities in Portland," the website states. "To fulfill our obligation to the voters and the oversight committee, RACC will have new reporting requirements asking grant recipients for more detail on where their services were delivered, and who benefited."

But those who thought that meant the Arts Access money would go exclusively or even primarily to new programs serving kids and people who haven't historically accessed the arts are mistaken.

Some of the Arts Access money — \$54,118 — was split up in May to 20 organizations as part of an "Expanding Cultural Access" grant program.

A new program, the Arts Equity Grant, will also use 5 percent of the Arts Tax revenue for work with underserved populations. The applications and guidelines will be posted in January with funds released around mid-March.

Otherwise, RACC, formerly a city/county program that is now a nonprofit, has been giving out most of the grant money to the usual suspects in the usual way. For example, in the Jan. 28 disbursement, the Portland Art Museum/Northwest Film Center received \$468,000 and the Oregon Symphony Association received \$398,000.

RACC Director of Community Affairs Jeff Hawthorne says the goal of the Arts Tax — spearheaded by former Mayor Sam Adams — was always to boost funding to city arts organizations whose performances are open to the public.

"If there is a perception that Arts Tax money only goes to new organizations, that's not true," Hawthorne says. "It has always been intended to support, and does support, established arts institutions."

Hawthorne says that while RACC asks new questions about who the money is serving, it hasn't yet required new programs or new audiences.

"Although we haven't changed the criteria for them, we have created new reporting requirements," he says.

Hawthorne notes that RACC tends to combine revenue streams.

"The problem is people don't apply to us for Arts Tax funds specifically," he says. While the nonprofit does keep track of where the Arts Tax money goes, the funds have so far gone into a previously existing grant program to organizations that are already General Operating Support members of RACC.

"Once you're in General Operating Support, you don't have to apply every year. You do have a fairly significant reporting requirement every year," he says.

General Operating Support members of RACC are required to submit to a vetting process that includes financial reports and programs for underserved communities.

For example, many of the member organizations participate in the Arts for All program offering \$5 admission for people with Oregon Trail Card food benefits.

"Arts organizations need to be financially strong and sound in order to provide any services in the community, so that's why the funds are unencumbered," Hawthorne says, adding: "But they do have to have programs that ensure that they are accessible."

Hawthorne says that the Portland Art Museum used part of the funds to expand a program that now offers free admission to all school children. However, that program was already in effect before the passage of the tax. The Portland Art Museum did not return a phone call asking for more details by press time.

“Most organizations are doing more now than they were before to take their programs out to schools, parks, and every corner of the city,” Hawthorne says.

Hawthorne says the national “best practice” for public funding of arts organizations is considered 5 percent. The January disbursement brought RACC’s supported Portland arts organizations up from an average 1 percent of public funding in their general operating budgets to 3.68 percent.

Hawthorne says RACC offers grant-writing classes in the hopes of getting all local nonprofits up to that 5 percent mark and that 50 percent of last year’s Project Grants — a different grant program — went to organizations that hadn’t previously been funded by RACC.

“We’ve been trying not to be an ivory tower,” Hawthorne says.

NEED FOR TRANSPARENCY

A woman who works in local schools for an arts and music nonprofit says she has concerns about transparency in the Arts Tax granting process.

The woman, who asked to remain anonymous because she feared her criticism would jeopardize future grants her nonprofit might receive, says it’s unclear from her perspective how the city’s nonprofits are supposed to apply for grants from the Regional Arts & Culture Council.

“The deadlines seem kind of secret,” she says.

The woman says she’s worked in nine schools in the city during several years but none of her organization’s funding comes from the Arts Tax.

“(The nonprofit) has gotten no funding from the arts tax from RACC or school funding,” she says.

She says her program funding comes from Schools Uniting Neighborhoods (SUN) school partnerships, individual schools’ Parent Teacher Association funding, and some school Associated Student Body funding, as well as private donations and grants.

“I want it to be more transparent, because obviously it’s taxpayer money,” she says.

‘Ban the Box’ ordinance attempts to level City’s employment playing field

By Steve Law

December 4, 2015

At age 24, Emanuel Price had been out of prison four years and still couldn’t land a job at Arby’s because of his criminal record.

“I still have the same barrier when I apply for any job,” said Price, now 38 and director of the Portland nonprofit Second Chances are for Everyone. He was testifying in favor of a “ban the box” ordinance adopted unanimously by the Portland City Council last week.

The ordinance, which takes effect next July, requires private-sector employers with more than five employees to change their hiring practices so people like Price can have a fighting chance at getting a job.

Gov. Kate Brown signed a state “ban the box” bill into law in June that eliminates the boxes on job applications asking candidates if they’ve ever had a felony. That law, which takes effect in January, should help ex-convicts gain more job interviews. But ban-the-box advocates say that bill was watered down in the legislative process in order to win majority support. There’s no restrictions, for example, on asking candidates about their criminal histories during those job interviews.

The new Portland ordinance follows the terms of the original ban-the-box bill presented to the Oregon Legislature by the Urban League of Portland and Oregon AFL-CIO. It requires most employers to avoid asking about criminal histories until they offer the candidate a conditional offer of employment, subject to a background check. If the employer subsequently retracts the job offer, they must offer a written explanation for their decision, and why the criminal offense relates to the job duties or business necessities.

“It’s the best way as a community that we give people a chance,” said Mayor Charlie Hales, who has championed the ban-the-box movement since his January State of the City address before the Portland City Club.

“What we’re changing here is when the question is asked — that’s all,” Hales said at a public hearing on his proposal in November. “There’s a right time to do that and a wrong time to do that.”

The Portland Business Alliance, which represents many employers in the city, appealed to the City Council to delay passing the ordinance.

“We strongly agree with the goal,” said the business group’s lobbyist Marion Haynes. But first the city should see if the state law works well, she said.

But the arguments for a stronger measure proved more compelling to the City Council.

Color crisis

“We know the playing field is not level for people of color,” testified Nkenge Harmon Johnson, president and CEO of the Urban League of Portland.

Blacks are six times more likely to be incarcerated than whites in Oregon, Harmon Johnson said. Citing findings in the newly released 2015 State of Black Oregon, she said the unemployment rate for black Portlanders is 21 percent.

When the overall unemployment rate in Portland was 11 percent after the Great Recession hit, she said, “that was considered a crisis.”

Perhaps the most jarring data emerged from studies by the Council of State Governments and others showing outright racial discrimination in hiring practices.

“White men with a criminal record had more positive responses from employers than black men with no criminal records,” Harmon Johnson said.

Studies also show that ex-convicts are less likely to wind up back in prison if they get gainful employment.

It's for that reason that the city ordinance, contrary to what some may conclude, argues: "Employing people with criminal histories also improves public safety."

"It's very meaningful for people to know they have a chance," said Mikal Shabazz, director of the Oregon Islamic Chaplains Organization, which provides services to prisoners and ex-convicts when they re-enter society.

The ordinance bars employers from considering past arrests when no conviction resulted, or crimes that were expunged from job candidates' records.

Many employers are exempted from having to follow the ordinance, including government agencies besides the city of Portland, public safety employers and businesses with five or fewer employees. Volunteer positions also are exempt.

Employers also are allowed to consider an applicant's criminal history at any point in the hiring process for positions involving direct services to children, the elderly, people with disabilities, people with mental illness, or substance abuse disorders.

The ordinance directs the city to negotiate a contract with the Oregon Bureau of Labor and Industries to handle enforcement. The agency, known as BOLI, enforces other employment-related discrimination issue in the state. Job applicants who think they suffered discrimination based on their criminal records could file complaints through BOLI.

The City Attorney's Office was directed to draft regulations that would provide more direction to employers on how the new law should work in practice. Those will come back to the City Council for approval.

The city also expects to do some outreach so employers know about the new ordinance and how the new personnel procedures must be handled.

The Portland Mercury

City Employees Now Get Parental Leave! Well, Most Of Them.

*By Dirk VanderHart
December 3, 2015*

Want a notion of how inconsistent the city's treatment of its own employees can be? Cue up the video of yesterday's Portland City Council meeting.

About an hour in, you'll see the council take up and pass a progressive policy most Portlanders can get behind: Qualified city employees now get six weeks of paid parental leave, available any time within one year of a new child's "birth, adoption, or placement." The suggestion was brought forward by Commissioner Amanda Fritz, who in 2013 also shepherded a city-wide paid sick leave policy through council.

As witnesses at yesterday's hearing noted, it's nowhere near as strong a policy as some European governments, or even some private employers in the US, offer. But the policy's being touted as a way to help job performance and making the city a more-attractive employer.

"This policy is good for families and kids and it's good for employers," Commissioner Nick Fish said at the hearing.

That good work stands in contrast to the beginning of yesterday's meeting, when Portland Parks and Recreation employees who work in Portland's public community centers filed in to plead with City Council for a raise.

As we report in this week's print edition, these so-called "casual" workers often make less than \$15 an hour—the absolute minimum a full-time city employee makes. They're also limited in how much they can work, and denied benefits (like the new parental leave policy Portland just passed).

The workers came to council yesterday bearing a petition, signed by more than 300 people, asking the city to offer an easier path for these workers to gain union protections—complete with higher wages and benefits.

They've got reason to hope, after Fritz and Mayor Charlie Hales said in October they'd both support such a plan. And the workers made a compelling argument.

Sarah Kowaleski, an employee at Multnomah Arts Center has testified before council before, explaining that she relies on food stamps to get by. She returned yesterday. "I not only connect the public with social services, but I need them myself," Kowaleski said. "I have years of service to the city and years of empty cupboards."

Will Zeigler, another casual employee who's confined to a wheelchair, described the "overwhelming" expenses he's incurred without benefits.

"I've spent my life in and out of medical debt," he said. "We have the chance to tackle a large problem that has been around as long as most can remember."

The workers are pushing for city council to introduce a policy by December 16 that would voluntarily acknowledge many casual recreation workers as fitting into existing labor contract with the union Laborers' Local 483, which already represents a segment of recreation employees.

That demand has created difficulties in the union's existing bargaining with the city. The union's pushing for a firm policy before that bargaining wraps up, but the city's Bureau of Human Resources says it'll have to wait.

"I can guarantee the council is in favor of non-represented employees having representation," HR Director Anna Kanwit tells the Mercury. But she argues it's too early to say how that should be done, and that more groundwork needs to be laid before the recreational workers see the benefits city council's been happy to bestow on the rest of its employees.

That's not an argument that's likely to be palatable to the union, which has accused Kanwit of "backtracking."

For his part, Hales offered no assurances on Wednesday he was ready to act. He thanked the workers for showing up, and moved on to other business.