

The Oregonian

Arts tax: Portland doesn't want to disclose who pays

*By Brad Schmidt
February 22, 2016*

Call it Portland Confidential: The Arts Tax Edition.

City officials no longer want the public to know who pays the much-maligned arts tax and have proposed changes that may keep taxpayers' identities secret. Although Portland has released taxpayers' names since implementing the tax in 2012, officials now say such disclosures are unreasonable.

The proposal heads to the City Council for consideration Wednesday. It's not slated for any public discussion.

That's because the change -- from Mayor Charlie Hales' Office of Management & Finance -- has been placed on the City Council's "consent agenda," which is supposed to include only routine, non-controversial matters.

The arts tax has been anything but.

The \$35 tax, approved by voters in 2012, has been plagued by problems. Most notably, it's failed to generate the expected revenue, in large part because tens of thousands of Portlanders haven't paid, according to a 2015 city audit. What's more, administrative expenses have been higher than expected -- and city officials aren't even tracking full costs.

The rules for the tax, as currently written, require the city to release the names and addresses for any person who has paid the tax. Last year, the city released such information, and Willamette Week published the list online.

The Oregonian/OregonLive later requested a full database including not only taxpayers who paid the tax but also those who received arts-tax notices from the city or who had been assessed a late fee.

The city refused to release the records, arguing that disclosing names in the database would constitute an unreasonable invasion of privacy. The Oregonian/OregonLive appealed to the Multnomah County District Attorney, who ordered release of the database.

"As the city has already released the names and addresses of those Portland residents who paid the Arts Tax, it would be logically incongruous to conclude that disclosure of names and addresses in themselves is an unreasonable invasion of privacy," District Attorney Rod Underhill ruled.

The city never provided the records. Instead, officials said providing the database would require 20 hours of work that would only be completed if The Oregonian/OregonLive paid an estimated \$1,208.

And now, more than three years after the City Council required that names and addresses of taxpayers should be publicly disclosed, officials want to keep that information secret.

"In the case of an income tax, releasing names and addresses of taxpayers is not a reasonable expectation that taxpayers have," the City Council ordinance reads. "As such, names and

addresses of taxpayers who have paid the Arts Tax should remain confidential to the extent the law allows."

The City Council is scheduled to vote on the change March 2. Officials are also being asked to rewrite rules to ensure two charter schools receive money from the arts tax.

Portland's toxic hotspots discovered as an after-thought

*By Fedor Zarkhin
February 20, 2016*

Two U.S. Forest Service researchers had an ambitious plan in 2012, new in its scope.

They wanted to test an entire city for the kind of air pollution that comes from smoke and exhaust. The goal? To see if trees sponge up pollution.

They think their results proved that. But what they also learned along the way was something completely unrelated to either trees or car exhaust, leading to discoveries about two glass manufacturers that are roiling Portland four years later.

The research showed, for the first time, where cancer-causing cadmium was concentrated around the city. State environmental regulators have been under fire ever since making results public Feb. 3, eight months after learning about the scientists' discovery from the forest service.

Now, in addition to shaking up the local regulatory environment overnight, the pair's unusual approach is poised to revolutionize the way we pinpoint and curtail toxic air polluters nationally.

It started because the two researchers needed data on pollution spanning the entire city. The cheapest way to do that was to enlist the help of a little green helper: *Orthotrichum lyelli*, a moss with star-shaped leaves that often grows on trees.

Moss absorbs whatever's in the air and water and stores it inside its cells and on its surface, Sarah Jovan, one of the researchers, said. It doesn't have roots, which means whatever you find in it didn't come from the soil. And the stuff grows everywhere there are trees, she said, allowing Jovan, a research ecologist with a Ph.D from Oregon State University and Geoffrey Donovan, a research forester with a Ph.D from Colorado State University, to collect it from all around the city.

It was hard work. For about two and a half weeks in December, 2013, Jovan and Donovan got up by sunrise. Donovan drove and Jovan gave directions, as they circled the city from randomly selected address to randomly selected address: 346 in all.

They put on gloves and climbed up a ladder they had strapped to the back of the teal government van. Perched high on each tree trunk, they carefully removed about two handfuls of moss, if it was dry, and about 10 times as much if it was wet.

"After about your twentieth one, you're bored," Jovan said.

It took about an hour and a half of cleaning per batch to get rid of the dirt and insects and prepare it for lab testing. They then sent the batches to a lab, which ground the moss samples, broke them down with acid, and tested for pollutants.

The study was focused on the pollutant polycyclic aromatic hydrocarbons emitted from cars and wood smoke.

But on top of testing for that chemical, Jovan wanted to have the moss screened for heavy metals, too.

Donovan wasn't hot on the idea and needed convincing, he said. The metals testing wasn't part of the main project, he said. But the low cost of the analysis sealed the deal. At \$50 dollars per sample to test 25 metals, it was a bargain, Donovan said.

Analyzing samples from locations all over the city cost \$20,000 compared to \$150,000 for a single air monitor in one spot.

Jovan wrote an email telling a Department of Environmental Quality official that they were going to analyze heavy metal concentrations in the city. She got a phone call within five minutes from an official who said there was a "cadmium mystery" that the agency would like solved.

State and city officials have known for more than a decade that Portland had high levels of cadmium, but they didn't know where it was coming from. State regulators have only a few air monitors in the city, not enough to pinpoint the specific sources.

The scientists noted the state environmental agency's interest in the data and went to work.

After the test results came back from the lab, there was still a long road ahead before Jovan and Donovan could turn them into research they could use. That's why Jovan said she thinks it hadn't been done before. Scientists have known since the 1970s that moss is a good indicator of pollution, Jovan said, but nobody has used it to test detailed pollution across an entire city.

She and Donovan used the data to test their initial hypothesis about trees acting as pollution sponges. They compared the area of tree cover in each sector with the amount of soot-related pollution in the moss. Indeed, more trees were associated with less car pollution.

They started working on a paper.

But first, they thought they would see what the rest of the lab results showed for heavy metals.

The researchers wanted to see if trees did the same thing to metals as they did to the pollutant emitted with car exhaust.

Part of the analysis, a "secondary goal," was to make a map. They started with cadmium because of the Department of Environmental Quality's interest in identifying a source of emissions for the metal in Portland's area, Jovan said.

It turned out trees do not absorb cadmium. But what Jovan and Donovan discovered by making the map shocked them much more than that finding.

There are facilities that use cadmium in the city in Northwest Portland and in North Portland. They expected hot spots to be confined to those areas. Instead, they saw them in Southeast and near the east end of the Fremont Bridge.

"Both of us felt really distressed," Jovan said. "It looked serious."

At that point, they said, they decided they had little choice but to tell the Department of Environmental Quality. That was in May 2015.

The department went on to confirm the findings in moss with air monitors in October, which allowed Jovan and Donovan to confirm that their moss data was accurate. The department asked two glass manufacturers near the hotspots to stop using cadmium and ultimately some other heavy metals, which they did.

The director since then has promised to change state rules overseeing air toxics, and U.S. Sen. Ron Wyden said the federal environmental protection agency is working on fixing a loophole that allowed the two stained-glass manufacturing companies to freely emit heavy metals.

State officials say they continue to gather soil samples to more firmly establish the risk level in brightly colored areas of Jovan and Donovan's maps.

Such hot spots in Portland exist for hazardous metals other than cadmium, including arsenic, lead and nickel, as shown on new maps released by the environmental quality department.

For Donovan and Jovan, the best part about what happened is that they were able to help people.

To do research that changes lives is "The ultimate thing you can hope to do with your time," Jovan said.

And the two are already scheduled to do more research along the same lines.

They said their technique can be used anywhere moss or lichen grows.

A children's hospital in Cincinnati has been getting kids with high levels of cadmium and mercury in their systems. So the two – with assistants, this time – will collect lichen from across the city to see where it might be coming from.

East Portland parks projects to open in 2017, budgeted at \$20 million

*By Brad Schmidt
February 19, 2016*

Although Portland's budget for building two new parks in east Portland has jumped from \$12.4 million to \$20 million, parks officials say they don't expect any new increases when construction begins later this year.

In 2014, Commissioner Amanda Fritz announced that the Portland Parks Bureau would build projects in two underserved areas, the Argay neighborhood and the Gateway district.

The Gateway park began with a total budget of \$4.7 million estimate. The full cost is now projected at \$8.2 million.

The park in Portland's Argay neighborhood – formerly known as Beech Park – began with a total budget \$7.7 million. The full cost is now estimated at \$11.8 million.

The Oregonian/OregonLive previously highlighted those growing costs in October 2014. Earlier today, The Oregonian/OregonLive incorrectly listed the overall budget for both parks based on a 2017 budget submitted by the Portland Parks Bureau. The park bureau's budget didn't include the correct estimates.

The newspaper also noted that parks officials in a recent press release highlighted only construction costs and not full project costs.

Last month, city officials said construction costs are projected at \$7.8 million for the newly named Loowit View Park while construction at Gateway Discovery Park is estimated at \$5.2 million. That's \$100,000 more than anticipated in October 2014.

Jennifer Yocom, a spokeswoman for the bureau, said the city is highlighting total construction costs of \$13 million – rather than the total \$20 million budget – because the construction costs are the newest estimates available and the full budget has not changed.

"Our goal is to always come in under budget," she said.

Although the city maintains websites for both park projects, neither budget is online.

Early estimates can often prove woefully low because the city lacks detailed design work and construction documents. As an example, the city originally budgeted \$5.7 million to build the South Waterfront Greenway but the final project came in at \$15.1 million.

Fritz's 2014 decision to develop two parks in east Portland came a few months after The Oregonian/OregonLive emphasized disparities in the area. The newspaper specifically highlighted 16-acre Beech Park, a weed-covered property that the city left undeveloped since acquiring it in 1984.

When complete, the two projects are estimated to serve about 1,800 households that don't currently have easy access to parks.

"These two new parks represent a significant step in addressing historic inequities in park facilities in east Portland," Fritz said in last month's press release.

"All over Portland, people are telling me, 'Provide parks for people who don't have one.' There are inequities in every neighborhood, and insufficient resources to correct them all. Loowit View Park and Gateway Discovery Park continue the City's determination to correct the disparities in east Portland."

Construction on the Gateway project is expected to end in March 2017 and the Loowit project should wrap up in June 2017.

The Portland Tribune

City and county considering shift in homeless, affordable housing services

*By Jim Redden
February 19, 2016*

Portland and Multnomah County leaders are considering a fundamental realignment in how homeless and affordable housing services are provided.

The change would put the county fully in charge of homeless services and the city in charge of providing affordable housing. The discussions are happening after both the city and county have declared housing states of emergency, and the City Council has been criticized for sanctioning an increase in homeless camping.

The changes are outlined in a Feb. 18 letter from Commissioner Dan Saltzman, who is in charge of the Portland Housing Bureau (PHB), and County Chair Deborah Kafoury to members of A Home for Everyone, a partnership of Portland, Gresham, Multnomah County and Home Forward, the former Portland Housing Authority.

The letter says a study group has recommended the creation of "a Joint City-Council Office of Homeless Services, hosted at Multnomah County, reporting directly to the Multnomah County Chair and closely aligned with the Portland Housing Commissioner, that brings together the homeless services staff currently at PHB and DCHS (the Multnomah County Department of Human Services)."

Mayor Charlie Hales alluded to the discussions during Thursday's hearing on relocating the Right 2 Dream Too homeless camp from Chinatown to Southeast Portland.

"Based on this initial staff assessment, we have convened a steering committee of key City and County staff to work out the legal, administrative and budgetary dimensions of a potential consolidation. That steering committee began meeting last week," the letter says.

You can read the letter here.

The approach outlined in the letter appears to contradict the one recommended by Lloyd Pendleton, a retired Ford Motors executive who chaired the Utah Homeless Task Force credited with cutting chronic homelessness in that state by 91 percent.

Speaking to the Portland Business Alliance at its monthly breakfast forum on Nov. 18, 2014, Pendleton said a single statewide elected official like a governor needs to take personally responsibility for ending homelessness and bring both locally elected officials and business leaders together in the effort.

A previous Portland Tribune story on the issue can be read at <http://www.pamplinmedia.com/pt/9-news/282352-158344-more-emergency-beds-needed-for-homeless>.

Hales, Kafoury demand state action on air pollution

By Jim Redden

February 19, 2016

Mayor Charlie Hales and Multnomah County Chair Deborah Kafoury are promising to consider creating a metropolitan-area regional air pollution authority if the State of Oregon does not promptly address the problems raised by the discovery of heavy metals in the air in Southeast and North Portland.

In a Feb. 18 letter to Oregon Gov. Kate Brown, Hales and Kafoury said such a local authority is allowed by state law. The letter says the Oregon Department of Environmental Quality has long been aware of the pollution and needs to act now.

"The recent discovery of dangerously high concentrations of cadmium, arsenic and other toxic heavy metals in Portland-metropolitan area neighborhoods is a cause of serious concern. What is even more disconcerting is that the presence of these metals and other air toxics in the Portland area has been recognized and well-documented by the Oregon Department of

Environmental Quality (DEQ) for many years, but no action has been taken to curb these dangerous emissions," reads the letter.

You can read the letter at www.portlandoregon.gov/mayor/article/565561.

In their letter, Hales and Kafoury said they will postpone creating the authority if the state takes the following steps:

- Immediate rule making and strategies.
- Revise the Oregon State Air Toxics Program.
- Create a statewide action plan for diesel emissions.
- Provide adequate funding.
- Establish a clear timeline.

"The protection of public health must be the paramount mission of the Oregon State Air Toxics Program. What is needed today is continued strong leadership from your office and the Oregon Legislature and, as local government leaders, we will stand shoulder to shoulder with the state to ensure our community is protected. We all need to breathe, and breathing clean air is a fundamental right for all," the letter concludes.

The Oregon House Energy & Environment Committee will hold an Air Quality Information Session at 8 a.m. on Tuesday, Feb. 23, at the State Capitol in Salem.

You can read a previous Portland Tribune story on the issue at www.pamplinmedia.com/pt/9-news/293746-171185-second-air-pollution-meeting-set-in-north-portland.

The Portland Mercury

Right 2 Dream Too's Fate Is Delayed... Again

By Dirk VanderHart

February 18, 2016

There were persistent questions from Commissioner Nick Fish. There were nagging concerns from Commissioner Dan Saltzman. But in the end it was Commissioner Steve Novick—hands down the city council's most silent member, Wednesday, on the question of whether to move Right 2 Dream Too—who put the kibosh on a long-sought denouement for the saga around the respected homeless camp.

As the clock ticked down on a four-hour hearing that seemed to encompass all of the praise and heartburn we've heard about R2DToo in its four-plus years, Novick signaled that he wasn't quite ready to make a decision about the rest area's fate.

"I would feel more comfortable if we waited on a vote," he said, effectively hitting the emergency brake on a freight train. "There are some conversations I would like to have with staff."

The revelation clearly came as a surprise to Mayor Charlie Hales and Commissioner Amanda Fritz, the council's biggest advocates for moving Right 2 Dream Too from beneath downtown's Chinatown gate to an industrial plot near the east end of Tilikum Crossing. They were busy

pushing last minute tweaks to appease Saltzman, and fending off concerns from Fish, who has questions about how the city will ensure people staying at R2DToo are moved into transitional housing.

Hales had just impressed on his colleagues that "it's time to decide on whether we're going to go forward on this."

But Novick insisted. He wouldn't say after the meeting what his questions are, or whether he'd have voted against the move if Hales forced a vote. Neither would Fish.

So a move that's been in the works for years—well before Pearl District developers scuttled the last attempt to get R2DToo a new piece of land in 2013—will have to wait until next week to get a shot.

As to the rest of the hearing, it's everything we'd come to expect from this debate.

"I am incredibly impressed with what they do and how they do it," Central Eastside Industrial Council President Brad Malsin told council, before laying out a variety of reasons why the camp shouldn't be allowed to inhabit the property. He wasn't alone. Time and again, opponents of the move prefaced their testimony with a pledge that they're sympathetic to the R2DToo's need for a home, then offered up arguments for why this move wouldn't work.

Looming large among those arguments: That East Side Plating, a business adjacent to the proposed site, handles corrosive materials that require specialized handling and detailed plans for evacuation should anything go wrong. The company brought a whole band of employees to the hearing to testify about the peril homeless people would experience sleeping next door to their workplace.

Another argument: That City Hall is perverting its own zoning rules by allowing the move. As we've noted, a city opinion has found that R2DToo is a community service under zoning law. But conveniently, the opinion found the camp is neither "short-term housing" nor a "mass shelter"—neither of which would be allowed in the industrial area. Instead, the city's Bureau of Development Services decided R2DToo is a miscellaneous type of community service, and allowed.

"This will open up this type housing as an allowed use in industrial zones all throughout the city," Marion Haynes, of the Portland Business Alliance, said near the end of the hearing.

The opposition clearly rankled homeless advocates, some of who stated the obvious: There are already plenty of homeless people in the Central Eastside. The contemplated move would merely bring a well-respected model for assisting them into the neighborhood.

"Why you playing like you concerned about us now?" R2DToo co-founder Ibrahim Mubarak testified, addressing local businesses. "Trying to ridicule us and say how bad and nasty and ugly we are. We're doing the things we need to do to become productive, while you keep putting the negativity on us."

Throughout, though, city council's approval of the move seemed like a foregone conclusion. Some opponents even testified about next steps the city should take, once it was approved. And the council had had no trouble agreeing on whether to vacate a tiny portion of SE Harrison that bisects the proposed camp site.

But something along the way had unsettled Novick. Now R2DToo's fate will have to be decided next week.

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Portland City Council set to consider greater tree protections

By Garrett Andrews

February 19, 2016

Following several well-publicized demonstrations last year, the Portland City Council will consider further protections for trees.

The city's Urban Forestry Commission and Planning and Sustainability Commission are forwarding separate versions of a similar plan to amend Title 11, the section of Portland's code of ordinances titled "Trees." Both plans would do three things: protect more trees, raise fine amounts so that older trees are more expensive to remove, and require notification be given to neighbors when trees of a certain size are being targeted for removal.

Last fall, protesters pitched camp in several century-old Douglas fir and sequoia trees in Southeast Portland to keep them from being cut down to accommodate development.

The council will hold a hearing on the proposed amendments at 2 p.m. on March 3 at council chambers at City Hall.