

The Oregonian

Good governance, not personal insult, behind proposal to tighten city's lobbying law: Editorial Agenda 2016

By The Oregonian Editorial Board

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You would think that the city of Portland itself was under attack by the aggressive defense that Portland Mayor Charlie Hales and Commissioner Dan Saltzman mounted at a City Council meeting last week.

But no, the topic under hot debate was the future employment prospects of elected officials, bureau heads and officials' at-will employees once they leave the city payroll. Both Hales and Saltzman eviscerated a proposal by the city auditor's office that seeks to dramatically slow the revolving door through which city employees can become lobbyists.

It's not just Hales' and Saltzman's actual objections that are worth noting, but the manner in which they objected – with disdain, sarcasm and flashes of anger. While they primarily targeted the auditor and the city elections officer who runs the lobbyist reporting program, Saltzman also pounced on a representative of The League of Women Voters who came to testify in support of the proposal. Debbie Aiona made reference to the importance of the city's lobbying restrictions for increasing the public's comfort with meetings that take place "behind closed doors," prompting an uncharacteristic attack by Saltzman for her use of a phrase that, he said, "contributes to the low esteem held by elected officials."

So just what about these recommendations are so objectionable?

They're tougher, certainly, for high-level city employees. Currently, the city of Portland requires all former employees who take a new job to wait a year before lobbying city officials on topics over which they were "personally and substantially" involved, an undefined and difficult-to-enforce standard. The new proposal would target only bureau directors, elected officials and officials' at-will employees, but would expand the restrictions. Anyone in that group who leaves the city's employment would have to sit out a two-year "cooling-off" period in which they are barred from lobbying their former colleagues on any city topic, not just those they personally worked on.

Several other cities have similar bans, according to Deborah Scroggin, the elections officer who researched model practices to update the city's lobbying laws and to address employees' confusion over what is and is not allowed.

But rather than focus on ways the proposal may need fine-tuning, as other commissioners did, Hales and Saltzman misstated its reach and challenged the entire idea as if it were meant to personally offend them.

Hales was quick to declare that he has no plans to lobby the city once he leaves office, perhaps ever. But rather than consider the points that Scroggin made, he chose to question why the city created its own lobbying registration guidelines in 2005 in the first place. "We are the cleanest

place in America when it comes to politics here in the Northwest," he declared, lecturing Scroggin that he has "a context that frankly you don't have, because I know I'm old enough that in 1979 you weren't doing this work."

Sure, Scroggin wasn't around then. But you don't have to be a longtimer to know that Northwest politics has its own ethics issues. Just in the past two years, Oregon's governor resigned amid a federal investigation, a Portland parking manager was sentenced to federal prison for accepting bribes and Hales himself had a slip-up by failing to note on his calendar, as city code requires, a December 2014 meeting he and Commissioner Steve Novick had with an Uber lobbyist.

Hales also derided the idea that adopting such restrictions helps guard against the appearance of impropriety by public officials, scoffing that "newspapers are about appearances" and "laws are about what's right and wrong."

But as Kate Titus of Common Cause noted at the meeting, the public's view of what's going on in city politics may be entirely different from the view that those in the City Hall bubble have. If Saltzman is concerned about the low opinion the public may have, he might consider that pummeling these kinds of proposals rather than consider improvements could contribute to that.

Appearances do matter to those outside City Hall who don't see the fairness in why commissioners might make the decisions that they do, whether it's giving millions in grants to organizations without vetting them against competitors, or reversing course on allowing Uber to operate in the city after privately meeting with Uber's lobbyist. Setting out clear rules with defined boundaries helps both the public and employees easily understand the dividing line between public service and private interest, as Aiona noted.

Unfortunately, Hales and Saltzman seem to view the proposals as personal insults, unable to separate the responsibilities and expectations of the office from the identity of the person holding it. That blurring of public and private is exactly why such rules are in place.

Willamette Week

Portland's Housing Push Spares Low-Density Islands. Should It?

*By Beth Slovic
April 19, 2016*

At the corner of Southeast Division Street and 23rd Avenue sits 5,000 square feet of grass that could help solve Portland's housing crunch.

The vacant lot, owned by a California contractor, sits three blocks from a New Seasons, along one of Portland's rapidly changing streets—a corridor that has seen hundreds of new rental units.

That change still isn't keeping pace with a wave of new residents: The city's rents keep rising, in part because the rental vacancy rate is still just 3.1 percent and the number of homes for sale is at record lows. This patch of grass could be used to add dozens of rental units, easing the shortfall.

But it won't.

Portland city planners have designated this lot for lower-density housing, meaning the five planned attached homes are all that's allowed. And the city's comprehensive plan, which directs Portland's growth for the next 20 years, will keep it that way, failing to address a checkerboard of zoning regulations that change from one property to the next, even on the same block.

"I don't know if waste is the right word," says Doug Klotz, a Southeast Portland activist who pushes sustainable development. "But it's an under-utilization of valuable inner-city property near transit and shopping."

People are not going to stop moving to Portland, so the big question is how to meet demand.

Few subjects seem as dull as the comprehensive plan, a massive policy document. But few city documents have as much potential to shape the housing supply as advocates for affordability spar with residents who don't want change.

Housing advocates say planners are ignoring a potential solution by not attempting a large-scale change in zoning rules, which determine how large new buildings can be. (This week, the Portland City Club announced it supports rezoning single-family neighborhoods to allow duplexes and townhouses.)

"There's no reason we shouldn't be encouraging more higher-density use in this area," says Alan Kessler, a lawyer who sits on the board of the Richmond Neighborhood Association, located in a red-hot section of Southeast Portland bounded by Hawthorne and Powell boulevards and 28th and 52nd avenues. "These half measures are baking in some bad decisions."

Even as thoroughfares like Division, Hawthorne Boulevard and Belmont Street attract newcomers, development will proceed inconsistently because city planners have done little to address zoning regulations that alternate between residential and commercial. Division, Hawthorne and Belmont all have this patchwork zoning.

The effect of this is obvious at Hawthorne and 15th Avenue. To the west, a 30-unit apartment complex rose from the lot that used to contain the Langan Lounge. To the east, a low-slung Auto Body and Electric store sits next to a surface parking lot. That particular auto site will change under the comprehensive plan, but many others won't.

The alternating zones can create a desired effect, says Heather Flint Chatto, also of the Richmond association. It's what Flint Chatto, an urban planner, calls "pearls on a string," with development spaced between lower-density zones.

City officials are creating some additional commercial spots in Southeast Portland but don't want to incentivize tearing down smaller, existing structures that provide good housing. Eric

Engstrom, a chief planner for the city, says the plan was always intended to look at the big picture. "We didn't set a bar for ourselves to completely relook at each zoning line," he says.

Zoning regulations along particular streets, he says, will have to be re-examined later: "We're waiting for proposals to come from local areas."

But that's not likely. So far neighbors are largely OK with the patchwork, more the result of historic accidents than deliberate policies. Some fear an oversupply of storefronts during economic downturns. "You end up with empty windows that sit there during recessions," says Linda Nettekoven, a longtime Southeast Portland activist.

Tenants' advocates say Portland leaders must reconsider zoning rules if they want to address housing affordability in the long term. It's one small component of Portland's housing dilemma, says Justin Buri, executive director of the Community Alliance of Tenants.

"Zoning is one piece of the puzzle," he says, "and it's something we need to look at as we search for long-term solutions."

Murmurs: Public Campaign Financing Making a Comeback in Portland City Hall

By Aaron Mesh

April 19, 2016

Amanda Fritz Aims to Revive "Voter-Owned" Elections

One of Portland's more controversial programs may soon return. City Commissioner Amanda Fritz is holding meetings about resurrecting a version of Portland's short-lived public campaign finance system, according to new lobbying reports filed with the city auditor on April 15. The Portland City Council first approved public financing for council election campaigns in 2005, giving \$145,000 to candidates who collected 1,000 signatures and \$5 pledges. After several high-profile abuses, voters narrowly rejected the system when it was put to a popular vote in 2010. Fritz vowed in 2013 to try again. Fritz's office declined to discuss her new plan, saying a proposal won't be ready until the end of the month.

The Portland Mercury

Hall Monitor: Idling Threats

By Dirk VanderHart

April 20, 2016

JANA JARVIS, president of Oregon Trucking Associations, Inc., keeps a recording on her phone. She'll play it for you if you ask.

The file is a voicemail message City Commissioner Steve Novick recently left for one of her coworkers. In it, an audibly piqued Novick says he could persuade voters to tax truckers more than \$30 million a year to pay for Portland streets, if a 10-cent-per-gallon gas tax on the May 17 ballot fails. The money's got to come from somewhere, the commissioner suggests.

"I was threatened," Jarvis said recently.

Well. Kind of.

Novick's message was a response to a fundraising plea Jarvis' lobbying group sent out to members this month. The email argued that if truckers defeat the gas tax—which would apply to lighter vehicles only—then Portland City Hall would be unable, as a matter of fairness, to force truckers to pony up for road repairs as planned.

"I am even more convinced that the only way to stop this nonsense is, in fact, to kill the gas tax," Jarvis wrote in the email.

As it stands, truckers will likely pay a small fraction of money officials are seeking for road repairs. The four-year gas tax Portlanders will vote on next month would raise roughly \$16 million a year. The city's been looking at ways to rake in around \$2.5 million year on top of that from heavy trucks (26,000 pounds and up), which can wreak havoc on city streets.

So Jarvis' email set Novick off. In his voicemail, the commissioner said he'd have little trouble getting voters to enact a 15-cent-per-gallon tax on bulk diesel sales—a so-called "load-fee" that had been one of the options for getting money from trucks. That's roughly 1,400 percent higher than the city had proposed, and could've meant a \$1,500 charge for city coffers every time a tanker truck filled up in Portland. It could also have raised more than \$30 million a year.

Novick suggested he didn't want to do that—"I'm trying to be fair here"—but would if necessary.

I wanted to know if the voicemail was an idle threat. Novick, who's earned his share of battle scars pushing for roads money over the last two-and-a-half years, stood behind it.

"Any pollster would probably say voters are more likely to approve a tax on diesel, which most of them don't use, than on gas," he told me.

If he's forced to—on the heels of what would be just the latest in a decade-long string of failures to score millions for city streets—Novick says anything's on the table.

"I know there are objections, but we need to have something," Novick says.

That "something" will not be the 15-cent-per-gallon fee Novick threatened—at least not yet. On Tuesday afternoon, he unveiled a new "heavy vehicle use tax" proposal that would be more fair to truckers, and charge them about \$2.5 million a year for their damage to city streets—not \$30 million.

Don't expect that to sway the truckers, though. Threats or no, they don't want to pay Portland for its roads.

City Officials Want Truckers To Pay \$2.5 Million A Year For Street Upkeep. Here's How.

By Dirk VanderHart

April 19, 2016

As it works to convince you to institute a 10-cent gas tax on May 17, City Hall wants everyone to know it's not letting enormous trucks off for free.

Sure, those trucks wouldn't have to pay the tax, but now we've got our first look at how the city will look to make them pony up. The Portland Bureau of Transportation is circulating a proposal [PDF] for a "Portland Heavy Vehicle Use Tax" that would tack on an additional percentage to the state fees truckers already pay.

By taxing 2.8 percent of the weight-mile fee trucking outfits pay the state for their abuse of state roads, the city thinks it can pull in the \$2.5 million a year it says is heavy trucks' fair share of road repair. Taken in tandem with the gas tax on the ballot next month, the plan could result in \$18.5 million a year targeted to city streets in the next four years—a fraction of Portland's estimated need for road repairs, but also the most progress Portland's seen toward corralling more cash for transportation in a decade or more.

Even if the gas tax fails, PBOT says, the business tax plan will move forward. Truckers have said they oppose it.

The proposed heavy vehicle tax is one of several plans for taxing truckers the city has considered. We reported earlier this year on a proposed fee on tanker trucks as they picked up bulk shipments of diesel at Northwest Portland tanker farms.

Instead, Portland Transportation Commissioner Steve Novick has settled on a plan widely considered more fair (the load fee would have effectively taxed diesel customers around the state). The city plans to append the tax to the business license tax it already charges for the right to deliver products by truck within Portland city limits.

"The heavy vehicle use tax can be applied to businesses based in Portland and to businesses that ship to Portland addresses," reads a fact sheet about the proposal.

To calculate the tax, the city says it will charge businesses 2.8 percent of the weight-mile tax they pay to the State of Oregon for highway upkeep. So if that annual state tax is \$10,000, the city says, an additional \$280 would come to PBOT.

"Due to the fact that a relatively small number of businesses account for most of the heavy truck activity and therefore most of the costs associated with heavy trucks, most businesses will pay a relatively small amount," the fact sheet says. "On the flip side, a handful of very large trucking businesses will pay more based on their volume of trucking activity."

One potential issue with this proposal: There are a decent amount of scofflaws out there who don't pay for Portland business licenses even though they make truck deliveries in town. That's according to Jana Jarvis, president of Oregon Trucking Associations, Inc. In a recent email to

members about the city's proposal, Jarvis noted: "Many of you may not be paying this tax today, as the evasion rate is high."

The city seems to think that its new tax will change that. "Many in the trucking industry believe that establishing this program will increase the number of businesses that should be paying this fee," the city's fact sheet says.

Portland City Council will take up the new tax May 4, according to PBOT spokesperson John Brady. It doesn't require a vote of the people to go into law, he says.