

## The Oregonian

# Political consultants must disclose clients under new Portland rule

*By Brad Schmidt*

*April 21, 2016*

The sometimes-murky relationship between political consultants and Portland politicians will come into sharper focus under new regulations approved Wednesday by the City Council.

New rules, to begin Sept. 1, will require political consultants to register with the city if they advise members of the City Council or Portland's elected auditor. Elected officials also will be required to disclose the consultants who give them advice.

Violations could result in fines up to \$1,000.

"We are, as a city, committed to open, transparent and accountable government," said Commissioner Nick Fish, who proposed the rules. "This goes to a basic principle that people have a right to know who is influencing important decisions that we make."

But the new regulations don't prohibit consultants from lobbying the clients they help elect to – or keep in – City Hall. Mayoral candidate Ted Wheeler last year pledged to prevent such situations.

Meanwhile, much information about political consulting is already available through campaign-finance disclosures.

The issue became an early campaign topic because consultant Mark Wiener, who has advised Mayor Charlie Hales and commissioners Dan Saltzman and Steve Novick, lobbied on behalf of Uber. The City Council in 2015 later voted to allow Uber into Portland, with only Hales, Novick and Saltzman in support.

On Wednesday, the City Council voted 4-0 to accept Fish's new rules. Hales was excused on city business, attending a seminar in Denmark with U.S. Transportation Secretary Anthony Foxx.

Portland's new rules will require consultants and lobbyists to disclose when political service begins. But there isn't a requirement to reveal the topics or type of service provided.

Fish on Wednesday said he wished the rules went further but pointed to limitations under the free-speech provision of Oregon's constitution.

Fish also emphasized that the rules for reporting kick in on the provision of services -- not based on payment -- a distinction that should provide greater transparency.

He also noted that the rules apply specifically to consultants who are "primarily in the business of providing these [consulting] services."

"That's an important qualification that a number of advocacy groups sought that we make clear in the record," he said.

A separate proposal from Auditor Mary Hull Caballero is in limbo. Hull Caballero hoped to prevent key city officials from lobbying the city in the first two years after leaving government employment. But Hales and Saltzman poked at the proposal last week during a frequently-testy hearing.

Commissioner Amanda Fritz said Wednesday a new proposal may emerge with broad support.

## Portland sued over homeless camping

*By Brad Schmidt*

*April 20, 2016*

Portland's homelessness crisis hit a fevered pitch Wednesday as a new coalition sued the city and Mayor Charlie Hales, calling Hales' pro-camping policy an illegal abuse of power because the City Council never signed off.

The lawsuit asks a judge to end widespread tent camping and sidewalk sleeping that's been tolerated since Hales in February unilaterally authorized a new "safe sleep policy" as a six-month experiment.

If successful, the lawsuit would force the City Council to officially greenlight Hales' plan or revoke it in favor of a compromise that includes public participation and stricter enforcement of existing anti-camping laws.

"If this is an experiment, I think at this point we can call the experiment a failure," said attorney Paul Conable, a partner at Tonkon Torp who filed the lawsuit on behalf of seven neighborhood and business groups, including the Portland Business Alliance.

City officials declined to comment on the lawsuit, citing pending litigation. But Josh Alpert, Hales' chief of staff, previously said that Hales had the authority to allow tent camping and sidewalk sleeping because the mayor – not the City Council – oversees enforcement through the Police Bureau.

Read the lawsuit

The lawsuit is a remarkable event in the city's checkered history dealing with homelessness. In the past, civil-rights advocates have successfully sued Portland over unconstitutional sidewalk rules and anti-camping laws that didn't account for the belongings of homeless Portlanders.

But the enforcement pendulum began swinging last year when the City Council approved a housing emergency and camping became more prevalent. In December and January, police responded to two confirmed stabbings at homeless camps and last month a homeless man was shot at a Southeast Portland camp near a preschool.

Now, in a twist, Portland is being sued by business and neighborhood groups for essentially not enforcing the rules it does have.

"People shouldn't sleep on sidewalks," said Susan Steward, executive director of the Building Owners and Managers Association of Oregon, which is taking a lead role in the lawsuit. Steward

said the City Council needs a new solution that incorporates public feedback and considers safety.

"They need to listen to our input," she said. "We never even had the opportunity."

The list of plaintiffs – a coalition calling itself Safe & Livable Portland – includes groups directly impacted by Portland's new laissez-faire approach to camping enforcement.

On the downtown business front, it's the Portland Business Alliance, the Clean & Safe District and the building owners group.

Joining them are the Central Eastside Industrial Council, which is fighting the planned relocation of the Right 2 Dream Too homeless camp; the Overlook Neighborhood Association, home to the Hazelnut Grove homeless camp; the Pearl District Neighborhood Association, home of various campsites; and food-cart pod Cartlandia, located along the Springwater Corridor, a homeless haven.

Sandra McDonough, chief executive of the Portland Business Alliance, deferred to Steward and declined to comment Wednesday. Only the Overlook Neighborhood Association responded to requests to discuss the lawsuit.

Dannielle Herman, the association's chairwoman, said residents are frustrated by the city's slow pace to address the homeless situation, particularly at Hazelnut Grove. City officials planned to officially permit the camp -- with certain restrictions -- but neighborhood members haven't received any new information in about a month.

"Nobody at the table is feeling as though they are being validated and actually heard," said Herman, adding that she hopes the lawsuit lights a fire within the mayor's office.

At issue is Hales' new policy that allows overnight tent camping in select areas and sleeping along sidewalks. The City Council in October unanimously declared a housing emergency that zeroed in on the need for "adequate, safe, and habitable shelter."

Four months later, on Feb. 8, new camping rules were vetted during a City Council work session with no public testimony or vote. The discussion came after Hales' office had already directed police to stop enforcing rules prohibiting tents.

Hales said little during the work session but called the changes "the right model." He previously said the city should stop playing whack-a-mole by sweeping homeless Portlanders from one location to the next, except in situations where camping has an egregious impact on livability.

But the lawsuit argues that Hales' camping policy isn't sheltering more homeless Portlanders -- the intent of the declared emergency.

"This policy does nothing to move the city even one iota toward meeting those goals," said Conable, the plaintiff's attorney.

It also claims that Hales can't ignore existing city rules prohibiting tents without changing those laws -- an act that requires legislative approval by the City Council. Because Hales pushed the new policy unilaterally through his administration, the lawsuit contends, those changes technically aren't legal.

"He simply doesn't have the authority to do it," said Conable, who called Hales' move unprecedented.

The lawsuit also suggests that Portland's policy runs afoul of state law limiting the number of sanctioned homeless camps to two sites. The city's top attorney previously told The Oregonian/OregonLive that Portland isn't violating state law.

Portland has three well-known camps -- Right 2 Dream Too, Hazelnut Grove and Dignity Village, near the airport. Attorney Tracy Reeve last month said only one camp, Dignity Village, falls under the scope of state law and contended that Right 2 Dream Too is different because campers live in tents instead of yurts.

Conable said Tonkon Torp is charging less than \$100,000 to litigate the case for the business and neighborhood groups, although attorneys aren't expected to recoup their full cost.

The business owners group is the "predominate funder" of the lawsuit, according to a public relations firm retained by the Safe & Livable Portland coalition.

Conable said he expects the lawsuit to be heard by a Multnomah County judge within a month. It's not clear when a ruling will be issued.

## **Portland emergency bureau plans community meetings**

*By The Oregonian Editorial Board*

*April 20, 2016*

Portland emergency managers plan to hold meetings beginning this month throughout the city to talk about natural hazards and ideas to lessen their impact before earthquakes, floods, landslides or other events.

Six workshops about developing Portland's latest Natural Hazard Mitigation Plan are scheduled from April 23 through May 10. The plan is the city's strategy to lessen the negative effects of natural hazards. The current plan, published in 2010, expires this year, according to the city's website.

A steering committee through the city's Bureau of Emergency Management will release a copy of the new plan in July after the public meetings. Officials will then submit their finished work for review by the state in early September.

For more information, people can visit the bureau's website or email [NHMP@portlandoregon.gov](mailto:NHMP@portlandoregon.gov).

The workshops will be held:

Saturday, April 23, 10:30 a.m. to 1:30 p.m. at the Northeast Coalition of Neighborhoods office (4815 N.E. 7th Ave.)

Saturday, April 23, 2:30 to 5:30 p.m. at Lincoln High School (1600 S.W. Salmon St.)

Sunday, April 24, 2 to 5 p.m. at Sellwood Community Center (1436 S.E. Spokane St.)

- \* Saturday, April 30, 2:30 to 5:30 p.m. at Beach Elementary School (1710 N. Humboldt St.)
- \* Tuesday, May 3, 6:30 to 8:30 p.m. at Multnomah Arts Center (7688 S.W. Capitol Hwy.)
- \* Tuesday, May 10, 6:30 to 9 p.m. at David Douglas School District (1001 S.E. 135th Ave.)

## **Willamette Week**

### **Business and Neighborhood Groups Sue Portland Mayor Charlie Hales to Halt His New Homeless Camping Policy**

*By Aaron Mesh  
April 20, 2016*

A coalition of seven groups led by the Portland Business Alliance has sued the city of Portland and Mayor Charlie Hales over his decision in February to permit sleeping on Portland sidewalks.

The suit, filed Wednesday in Multnomah County Circuit Court, demands a judge issue an injunction against Hales' policy, which allows limited camping on sidewalks and city property.

The groups suing the city include the PBA, the Building Owners and Managers Association of Oregon, the Central Eastside Industrial Council, the Overlook Neighborhood Association, Pearl District Neighborhood Association, the division of the PBA known as Clean & Safe, and the owners of the Southeast 82nd Avenue food-cart pod Cartlandia.

The business groups argue that Hales lacks the authority to change the city's homeless camping policy. They say he needed a City Council vote and a change in state law.

"Further, the Mayor's Camping Policy is fundamentally a legislative action, but was accomplished not by a vote of the City Council, but instead by the Mayor's unilateral edict," the suit says. "The Mayor does not have the authority to command by fiat, and his Camping Policy violates State law limiting the number of camps that Oregon cities are permitted to authorize."