

The Oregonian

Portland heeds EPA's guidance to reduce lead in water

*By Brad Schmidt
December 3, 2016*

Under pressure to reduce lead in drinking water, the Portland Water Bureau on Friday agreed to increase pH levels and evaluate the effectiveness of related programs.

Now it's up to state regulators to sign off.

Portland submitted its plan to the Oregon Health Authority in response to heightened concerns over the city's persistently high lead levels. Portland has the highest reported lead levels of any major water provider nationally and recent testing of high-risk homes exceeded federal benchmarks.

The U.S. Environmental Protection Agency began pushing for changes and city officials responded Friday, largely following recommendations that had been previously outlined.

Most notably, the Water Bureau agreed to increase pH levels from 8 to 8.2, a move that may reduce the release of lead. Although Portland's water is considered to be lead free when it leaves the Bull Run, it's also corrosive enough to leach lead from in-home plumbing with lead solder or brass faucets with lead inside.

While other cities across the country took steps to minimize lead release, Portland didn't. City officials launched a program in 1997 to lightly treat water while focusing on other problems, such as lead paint in homes. Federal officials raised concerns but stood pat as state regulators approved the alternative effort, called the Lead Hazard Reduction Program.

The Oregonian/OregonLive recently investigated the effectiveness of that program, finding missed goals and documented shortcomings.

As part of its new plan, Portland says it will "expand outreach" for free water testing for vulnerable populations. And officials will "identify and implement potential improvements" to the city's effort to reduce lead paint risks inside homes.

State regulators, who have long defended Portland's program, pushed for changes under pressure from the EPA. Oregon Health Authority officials have previously said they don't know how long it will take to review Portland's plan before approving it.

The plan is supposed to offer short-term fixes. Portland is expected to build a new treatment plant by 2022 that would meet federal requirements to minimize lead levels.

City attorney wants to appeal judge's order for more hearings on police reforms

*By Maxine Bernstein
December 2, 2016*

The city plans to hire a consultant to help with talks in January between Portland police, city officials and residents on how best to form a new community group to oversee police reforms.

The city proposes to replace the nearly-defunct Community Oversight Advisory Board with a smaller group that wouldn't be subject to public meetings law.

The city created the original board as part of its settlement agreement with the U.S. Department of Justice after a 2012 federal investigation found police engaged in excessive force against people with mental illnesses. Investigators also found that police improperly used stun guns against suspects.

The agreement not only called for reforms to police training and policies, it required the city and police to enhance their outreach to the community, described as a "critical resource" to promote public safety. It also required the city to allow community members to provide independent oversight of the reforms.

A new group would consist of less than 20 members and mostly meet privately but hold periodic town hall gatherings in public, city attorney Tracy Reeve wrote in a document filed in federal court Friday. It would serve separately from the city-hired compliance officers, Chicago-based academics Dennis Rosenbaum and Amy Watson.

The new group would be responsible for "recommending systems for successful engagement between police and the community with a particular emphasis on racial equity and mental health," Reeve wrote.

But beyond that broad framework, no specific plans have been put in place to help the city comply with the settlement agreement's community engagement piece.

City attorneys also Friday submitted a resolution for a City Council vote to appeal U.S. District Judge Michael Simon's order that city officials, police and Justice officials return to his courtroom on Jan. 31 for an interim status conference on the city's compliance with the settlement agreement.

The city contends it agreed to hold only annual status conferences before Simon and that the judge can't schedule additional hearings. City officials also criticized public comments made at the last status conference that insulted city attorneys without censure from the judge.

"An individual who regularly disrupts (the Community Oversight Advisory Board) and other city meetings was permitted to speak and to impugn one of the city's attorneys, a black Haitian American woman based on her national origin without admonishment by the Court," Reeve wrote in the resolution that will go before the council Wednesday.

"The city is committed to active and meaningful public involvement in the development of a new Community Engagement Plan for PPB, and believes the continual status conferences before the Court will only detract from that work," Reeve wrote to the City Council.

The Albina Ministerial Alliance's coalition condemned the verbal attack that was directed against Deputy City Attorney Judy Prosper at the hearing.

But the coalition said it supports the judge's effort to hold additional sessions with public input and criticized the city for its delays.

"The AMA Coalition appreciates the Court's willingness to hear the voices of community members, many of whom have literally and figuratively been shut out from the city's plans and proposals relating to police reform," the coalition said in a statement.

It accused the city of "using this unfortunate incident to change the narrative and take the focus off of their non-compliance" with the community engagement requirement.

The coalition asked that Portland Mayor-elect Ted Wheeler, who takes office next month, reconsider the city's attempt to appeal the judge's order.

City Council to vote on reinstating fired police criminalist, paying him about \$83,000 in back wages

By Jim Ryan

December 2, 2016

The Portland City Council will vote next week on whether to approve a settlement reinstating a fired police criminalist and paying him about \$83,000 in back wages.

Criminalist Isaac Lackey was fired in December 2015 for policy violations including insubordination, disrespect and unauthorized absence from duty, according to the settlement agreement. Lackey would return to work and be paid for the regular hours he would have worked since his termination -- minus a 120-hour unpaid suspension.

The Portland Police Association, which represents rank-and-file officers, filed a grievance against the city on the day of Lackey's termination, claiming he was fired without just cause in violation of the collective bargaining agreement.

The city denied the grievance, the union moved it to arbitration and the parties eventually agreed on the settlement going before the City Council next week.

The agreement requires council approval because it includes more than \$5,000 in back pay, documents show.

Lackey would work under a two-year "last chance agreement." The police chief can extend that agreement for another year if Lackey has violations "of the type" involved in his current discipline: insubordination, unauthorized absence from duty and "outwardly showing disrespect for a supervisor or a supervisory order or directive."

The estimated \$83,000 in back wages would come from the Police Legal Defense fund. Lackey's reinstatement would be effective to the date he was fired: Dec. 23, 2015.

Lackey couldn't be reached for comment late Friday afternoon. The council is scheduled to vote on the agreement Wednesday.

Dan Saltzman wants a sixth term on Portland City Council

By Brad Schmidt

December 2, 2016

Portland Commissioner Dan Saltzman announced Friday his intention to seek a sixth term on the City Council.

The decision sets the stage for the May 2018 primary race and is an uncharacteristically early announcement for the politically coy Saltzman. The declaration may serve as an official warning to potential challengers emboldened by results from last month's election, when Portland's first incumbent since 1992 lost a re-election bid.

Saltzman, who turns 63 this month, has served on the City Council since 1999. If he wins re-election again, his sixth term would run through 2022, when he'd turn 69.

Saltzman's decision was first reported by Willamette Week. Known inside City Hall for taking long weekends, especially since building a beach home, Saltzman was out of the office Friday afternoon and unavailable for comment.

"I officially can confirm it," Brendan Finn, Saltzman's chief of staff, said of his re-election decision.

Over five terms, Saltzman has earned a reputation as a solid but sizzle-less manager. He's championed elderly and youth causes while serving as the City Council's financial conservative. He's overseen virtually every city bureau and is now responsible for housing, scoring a series of wins -- including a \$258.4 million bond measure. And when controversy or trouble springs up, he usually takes his lumps and moves on.

Saltzman, the son of a real estate developer, is independently wealthy. He reported about \$1.6 million in outside income in one annual disclosure statement, more than 10 times his salary as a city commissioner. While Saltzman at times has seemed disinterested in the job, he's seemingly been rejuvenated by his current assignments and appears eager to work with Mayor-elect Ted Wheeler, who takes office in January.

Saltzman has never been involved in a competitive re-election bid. Most recently, he waited until August 2013 to announce his re-election plans for May 2014, meaning Friday's announcement comes eight months ahead of schedule.

But times have changed at City Hall. The power of the incumbency took a hit this year when Commissioner Steve Novick lost to novice Chloe Eudaly.

Saltzman's announcement lets any would-be challenger know they'll need to take him on, as opposed to organizing under the assumption he might retire and leave a rare open seat.

Saltzman has served in office longer than anyone in recent history. But he's still a long way from the record: Commissioner William A. Bowes served 30 years until dying in office in 1969.

Commissioner Nick Fish is also up for re-election in May 2018. Asked whether he'll run again, Fish declined to directly comment but offered a smiley-faced emoji.

Former Portland Police Chief Larry O'Dea challenges charge in off-duty shooting of friend

By Maxine Bernstein

December 2, 2016

BURNS -- Former Portland Police Chief Larry O'Dea, who resigned in June and was later indicted for shooting a friend during an off-duty camping trip, is challenging the negligent wounding charge as unconstitutionally vague.

O'Dea's lawyer, Derek Ashton, appeared on the former chief's behalf in Harney County Circuit Court on Friday, a time that had been scheduled for O'Dea's arraignment.

Instead, Ashton filed a legal challenge to the indictment, arguing that it fails to "describe the nature of the crime alleged with sufficient particularity."

O'Dea, 54, is accused of "failing to use ordinary care" in shooting his friend Robert Dempsey on April 21, the indictment said.

camping outside Fields in Harney County and shooting at ground squirrels when O'Dea shot Dempsey in the back with his .22-caliber rifle. Dempsey was airlifted to a trauma hospital in Boise, Idaho, where he was treated and released, according to dispatch and sheriff's reports.

In the motion, Ashton argued that the negligent wounding statute is "too open-ended."

He also contended that the indictment against O'Dea -- and the pretrial evidence obtained from the Oregon Department of Justice -- doesn't explain how O'Dea allegedly acted negligently or failed to use "ordinary care under the circumstances," as the language of the statute sets out.

Circuit Judge William D. Cramer Jr. said he had expected O'Dea to be present for his arraignment but accepted Ashton standing in for the defendant as long as O'Dea comes to Harney County at least once to be booked and fingerprinted.

After the brief hearing, Ashton said O'Dea didn't accompany him to court because "he doesn't have to" when the charge is a Class B misdemeanor. O'Dea, however, intends to challenge the charge and plead not guilty if and when he is arraigned, Ashton told The Oregonian/OregonLive.

The judge gave the state until Dec. 11 to reply to O'Dea's legal challenge of the indictment. Oral arguments on the matter are set for Dec. 23, but the parties can choose to participate in the hearing by phone instead, the judge said.

O'Dea's challenge follows notices dated Nov. 21 that he sent to Harney County Sheriff Dave Ward, Harney County Deputy Sheriff Chris Nisbett, Oregon State Police and the Oregon Department of Justice of his intention to sue each person or agency, claiming they were responsible for "releasing false and defamatory statements to members of the media concerning Mr. O'Dea."

O'Dea and Portland Mayor Hales, who serves as police commissioner, kept the shooting out of the public eye for nearly a month until reporters questioned the bureau about it in May.

On May 20, the chief acknowledged, through a Portland police spokesman, that he had a "negligent discharge" of his rifle and shot his friend.

When a Harney County deputy responded to the 911 call after the shooting, O'Dea suggested the injury had been self-inflicted, according to sheriff's office reports. O'Dea told the deputy that his friend may have accidentally shot himself while putting his pistol in his shoulder holster while they were shooting squirrels, the reports show.

The deputy, according to his report, said he smelled alcohol on O'Dea's breath. O'Dea had told the deputy he didn't have his rifle in his hand at the time but was reaching for a drink out of a cooler and heard his friend scream. But O'Dea sometime later called Dempsey to apologize for shooting him.

After his release from the hospital, Dempsey was interviewed by the deputy and said O'Dea had been having trouble with his rifle all day, that it was jamming and misfiring.

Dempsey also told the deputy that O'Dea said he went back to his chair and when he picked up his rifle, it accidentally went off, according to the deputy's report.

After the shooting, Dempsey was "alert and breathing," according to dispatch records. He was driven to the Fields Station restaurant in Fields, where he was airlifted by LifeFlight helicopter to the closest trauma hospital, St. Alphonsus Regional Medical Center in Boise. Portland police said he was treated and released. He didn't require surgery for the wound to the lower left side of his back.

Sheriff Ward said in late May that O'Dea had never told the Harney County Sheriff's Office directly that he was responsible for the shooting.

Dempsey told the Sheriff's Office that O'Dea was Portland's police chief. The Sheriff's Office called in Oregon State Police and the state Justice Department to take over the criminal investigation.

O'Dea's lawyer earlier told The Oregonian/OregonLive that O'Dea "did not knowingly discharge a firearm in the direction of his lifelong friend." O'Dea also wasn't intoxicated or impaired by alcohol at the time of the shooting, Ashton said.

In his legal notice to the sheriff, state police and state Justice Department of his intent to sue, O'Dea said he believes they or "their agents" released a report alleging that O'Dea was impaired by alcohol, intoxicated "and/or showed visible signs of intoxication when he was interviewed by an investigator" after "the unintentional discharge of a firearm" occurred.

"Those allegations were and are false. Those allegations are defamatory," Ashton wrote in the claim. "The defamation is ongoing. Larry O'Dea has suffered and continues to suffer damages including, but not limited to, impairment of his reputation and standing in the community, personal humiliation, loss of employment and mental anguish and suffering."

Twelve people testified before the grand jury that returned the indictment against O'Dea, including Portland's police spokesman Sgt. Pete Simpson. Simpson, who responded to reporters' questions about the shooting in May, testified by video from Portland, according to the indictment. Dempsey and other friends who were with O'Dea on the trip also testified, including retired Portland police firearms instructor Steve Buchtel.

In October, the U.S. Department of Justice cited the failure to seek an immediate internal investigation of O'Dea's off-duty shooting as an example of the city's and Police Bureau's continuing struggle to hold officers accountable for misconduct.

Portland ready to plunk down \$51 million for affordable housing project

*By Brad Schmidt
December 2, 2016*

That didn't take long.

Although Portland city officials have yet to certify results from last month's election, they've already decided how to spend a big chunk of money from the newly approved \$258.4 million bond measure for affordable housing.

Next week, the City Council will be asked to approve up to \$51 million to buy a 263-unit apartment complex in Northeast Portland. Most of that money will come from the bond.

The complex, called The Ellington, has been part of the city's checkered history addressing affordable housing needs. City officials have now stepped in to lock in long-term affordability after past owners successfully avoided most requirements, despite a string of lawsuits.

The Portland Housing Bureau has agreed to pay \$47 million for the complex, with an additional \$4 million expected to cover closing costs and some initial repairs.

Portland's Guardian Real Estate Services, partnering with a California investment company, bought the property in 2006 for \$16.5 million.

City officials didn't obtain an appraisal before agreeing to buy the project, according to Kurt Creager, director of the Housing Bureau.

Creager said it's been past practice to obtain appraisals but suggested there's "no policy per se." He said three offers were submitted above \$45 million.

"With competitive offers in the same range of value, an appraisal would have been an unnecessary delay and an additional cost which was unwarranted," he said in an email Friday afternoon.

But about two hours later, Creager said an appraisal was ordered to "validate the price paid and to ensure transparency." He said the appraisal had been in the works before Friday, and his initial response to The Oregonian/OregonLive had been provided in haste.

"We do very much want the public to know and understand the value of scarce public resources invested in real property," he said.

The Housing Bureau plans to direct \$37 million from its housing bond toward the purchase, or about 14 percent of the total approved by voters. Additional money could come from a federally backed loan.

The Ellington is a sprawling complex on about 11 acres near Northeast 66th Avenue and Halsey Street. It includes 211 two-bedroom units and 40 three-bedroom units.

Since 1991, the project was supposed to be a home for low-income families thanks to its reliance on a tax-credit program. But state officials lifted those restrictions because of paperwork problems created by a past owner.

Several lawsuits ensued, resulting in an agreement last year to maintain affordability restrictions on 44 units.

Now, all the units will be affordable to families earning no more than 60 percent of the region's median. And nearly one-third of all the units will be set aside for families earning no more than 30 percent of the region's median.

"Acquiring this property will help us meet two goals of the Affordable Housing Bond - preventing displacement and providing much-needed deeply affordable housing for Portland families," Commissioner Dan Saltzman, who oversees the Housing Bureau, said in a statement. "We are grateful to Portland voters for giving us this essential resources to help stabilize more Portland families."

The Portland Tribune

Council to consider rezoning for higher density housing

*By Jim Redden
December 6, 2016*

The City Council will debate how much of Portland's existing single-family neighborhoods to rezone for higher densities on Wednesday.

That is when the council is scheduled to consider the recommendations prepared by the staff on the Residential Infill Project for the final time this year. The most controversial one would rezone nearly two-thirds of single-family neighborhoods to allow the construction of so-called missing middle housing, ranging from duplexes and cottage clusters

Many city residents are split over how much rezoning is necessary to create more housing options and accommodate the 123,000 new households expected here by 2035.

During three previous public hearings, supporters testified in favor of the rezoning proposal. They included members of the group Portland for Everyone, which is supported by the 1000

Friends of Oregon land use watchdog organization. But many homeowners and neighborhood activists said the proposal would destroy the character of existing neighborhoods without guaranteeing that the new housing will be affordable. They included members of the grassroots United Neighborhoods for Reform organization.

Under an unusual process, the council is expected to send the recommendations back to the Bureau of Planning and Sustainability — which staffed the project — with directions for how to draft them into City Code changes. They would be considered by the Planning and Sustainability Commission, which advises BPS, before returning to the council for final action.

Commissioner Steve Novick says he supports the recommendations and will advocate the staff proceed with few if any changes. The current recommendation would allow multi-family housing within one-quarter mile of designated urban centers, corridors with frequent bus service and high capacity transit, and in housing opportunity areas, such as near parks and schools.

"Some of my colleagues have asked whether that much of the city needs to be rezoned; I think there may need to be some clarification about that, so people understand it better," Novick says.

But Commissioner Nick Fish, who has questioned the size of the area proposed to be rezoned, thinks one-eighth mile might be more reasonable. He is also interested in testing the rezoning in just a few neighborhoods first.

"Commissioner Fish is concerned that the current report has not presented the council with enough implementation options to consider," says Fish assistant Jim Blackwood, who says his boss will submit amendments to address his concerns.

Mayor Charlie Hales and Commissioner Amanda Fritz did not say whether they were considering submitting amendments. Commissioner Dan Saltzman is not.

Whatever the council decides on Wednesday may not be supported when it returns next year. That is because the council will have two different members — State Treasurer Ted Wheeler, who will succeed Hales as mayor on Jan. 1, and small business owner Chloe Eudaly, who defeated Novick in the November general election. Although Wheeler has called for the construction of new homes that cost less than the large ones currently being built in most infill projects, he has not come out for or against any of the project's specific recommendations. Eudaly has said the construction of housing for homeless and low-income people should be the city's top priority.

Project recommendations would also limit the size of new houses in Portland to 2,500 square feet, with some allowances. According to the report prepared by the project staff, older homes in Portland are typically about 1,500 square feet. Current city codes allow new homes to be 6,750 square feet. The average size was 4,461 square feet in 2013. During the hearings, several council members wondered whether 2,500 square feet was the right size for new homes, but none of them proposed a different figure.

Controversial Inclusionary Housing proposal heading to City Council

By Jim Redden

December 4, 2016

The City Council will take up a controversial Inclusionary Housing proposal on Thursday as part of its efforts to increase the supply of affordable housing in Portland.

The proposal, which became possible after the 2016 Oregon Legislature lifted the statewide ban on Inclusionary Housing, would require residential developers to include affordable units in multi-family projects with more than 20 units. It includes incentives intended to offset the revenue that would be lost by the lower-priced units.

"Inclusionary housing is an important tool to help ensure integrated housing across the city," Commissioner Dan Saltzman said during a Tuesday morning council work session on the proposal. Saltzman is in charge of the Portland Housing Bureau, which drafted the proposal with the help of consultants and a panel of experts.

The requirement would apply to all projects with more than 20 units. Incentives in the proposal include eliminating minimum on-site parking requirements, allowing large buildings with more units, and waiving city System Development Charges on the affordable units. They would vary in different part of the city.

Some developers say the proposal reduces the profitability of their projects too much, however, making it too difficult to obtain financing and potentially curtailing much future construction. Developers have submitted permit requests for up to 14,000 new units ahead of the council's potential vote on the proposal, a far higher number than usual in attempts to be "grandfathered" into the pre-Inclusionary Housing rules.

"We've never seen this kind of rush to permit. I was shocked. It speaks to the inability to guess where the market will go," David Rosen, a national expert on Inclusionary Housing hired by the city to advise on the proposal, said at the Tuesday work session.

Mike Kingsella, executive director of a group of developers called Oregon LOCUS, says the proposal is far broader than similar programs in other cities, many of which exempt high rise buildings and residential projects in certain parts of town. He says institutional investors could put their money into residential projects outside Portland if the incentives are not calibrated correctly.

"Inclusionary Housing can be a great tool in an overall strategy for housing affordability, so long as it continues to achieve strong housing production. Portland is looking at a more sweeping urban program than other cities; we can be a leader others follow if we do this right but a cautionary tale if we don't," says Kingsella, noting that the members of his organization support the increased residential density the council is trying to achieve though the updated Comprehensive Plan it approved earlier this year.

Two developers told the Business Tribune in early November that the proposal will increase housing costs for most new renters," however.

Vanessa Sturgeon, CEO of TMT Development, said the inclusionary zoning would make Portland more like San Francisco's model — "ultimately worse in affordability."

And Vic Remmers, owner of VWR Development and Everett Custom Homes, said he won't be able to develop at all in the city under the inclusionary housing proposal.

Even the Planning and Sustainability Commission that previous reviewed and recommended the proposal is concerned the incentives may not be strong enough.

"The PSC is concerned that if the incentive package offered as part of the IH program is not sufficient to fully offset the cost of providing the affordable units, there will be an unacceptable risk of reducing the overall rate of residential development. A slowdown in the overall rate of development will hinder Portland's ability to meet housing affordability, transportation, carbon reduction and other goals in the 2035 Comprehensive Plan. If there is a significant gap between the cost of compliance and the incentives, either the incentives need to be increased and/or the inclusion rate decreased," notes a city-prepared Impact Statement that accompanies the ordinance the council will consider on Thursday.

But Saltzman says compromises are being offered to minimize the risks. He believes the council should move forward with the proposal.

"This is an art, not a science. The best way we can figure out if it's going to work is to go ahead and do it. There's been a lot of brainpower invested in this trying to get it right, and it now falls on us to take the plunge. I feel we have a reasonably crafted policy here. We can micromanage it forever in hopes of getting a perfect policy, but we're not going to get a perfect policy until we have a policy on the ground and a chance to recalibrate it as market conditions reveal themselves," Saltzman said at the work session.

To read the ordinance and Impact Statement, visit www.portlandoregon.gov/auditor/article/619839.

To read the previous Business Tribune story, visit portlandtribune.com/pt/9-news/330245-209731-developers-are-saying-proposed-affordable-housing-mandate-isnt-feasible.

Portland wants to appeal federal police oversight judge

*By Nick Budnick
December 6, 2016*

In an unusual move, Mayor Charlie Hales is escalating the city's legal assault on the federal judge overseeing the city's compliance with a federal police oversight agreement — causing critics to cry gamesmanship.

Hales is asking the council to authorize a writ of mandamus — essentially an appeal — blocking U.S. District Court Judge Michael Simon from requiring the city to report back on its progress in re-establishing a citizens oversight board to monitor the city's 2014 settlement.

A writ likely would go to the 9th Circuit Court of Appeals.

Interestingly, the resolution offered by Hales doesn't limit the city attorney to challenging the additional hearing. It also indirectly attacks Simon for allowing public comments at a court hearing on Oct. 25, some of which attacked city employees.

[Click here to read the proposed City Council resolution](#)

A response issued Friday by the Albina Ministerial Alliance Coalition for Justice and Police Reform agreed that some of the comments were inappropriate, but accused the city of "using this unfortunate incident to change the narrative and take the focus off of" the city's failure to comply with parts of the agreement. "AMA ... continues to oppose the City's delays and reluctance to move forward with the community's proposals."

Hales' office did not respond to calls and emails requesting comment.

For the last two years, Simon has presided over the 2014 agreement in which Portland officials accepted outside oversight in response to what federal prosecutors called a pattern of police violating the civil rights of mentally ill people.

It's hardly a secret that the city perceives Simon as overly sympathetic to police critics. Some observers view Hales' resolution as an effort to get the judge to back off on pressuring the city to fulfill the settlement it agreed to two years ago — or lay the groundwork to get him removed from the case altogether.

"I think they don't like having to be responsible to a higher authority," said Dan Handelman of Portland Copwatch.

The AMA Coalition statement questions the city's claim that the judge can't order the city to report on its progress more than once a year. The judge ordered the city to file a report on its progress by Dec. 2, and show up at a Jan. 31 hearing as well.

Simon has repeatedly expressed his willingness to take action to enforce the settlement if the city does not make the required progress on police reforms, all but inviting the federal government to file a motion that would let him step in.

At the Oct. 25 hearing, the city argued that the deadlines advocated by the judge and the federal government to report back are not how the community of Portland operates, and could contribute to hasty solutions with unintended consequences.

"We respectfully disagree with the United States' position that what needs to happen are deadlines," Deputy City Attorney Ellen Osoinach argued in an Oct. 25 hearing. "'In 30 days we will come back to you; in 90 days we will come back to you.' That's not the Portland way."

When that argument was unsuccessful, five members of the City Council and elected Auditor Mary Hull Caballero signed a letter expressing their "unanimous condemnation of the behavior permitted to occur" at the Oct. 25 hearing, referring to testimony allowed by Simon.

The letter raised "concern of partiality and the City's ability to receive fair treatment from this court."

Under pressure from Simon and the U.S. DOJ, the city has made major changes to officer training and how the police bureau tracks and investigates the use of force. The most glaring area where the city has not complied with the settlement has to do with community oversight, according to court filings.

The federal settlement was supposed to be overseen by a Community Oversight Advisory Board set up to work with consultants tasked with monitoring the bureau's compliance.

However, that board has been crippled by infighting and the city's failure to fill vacancies on the board, as well as police critics' disruptions of board meetings. Late on Friday the city filed a report in federal court saying it is working on redesigning the board. Among other things, the city is contemplating closing regular board meetings to the public — an apparent response to the disruptions.

The AMA Coalition expressed the hope that Mayor-elect Ted Wheeler will take a more cooperative approach upon taking office, saying it "is concerned that the City is refusing to comply with the Judge's order."

Portland wins international award for climate change efforts

By Steve Law

December 2, 2016

C40 Cities, a consortium of big cities around the globe dedicated to fighting climate change, honored Portland and Mayor Charlie Hales on Dec. 1 for the city's joint Climate Action Plan with Multnomah County.

A jury of former mayors, climate experts and others determined the award, among 10 bestowed at a Mexico City ceremony.

"The C40 Cities Awards recognize the best and boldest work being done by mayors to fight climate change and protect people from risks," said Michael R. Bloomberg, the C40 board president, in a news release.

At a time when the U.S. government is poised to reverse efforts to stem climate change under President-elect Donald Trump and a GOP-controlled Congress friendly to the fossil fuel industry, climate change activists say it's crucial to rely on leadership among cities, where 70 percent of carbon emissions originate.

"The winning projects show that great progress is being made on every continent, and they serve as an inspiration to other cities," Bloomberg said. "They also show how cities can help the world meet the ambitious goals set a year ago in Paris."

Hales noted that Portland was the first U.S. city to adopt a climate action plan.

"Now with our updated 2015 Climate Action Plan and proposed policy that prohibits bulk fossil fuel terminals, we'll be the first to deliberately transition from dirty, dangerous fuels to clean, renewable energy," Hales said in a statement announcing the award.

Susan Anderson, director of the city Bureau of Planning and Sustainability, said the next steps in implementing the Climate Action Plan include adopting a Home Energy Score for homes being sold, comparable efforts for commercial buildings, expanding the city's fleet of electric vehicles, and promoting community solar projects.

In conjunction with the Mexico City conference, C40 released a report called Deadline 2020: How cities will get the job done. That report is available at: [c40-production-images.s3.amazonaws.com/other_uploads/images/955_C40_Report_US_Cities_Get_Job_Done_original.pdf?1480607660](https://images.s3.amazonaws.com/other_uploads/images/955_C40_Report_US_Cities_Get_Job_Done_original.pdf?1480607660)

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Positively 4th Avenue: Steve Novick's tribute to Dylan's Nobel Prize

By April Baer

December 2, 2016

The Nobel Academy is preparing to bestow this year's prize for literature on Bob Dylan, while a city commissioner is offering a tribute from Portland.

Commissioner Steve Novick, who oversees the city's Bureau of Transportation, is temporarily renaming the block of Fourth Avenue in front of Portland City Hall. He's arranged for sign caps to top a couple of existing street signs.

The signs will stay up through the week running up to the Nobel award ceremony, Dec. 10.

Novick says he was raised on Bob Dylan. "It means my mom, my dad," he said. "The sense of hope, the sense of despair of the 1960s and the early '70s."

He considers the Nobel award to Dylan an affirmation an entire American generation. Beyond that, he says, "I think there's a heck of a lot of people in Portland who love Bob Dylan."

Novick says 2016 is a year in need of an affirmation. He pegs the cost of the signs at \$269, and says he'd been thinking about doing it since the Nobel committee made its choice.

Novick is finishing the end of his term this month. He lost his re-election campaign. Chloe Eudaly will take his place in January.

"I'm actually trying to do a number of things the last few weeks that I was planning to do anyway," he said, citing a tax surcharge on publicly-traded companies that pay hefty salaries to CEOs. "My agenda for December didn't really change because I happened to lose the election. I got more coming. I've got 29 days left."

Willamette Week

City Commissioner-Elect Chloe Eudaly Will Close Her Bookstore

By Rachel Monahan

December 5, 2016

Independent-bookstore owner Chloe Eudaly's Nov. 8 election to the Portland City Council sent shockwaves through political circles.

The surprise upset against Commissioner Steve Novick will send ripples through the Portland cultural institution she ran, too. Eudaly plans to close her shop, Reading Frenzy, which she opened in 1995 and later moved to North Mississippi Avenue. It will shut its doors Jan. 1, at least for the time being.

To follow the city's rules that prohibit a commissioner from having an outside job or owning a business, Eudaly needed to sell or close before taking office.

Her announcement is below:

It's been a good run, Portland. And who knows what the future may hold for Reading Frenzy, but for the time being the shop is going on hiatus effective 1/1/17.

The truth is it's taken an extraordinary amount of work, along with support from friends and community members to keep it open off and on for the last several years. And I realized that it really cannot stand on its own two feet without me and well, it can't have me anymore.

There is a chance it may reemerge in a new form later this year but that plan has not taken shape enough to share. Taking an idea and turning it into reality while getting to put my interests, talents, and skills to their best use remains one of the most incredible experiences of my life.

Without Reading Frenzy I don't know how I would have earned a living without killing my spirit. I may have never been connected to some of the most important people in my life, to the beautiful, amazing, and vital work that made its way to our doorstep, or to the international arts and literary community I've been so lucky to be a small part of. It's

also highly unlikely I would have run for City Council and found my next calling and a greater use for those interests, talents, and skills at this point in my life.

I feel very lucky to have grown up in Portland when I did. The things my friends and I did back then would be nearly impossible to pull off today. I've been fortunate to be surrounded by an incredible community of artists, musicians, writers, filmmakers, performers and other creative people for 30 years here.

The one common thread that we all had was affordable rent relative to wages. Now the balance is so far off kilter, I fear for our cultural landscape, for upcoming generations of artists, and for everyone in this city who is not comfortably middle class (psst, that's most of us).

I'm excited to get down to business on City Council and work for a more equitable, inclusive, just, prosperous, and vibrant city for all of us. ♥♥♥

Housekeeping: Don't worry if you're a vendor or consignor, we're keeping the space for awhile and we'll make sure you get your payments and returns. If you have a gift certificate, please come spend it this month. Finally, if you have a serious pitch email me, but I'm not looking for random advice. I have a team of trusted advisors and plenty of my own knowledge and experience. I know I'm making the best decision in the short term. I'm open to possibilities in the longterm.

Portland Commissioner Dan Saltzman Will Seek Re-election in 2018

*By Beth Slovic
December 2, 2016*

Portland Commissioner Dan Saltzman says he's in.

The five-term city commissioner says he'll run again for the City Council in the May 2018 primary election.

"There seem to be a lot of rumors around that I'm not running, so I wanted to take the opportunity to dispel that notion," he tells WW. "My intent is to run again."

It's not clear what kind of platform Saltzman will run on, because Mayor-elect Ted Wheeler hasn't announced bureau assignments for next year. Nor is it entirely clear what kind of competition he might face to keep his job. Jo Ann Hardesty, a former state legislator and a police accountability activist, has said she might run for the Portland City Council in 2018, when Commissioner Nick Fish also faces re-election.

"I expect it will be a robust election," Saltzman says.

Saltzman, 62, also says he wants to focus on securing stable funding for Portland's Children's Levy, a property tax he launched in 2002 to pay for anti-poverty and wellness programs for kids.

"I'm very intrigued by soda taxes passing in a lot of cities," he says. "We're going to take a look at that."

The Portland Mercury

Right 2 Dream Too's Landlord Says He's Ready to Evict the Homeless Rest Area

*By Dirk VanderHart
December 2, 2016*

The owner of the land where well-regarded homeless rest area Right 2 Dream Too sits says he's done.

In a brief phone conversation with the Mercury this evening, Michael Wright—longtime landlord to the encampment beneath the city's Chinatown gate—said he's preparing to evict R2DToo, after repeated failed efforts by city officials to move it elsewhere.

"I'm formulating paperwork to go ahead and evict," said Wright. Asked why, he said: "Because of the city's inability to relocate them and putting me in a position of not being able to meet my contractual agreements."

What those agreements are, Wright wouldn't say. As we reported, the rest area was supposed to have cleared off the site by October 7 according to a deal Wright and other owners of the parcel struck with the Portland Development Commission, which is considering purchasing the lot. The PDC didn't enforce that part of the agreement, instead allowing the facility to remain behind its wall of doors at W Burnside and 4th until April.

That delay was necessary after the city's long-term plan of moving R2DToo to a parcel on the Central Eastside was dashed in August by a state panel's ruling that the move would violate city zoning code. The decision was a victory for eastside businesses that opposed the relocation, but threw plans for R2DToo into chaos (an earlier proposal to move the camp into the Pearl District was also scuttled). Mayor Charlie Hales and Commissioner Amanda Fritz, the rest area's two staunchest allies on City Council, haven't been able to say what's next for the camp.

With Wright's apparent resolve to evict, the situation might grow more dire. R2DToo is a vital resource for homeless people in the city's downtown core, offering a place to get out of the rain and rest in safety—as well as food and other amenities.

Wright declined to offer many details on his decision, but said he hadn't communicated his intention to Right 2 Dream Too leaders. A call to Ibrahim Mubarak, a co-founder of the rest area, wasn't immediately returned. Nor was an email sent to Mark Kramer an attorney who's represented both R2DToo and the property owners.

The decision, if Wright follows through, would come as a surprise to Hales. His spokesperson, Brian Worley, said the mayor hadn't heard anything about the possible eviction.

Wright says his hands are tied.

"If they're not out at there at a certain point, all contracts blow up," he said. "I'm probably being sued by different attorneys for not getting the job done. The city's inability to relocate is putting me in a corner."

But he wouldn't offer specifics, saying: "I gave you a breaking news story. That's all we're going to do tonight."

The Oregonian ran a long profile on Wright in 2013.

Steve Novick is Renaming SW Fourth Avenue After an Embittered Bob Dylan Tune

*By Dirk VanderHart
December 2, 2016*

The Bob Dylan song "Positively 4th Street" is all about betrayal and duplicity. And now, it's the inspiration for the street where Portland City Hall sits.

With a month left in office, Commissioner Steve Novick tells the Mercury that beginning today at 11:30 am he's unilaterally re-christening SW Fourth Avenue between SW Jefferson and Madison. For the next several weeks, the stretch of road will be nicknamed for the 1965 Dylan track about being double-crossed by a supposed ally.

The Portland Bureau of Transportation is spending \$269 to print and install two groovy pink/purple "sign toppers" that will be perched about Fourth Avenue's actual markers. It's a nod to Dylan winning the Nobel Prize in Literature—and a very Novick-esque move. The commissioner has a penchant for making punny references to his passions during even the most mundane council hearings.

"I was raised on Bob Dylan," Novick says, noting he's "exercising my powers" as transportation commissioner, rather than asking council to pass a resolution.

The sign toppers will hang around at least until the December 10 Nobel Prize ceremony, though Novick says, "I'll probably let them hang around for a few weeks after that."

It's not a purely original move. St. Paul, Minnesota—not far from where Dylan spent his formative years—re-jiggered its own Fourth Street to honor the musician last year, sending the local alt-weekly into a rage.

We just think it's funny that the street where City Hall sits is being named for a song that includes such lines as "You've got a lot of nerve to say you are my friend, when I was down you just stood there grinnin'" and "I know the reason that you talked behind my back."

"It's not the most uplifting song, for sure," Novick concedes. "But we don't have a Highway 61." After a moment of reflection, he texts: "I'll accept nominations for Desolation Row."

This is the second nod to nostalgia by Novick in this week alone. On Wednesday, he convinced his council colleagues to pass a resolution in support of retired Major League Baseball player Tim Lincecum's bid for the Hall of Fame. Asked about the relationship between these two things and his dwindling days in office, Novick tips his cap to a somewhat infamous utterance by New Jersey Gov. Chris Christie.

"Squeeze all the juice out of the orange."

The Portland Office that Handles Pot and Neighborhood Associations Might Soon Oversee Campaign Finance

*By Dirk VanderHart
December 2, 2016*

If Portland officials approve a bold new system for financing city elections in coming weeks, it's not going to be housed anywhere near city elections staff.

Instead, the Mercury has learned Commissioner Amanda Fritz is now planning for her proposed publicly financed election system—known as "Open and Accountable Elections"—to have a home in a small bureau she herself controls: the Office of Neighborhood Involvement (ONI).

"It's not ideal, but it works," Tim Crail, Fritz's chief of staff, said Thursday. "It's the home we can make happen."

ONI isn't exactly the place you'd expect to see a program that monitors campaign finance, and distributes thousands and thousands of tax dollars to political candidates. Historically, the tiny bureau has worked with the city's neighborhood associations, doling out cash and offering support in a bid to increase citizen participation.

But lately, ONI's taken on more and more responsibility. It now implements rules on liquor and marijuana businesses, enforces the city's noise ordinance, and does a lot of other stuff, too. In the last four years, the bureau's budget has grown roughly 44 percent, from \$7.1 million in Fiscal Year 2014, to \$10.2 million in the current budget.

And as things stand, it appears it'll soon have another big job tacked on.

As the Mercury first reported, Fritz initially hoped to house her proposal in the Portland Auditor's Office, which administers city elections. The problem: Auditor Mary Hull Caballero wasn't having it. She argued her office was already overtaxed, and said Fritz would be violating the city's charter by attempting to force the elections program onto her.

Fritz's office inquired whether the Multnomah County Elections Division might be willing to take the program on, but was essentially rebuffed.

So now it looks as though it's headed to ONI—which could get two more staffers to implement Open and Accountable Elections. The bureau isn't a complete mismatch for the elections system. It's focused on increasing civic participation, and Fritz argues public financing will help upstart candidates run a serious campaign.

It doesn't appear Portlanders will have a formal say into whether the new elections system moves forward.

In 2010, voters narrowly decided to do away with the last campaign financing system Portland thought up, known as voter-owned elections. Some have suggested, then, that voters should decide whether another system takes its place.

But City Hall sources say that probably won't happen. They suggest Fritz has at least two votes to support her idea without referring it to voters: Mayor Charlie Hales and Commissioner Steve Novick, who are both leaving office at the end of the month.

Fritz has been candid about the fact she's looking to get her elections plan passed before the year's up, since Hales is supportive, and it's not clear Mayor-elect Ted Wheeler is enthused about the idea. A hearing on the proposal is scheduled for December 7. Here's a draft [PDF] that was circulating roughly a month ago.

And here's a brief rundown of the program, stolen from a post I wrote in October:

Candidates interested in participating in the program would agree to accept donations of no more than \$250 per person, and to limiting their spending (a maximum of \$950,000 for mayoral races, and \$550,000 for city commissioner and auditor races). To qualify candidates would have to prove their candidacy is viable by collecting a set amount of donations from a set amount of voters—at least \$5,000 from 500 voters for mayoral candidates, at least \$2,500 from 250 voters for commissioner or auditor hopefuls.

Once they did that, the city would commit to paying \$6 for every \$1 candidates raise from individual donors, up to \$50. That means a small \$50 donation could be leveraged into \$350. There's a limit on the amount of public funds candidates can draw, though. The policy maxes out at \$760,000 in public funds for mayoral candidates (between primary and general elections), and \$360,000 for city commission candidates.

Fritz pitches the program as a way to ensure candidates talk to large numbers of voters and not just a few moneyed interests. Oregon has no campaign finance limits.

The program's location in City Hall isn't the only thing that's bounced around. Crail says there are now plans to push back full implementation of the system until after the November 2018 election because of concerns it wouldn't be ready in time to handle candidates before then.

In the mean time, he says, the city would get to work appointing a seven-member Public Campaign Finance Commission that helps oversee the system, and Fritz would be lobbying for the program to get full funding—currently maxed out at roughly \$1.2 million—in next year's budget.