

The Oregonian

Judge to dismiss negligent wounding charge against ex-Portland Police Chief Larry O'Dea

By Maxine Bernstein

January 13, 2017

A Harney County judge said Friday he'll dismiss a negligent wounding charge against former Portland Police Chief Larry O'Dea as part of a civil compromise, but not before O'Dea comes to jail to get fingerprinted, booked and released.

Circuit Judge William D. Cramer accepted the arrangement over the state's objection.

Assistant Attorney General Colin Benson said the state opposed dropping the charge, primarily because someone got shot and the compromise doesn't suspend O'Dea's hunting license -- one of the sanctions if he had been convicted of the misdemeanor.

"The state has an independent interest in the safe handling of firearms," Benson told the judge in a brief hearing in Burns.

Oregon law allows people to resolve most misdemeanor and class C felonies through a process called a civil compromise. So long as the victim agrees in writing that he or she has received "satisfaction for the injury," the court can dismiss the case.

"Satisfaction for the injury," can mean anything, including simply an apology, or a payment, according to the law.

Ashton argued that O'Dea's April 21 shooting was an accident and that the man wounded, Robert Dempsey, never wanted the police chief to face criminal charges.

Though Ashton's motion for a civil compromise said Dempsey has been compensated fully for the injury and costs incurred, Ashton said Friday that O'Dea didn't pay any of Dempsey's medical costs.

Asked what the satisfaction for the injury was in this case, Ashton replied, "You're correct, it could be simply an apology. Larry O'Dea did not pay any money."

"This was not a criminal act by any means by my client," Ashton said in court.

O'Dea was accused of "failing to use ordinary care" in shooting Dempsey, the indictment said. The men were part of a group camping 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.

Dempsey, who testified before the grand jury that returned an indictment against O'Dea, wrote in a statement submitted to the court that he doesn't wish his friend to be prosecuted for the shooting. Dempsey also wrote that he's "received full satisfaction for my damages and injuries."

"Larry O'Dea has long been a friend of mine," Dempsey's declaration says. "Larry O'Dea was not intoxicated nor was he impaired by alcohol on April 21, 2016. I have told the prosecuting attorneys this. I have also told the prosecuting attorneys that I do not want to be part of this prosecution."

After the state said it opposed the civil compromise, Ashton told the judge about what he called a "different wrinkle to this case," noting that O'Dea was unaware of a December 2014 product warning on the Model 94 .22-caliber Winchester rifle he was using.

The defense attorney argued that O'Dea's rifle was defective. The model has been implicated in more than 54 unintentional discharges when "dropped, bumped or jarred," he said.

In accepting the compromise, the judge said he relied heavily on the wishes of the victim and that O'Dea has no prior criminal record.

"I think Mr. O'Dea is appropriate for civil compromise," Cramer said.

Cramer said he was applying the law the same way he would with any case, though he noted that the public expects police officers "would have a higher regard for the use of and safety for firearms."

O'Dea, who retired in late June while under criminal investigation for the off-duty shooting, hasn't attended any of the Harney County court hearings in his case.

The judge said he won't sign off on the civil compromise until O'Dea comes to the county jail to be booked, fingerprinted and released, per county policy.

"He will come out here. He'll be out here next week," Ashton told the court. "My client has a lot of fun in this part of the state so I'm sure he'll find a way."

After the hearing, Ashton said he spoke with O'Dea by phone. "He's relieved and happy that we have a system of checks and balances."

When a Harney County deputy responded to the April 911 call after the shooting, O'Dea suggested that the injury had been self-inflicted, according to sheriff's office reports. O'Dea told the deputy that Dempsey may have accidentally shot himself while putting his pistol in his shoulder holster while they were shooting squirrels, the reports show. He didn't identify himself as Portland's police chief.

The deputy, according to his report, said he smelled alcohol on O'Dea's breath. O'Dea told the deputy that 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 disclosed for the first time that it was O'Dea who had shot him. He told the sheriff's office that O'Dea had been having trouble with his rifle all day, that it was jamming and misfiring. Dempsey 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.

On May 20, in response to reporters' questions, O'Dea first acknowledged publicly through a Portland police spokesman that he had a "negligent discharge" of his rifle and shot his friend. At that time, O'Dea hadn't told the agency investigating the shooting that he was the shooter, according to the Harney County sheriff.

"Mr. O'Dea did not knowingly discharge his weapon, and was unaware until some time after the accident that the shot came from his firearm," Ashton wrote in his motion for a civil compromise.

With the criminal investigation concluded and the case resolved, Portland's Independent Police Review Division is expected to continue its internal inquiry. The administrative investigators are looking into why then-Mayor Charlie Hales, who served as police commissioner, and high-ranking members of the Police Bureau failed to alert the oversight division of O'Dea's off-duty shooting at the time it occurred to begin an administrative investigation.

Portland tries road salt, courtesy of Seattle

By Elliot Njus

January 12, 2017

Road crews laid down salt on a steep section of Southwest Terwilliger Boulevard on Thursday, a first in recent memory for the Portland Transportation Bureau.

Transportation officials said last month that the city would revisit its longstanding policy of shunning road salt, which stemmed from concerns it would damage roads, vehicles and the environment. At the time, though, the city didn't have access to a supply of salt even if it wanted to give it a try.

The bureau got the chance, however, when the city of Seattle offered to send trucks and road crews to help Portland dig out from the snow that arrived Tuesday night. They also brought a load of salt, which is used widely in Washington state.

Portland has traditionally followed the lead of the Oregon Department of Transportation in shunning the widespread use of rock salt. Both agencies instead use a solution of magnesium chloride, another chemical salt, treated with an anti-rusting agent.

But late last year, after an ill-timed snowstorm caused hours of congestion, the state transportation department announced it would begin a limited use of salt on trouble spots in Portland area, including a steep stretch of Interstate 5 near Tigard and U.S. 26 at Sylvan Hill.

The state had previously piloted the use of salt near the California border.

Both city and state transportation agencies say they're limiting their use of rock salt to especially troublesome areas where deicer, plowing and sand have already failed to provide enough traction.

Portland Commissioner Dan Saltzman, who oversees the Transportation Bureau, said this week's application likely would be a one-off test. He said he'd present any proposal to adopt regular use of road salt the rest of the City Council for approval.

He said it's a lightning-rod issue like the fluoridation of drinking water, which Portland voters rejected most recently in 2013 after a long and contentious campaign.

"People have very, very strong opinions one way or the other," Saltzman said, "and not very many in the middle."

Seattle sends equipment to help clear Portland streets

By Kale Williams

January 12, 2017

With Portland streets stacked with as much as 15 inches of snow in some places and temperatures not expected to rise above freezing for several days, it looks like the blanket of powder might stay in place for a while.

But not if Seattle has anything to say about it.

Given the amount of snow and Portlanders' need to get stuff done between now and when the thaw is expected to arrive, Mayor Ted Wheeler and Transportation Commissioner Dan Saltzman told the Portland Bureau of Transportation that they might need some help.

The bureau put out a call and our neighbors to the north, or more specifically their department of transportation, responded.

"With a storm of this magnitude, I felt it was extremely important that we do everything we could to get our streets clear and to keep Portland moving safely," Saltzman said in a statement. "I'm extremely grateful to Seattle DOT for the offer of assistance."

A total of 11 trucks and 15 crew members are expected to arrive by Thursday morning. That includes four heavy-duty plows, four light-duty plows, an aerial lift for downed trees, a wood chipper and a chain saw crew truck. The cost has yet to be determined, but Portland will be footing the bill, a spokesman for the city said.

If you happen to see one of the Seattle crews at work, maybe pitch them a thanks or buy them a cup of coffee.

Shovel your sidewalk: It's the law and your civic duty, cities say

By Aimee Green

January 11, 2017

With Wednesday's snowfall expected to stick to the ground for the next few days, Portland area cities are reminding homeowners and businesses of their legal obligations to clear their sidewalks of ice and snow.

Yes, cities say: It's your responsibility, not theirs, to keep the sidewalk next to your home or business clear of snow. And many cities have written that into their city codes.

That means if pedestrians slip and fall on sidewalks lining your property, you could be sued in civil court not only for their hospital bills, but their pain and suffering.

In reality, of the small batch of slip-and-fall lawsuits filed each year in the Portland area, almost all are against businesses -- grocery stores, gas stations, business plazas -- blamed for customers' falls in parking lots or on walkways that weren't shoveled, sanded or de-iced. Homeowners are hardly ever sued, but the possibility is still there.

Plus, who wants to be responsible for an elderly neighbor falling and breaking a bone?

But, said Portland Bureau of Transportation spokesman Dylan Rivera: "We don't enforce it. ... We encourage the public to be really civic-minded about this."

Though it's rare to see anyone do this, Portland also suggests that property owners warn any passing pedestrians of the possibility of falling snow or ice from their homes or businesses.

"Please make arrangements to post an advisory (sign or sandwich board) and eliminate the hazard," reads a city web page.

The city -- first and foremost, though -- wants owners to remove the hazardous snow and ice if possible.

And while you're at it, it's not a bad idea to check that the nearest storm drain is clear of debris, because when all this snow melts, the likelihood of flooding could be big.

Here's what a sampling of city codes say about snow on sidewalks:

- **Portland:** Doesn't put a specific time requirement for owners -- or occupants, such as tenants -- to remove snow or other slip-and-fall hazards during other times of the year, such as leaves. But the city transportation bureau's website urges property owners and occupants to do it "as soon as possible."
- **Hillsboro:** Requires property owners to remove snow and ice -- or take other safety measures, such as sprinkling sand -- within eight daylight hours after a storm covers the sidewalks next to their homes or businesses.
- **Beaverton:** Requires property owners to remove snow and ice within four daylight hours of when it has fallen or formed.
- **Vancouver:** Requires property owners and renters to clear sidewalks of snow and volcanic ash -- perhaps in recognition of the 1980 eruption of Mount St. Helens.
- **Lake Oswego:** Property owners must remove snow or ice within four daylight hours if it accumulates at night and within two daylight hours if it accumulates during the day.
- **Tualatin:** Has one of the toughest codes around. Snow must be removed within two daylight hours of it falling, and ice must be removed within two daylight hours of it forming "unless the ice is covered with sand, ashes or other suitable material."
- **Oregon City:** Says property owners and occupants are responsible for keeping the sidewalks next to them in good condition, and they are liable if someone is hurt.

The Portland Tribune

Inclusionary housing policy has skeptics

By Jim Redden

January 12, 2017

The Portland City Council capped a year of action on the affordable housing crisis on Dec. 21 by requiring developers to include lower-priced apartments in new rental projects. Although the new program includes benefits to offset the lost revenue for developers, some say they're not strong enough and the city's "Inclusionary Housing" policy could result in less housing being built — driving up rents even more.

The program was passed at the last meeting of the former council, before new Mayor Ted Wheeler and Commissioner Chloe Eudaly replaced Mayor Charlie Hales and Commissioner Steve Novick on Jan. 1. However, the vote was unanimous in support of the proposal by Commissioner Dan Saltzman, who was in charge of the Portland Housing Bureau. Wheeler has now assigned the bureau to himself.

The new policy was made possible by the 2016 Oregon Legislature, which repealed a longstanding statewide ban on "inclusionary zoning," when local governments require developers to include a percentage of affordable units in their projects. Saltzman says it will help assure equitable housing choices across the entire city.

"Our vote ensures that economically diverse neighborhoods and housing affordability will be preserved for generations to come," Saltzman says.

Although every state but Texas has long allowed local inclusionary housing or zoning policies, some developers said Portland's policy is much broader than those in other cities, which have exemptions intended to accommodate different kinds of projects at various locations. The Portland policy applies to all new rental developments with more than 20 units, instead of exempting the most expensive ones, as some other cities do. And it applies to all of Portland, including the most expensive areas to build, where some cities ease their requirements.

Although the council heard those concerns, it did not significantly change Saltzman's proposal, which was supported by a broad array of affordable housing advocates.

Mixed bag?

As a result, some developers now worry the offsetting incentives might work for some projects in certain locations, but won't be strong enough for different projects in other locations. If projects don't pencil out, they say, investors will not fund them and instead will put their money into retail or commercial projects, or into apartment projects in other cities.

"We think the policy is calibrated correctly in some parts of town, but we're concerned about some of the others," says Mike Kingsella, executive director of Oregon Locus, a subsidiary of the national Smart Growth America advocacy organization that favors increased density. Locus is Latin for "place."

Kingsella says his organization supports the increased density that city leaders endorsed in numerous land use and zoning plans, including the Comprehensive Plan update approved in 2016. But while Kingsella thinks the new policy might work in those parts of the city zoned for

the tallest residential buildings, such as downtown, he is unsure about its success in such mixed-use corridors as Southeast Division and Belmont streets and North Williams and Vancouver avenues, where much of the construction is currently taking place.

Signs of nervousness among developers have already surfaced. After Saltzman announced his intention to bring the policy to the council, developers rushed to file permits for new projects before it takes effect. Permit applications have been filed for about 14,000 new apartment units in recent months, far more than normal.

A more significant indication of developer concern could come after Feb. 1, when the new policy takes effect. If new permit applications fall dramatically after then, it could signal a potential slowdown in future construction caused by unintended consequences of the new policy.

The policy comes at a time of increasing tension between developers, landlords and many Portlanders. Affordable housing advocates have repeatedly blamed developers and landlords for raising rents too much. Eudaly, a small business owner, defeated Novick at the November election after accusing developers of helping to create the homeless crisis. Some council members said they did not want the new policy to unjustifiably enrich developers, who reject the accusations.

Other steps taken

There is no doubt that Portland is facing an affordable housing crisis. Rents and home prices have both been increasing faster than practically anywhere in the country, in large part because of the number of people moving here to take advantage of the booming regional economy. The Comprehensive Plan update predicts that 123,000 new housing units will be built to house additional residents by 2035.

The council has taken several actions to increase the supply of affordable housing since declaring a Housing State of Emergency in October 2015. It increased the amount of urban renewal dedicated to such projects to 45 percent (up from 30 percent), partnered with Multnomah County for an additional \$30 million in affordable housing spending, and put a \$258 million affordable housing bond on the November ballot that was approved by Portland voters. Wheeler has suspended spending more of that money until priorities and goals are more clearly set.

But the new Inclusionary Housing policy is fundamentally different because it injects new requirements into the private sector apartment construction market, which is constantly changing because of such factors as land costs, interest rates and the earning potential of other investments.

How it works

The new policy gives developers a number of ways to comply. They can set aside 20 percent of the units to households that earn 80 percent or less of the area's median income. Or they can set aside 10 percent of the units to households that earn 60 percent or less of the median. In either case, the households would not pay more than 30 percent of their income for rent.

The policy includes a number of benefits to offset the lost revenue from the lower-priced units. They include 10-year waivers of property taxes on each affordable unit, waivers of the city's

Construction Excise Tax and System Development Charges, density bonuses, and an exemption from minimum parking standards for projects that are close to transit.

In addition, an "off-site option" allows developers to comply with the requirement by either building new units or dedicating existing units at a site near the new development.

Vanessa Sturgeon, CEO of TMT Development, says the benefits are not strong enough to assure financing for many of the kinds of projects that are being built.

"Only the 10 percent requirement is realistic, which is not going to result in enough new affordable housing units to make a significant difference," Sturgeon says.

Saltzman told the council he is confident the new policy is correctly calibrated to allow future construction to continue and create many more desperately needed affordable housing units. And, Saltzman added, it can always be adjusted to meet market demands.

Kingsella says it makes more sense to get the policy right the first time.

"We will be watching what happens and report what we see to the city," he says.

Seattle sends road equipment, crews to help Portland dig out

By Jim Redden

January 12, 2017

The Seattle Department of Transportation has sent road equipment and crews to Portland to help with dig out from under a record level of snow for January.

The 11 trucks and 15 crew members arrived in Portland early Thursday. They include four heavy duty and four light duty plows, an aerial lift for downed tree removal, a wood chipper and a chain saw crew truck. Between 10 and 13 inches of snow fell in metro region on Tuesday, clogging streets and toppling trees.

Portland Bureau of Transportation spokesman Dylan Rivera says this may be the first time the city has ever asked for outside help with snow removal.

Portland Transportation Commissioner Dan Saltzman says he and Mayor Ted Wheeler encouraged the Portland Bureau of Transportation to seek extra resources.

"With a storm of this magnitude, I felt it was extremely important that we do everything we could to get our streets clear and to keep Portland moving safely," Saltzman says. "I'm extremely grateful to Seattle DOT for the offer of assistance."

PBOT said on Twitter that they have 55 snow plows in Portland already. Their 150 member crews are working 12-hour shifts to open the streets.

In Vancouver, Public Works Operations crews are working to keep slush from turning to ice when temperatures drop. Crews will be plowing and deicing major roads Wednesday night.

Two proposals take aim at reducing PERS liabilities

By Claire Withycombe/Capital Bureau

January 11, 2017

Two proposals take aim at reducing PERS liabilitiesSALEM — As lawmakers head into the 2017 legislative session, at least two proposed bills plan to address oft-tread territory: the state's pension system.

In 2013, the Legislature approved a slew of changes to the system, referred to as PERS, only to have many of them rejected by the Oregon Supreme Court in 2015.

This time around, those legislators who have called for reforms to PERS — including members of an informal work group — say the Legislature needs to address the system's \$22 billion unfunded liability while meeting legal requirements.

Two proposals that have emerged thus far have co-opted some ideas floated at that work group, which is led by Sens. Betsy Johnson, D-Scappoose, and Tim Knopp, R-Bend.

SB 559 would increase the number of years used in calculating final average salary of public employees to prevent end-of-career spikes; and SB 560 would redirect employee contributions from an individual account program to the pension fund and cap the final salary used in the benefits calculation at \$100,000 starting Jan. 1, 2018.

Both bills' chief sponsors are Knopp and Sen. Jeff Kruse, R-Roseburg, who said that the two bills might not be the only proposals to expect from Senate Republicans this session.

"We're still kind of dancing around a few things," Kruse said Wednesday.

Currently, PERS beneficiaries who were hired prior to Jan. 1, 1996 — known as Tier 1 employees — are promised an assumed 7.5 percent rate of return on investment, credited to their regular accounts every year.

Kruse said changing that 7.5 percent rate, which the market has failed to match, could be legally permissible but that it and other ideas were still being vetted.

"We don't want to propose anything that we don't think would survive a legal challenge because it would be a waste of time," Kruse said.

Legislative Counsel, in a memo to Knopp and Johnson in late August, noted that the court hasn't addressed the method of calculating final average salary and whether it is a term of the PERS contract. If it is, they said, changes to the calculation are permissible "if the changes protect accrued benefits."

Calls to Knopp and Johnson Wednesday afternoon were not immediately returned. Lawmakers were gathering at the Capitol this week to organize for the upcoming session and attend a slew of mandatory trainings.

Attempts at reform could face an uphill battle politically; some union representatives have already publicly questioned the legality of possible changes to the system.

In her inauguration speech Monday, Gov. Kate Brown called for "smarter government," including better management of PERS, just over a month after she nudged Oregon business

leaders to contribute ideas to address the state's budget shortfall in the wake of the failure of Measure 97, a tax on corporate sales.

Supporters said the tax would have raised about \$3 billion per year and could have fixed the state's persistent budget shortfalls.

Brown said in her speech Monday that beside her proposal — outlined in SB 107 — to bring more investment functions in-house under a new Oregon Investment Department, she looked forward to "the other solutions proposed in the months ahead."

"As we consider our next steps, let's agree to keep our promises to retirees," Brown said, according to her prepared remarks. "Let's ensure that no one can (take) advantage of the system. And let's seek solutions that are legally viable, so that dead ends aren't left to languish in court while the challenge of PERS only continues to grow."

In a phone interview in late December, Sen. Johnson said there was "very little political enthusiasm to engage in the discussion to find a solution or a partial solution."

"In an ideal world, I would envision an omnibus bill that would have some revenue raising mechanisms done or agreed to with business rather than done to business," Johnson said in late December. "The same omnibus bill would address the expenditure side of the ledger and include one or two strategic PERS reforms that would yield financial benefit to the system as well as survive any legal test."

Wheeler urges Portlanders to look out for homeless, other residents

By Jim Redden

January 11, 2017

Mayor Ted Wheeler expects conditions in the Portland region to get worse before they get better, and he urges residents to watch out for their neighbors and people living on the streets.

Speaking at a Wednesday afternoon press conference outside City Hall, Wheeler predicted the fluffy snow currently blanketed the area will freeze overnight, making travel even more hazardous by Thursday morning.

And he said things will likely remain that way until the weekend, when temperatures are finally expected to climb above freezing.

"There's not much reason to go out because most things are closed. If you do have to travel, take transit," he said.

Wheeler also said the city is exploring whether to bring what he called "resources" in from outside the region to assist Portland Bureau of Transportation crews and other city employees struggling to keep the roads open. No decision has yet been made, he added.

Wheeler was especially concerned about homeless people. He urged residents to call 911 if they see anyone outside who needs help, and 211 if they seem willing to go inside. Over 600

shelter beds are open, including dozens on the Portland Building, which is now open to the public around the clock.

"You're not inconveniencing anyone if you call," Wheeler said.

Wheeler also said this is a good time for people to get to know their neighbors, especially of they can't clear sidewalks because of age or physical limitations.

"This is a good time to do them a favor," he said.

All city agencies are closed today except for those like police, fire and 911 providing essential services. Wheeler said he will decide by 4:30 a.m. tomorrow whether any others will open Thursday.

Willamette Week

The Night After Portland's Record Snowstorm, Local Shelters Housed 45 Percent More People Than Their Usual Capacity

By Sophia June

January 11, 2017

The record-breaking snow levels and unusually cold January temperatures—with lows down to 17 degrees—have increased the effects of Portland's housing crisis on the homeless population.

Last weekend, a woman died of hypothermia after being evicted from her apartment in October. She is one of four people to have died on Portland's streets due to hypothermia in the first weeks of 2017 alone.

The number of people seeking emergency cold-weather shelter has also reached record highs.

On Wednesday night, the number of people seeking shelter for the night reached a new high, when local homeless shelters housed approximately 572 more people past their typical capacity.

That's about 45 percent more than the usual 1,260 people whom Multnomah County shelters can house per night.

Yet city and county officials say they've managed to not turn anyone away from shelter during the last two nights.

"I have never seen anything like this before: both the extent of the this winter storm and the unprecedented efforts from our community to help people in need," says Multnomah County Chair Deborah Kafoury. "It's been a real struggle. It's not been easy."

Due to the increased number of people needing a place to sleep, other organizations have had to step up to take in more people, which includes additional volunteers and staff. The Multnomah County Sheriff's Office has transported more than 100 people to and from shelters, delivered supplies and has even been doing laundry for the shelters.

Because of shelter overcrowding, the city of Portland is also coordinating transportation. If one shelter is full, someone can be taken to another shelter, through the Joint City/ County EOC Emergency Operations Center.

Tonight, the city and county made 100 more beds available than on Wednesday night. Kafoury says that if more people show up for beds, they will continue to find a place for them.

Oregon Public Broadcasting reports that no exposure deaths have been reported during the Tuesday snowstorm and its aftermath.

If you'd like to help, the Bud Clark Commons, Portland Rescue Mission and Salvation Army Female Emergency Shelter (SAFES) are in urgent need of donations.

"We still really need supplies. I was at the Portland Building today and the donation box was empty and a gentleman came in and asked if we had boots or gloves," Kafoury says. "He showed me his hands that were cracked from the cold and the bins were empty, and we went him to [Transitions Projects]. We still need warm clothes, boots, hats, especially for men."

You can also donate online through The Union Gospel Mission's Amazon Wishlist, which lists items from \$9-32.

You can also volunteer. [Here's a list](#) of all the shelters that need volunteers and the current available shifts.

[Here's a map](#) of the city's shelters.

Seattle Loans Us 11 Snow Plows, Increasing Portland's Fleet by 20 Percent

*By Sophia June
January 12, 2017*

It's no secret that Portland's infrastructure struggles to deal with snow.

While we actually have 55 snow plows in the city, it's not enough for this year's record-breaking storm, which is so bad that governor Kate Brown has officially declared Oregon to be in a state of emergency.

So we're bringing in backup.

Last night, the Portland Bureau of Transportation announced that the Seattle Bureau of Transportation will send snow plows and crew members to assist in clearing Portland's roads and cleaning up fallen trees.

SBOT is sending 15 crew members and 11 trucks to Portland, including four heavy duty and four light duty plows, an aerial lift for downed tree removal, a wood chipper and a chain saw crew.

"With a storm of this magnitude, I felt it was extremely important that we do everything we could to get our streets clear and to keep Portland moving safely," said Commissioner Dan Saltzman in a statement. "I'm extremely grateful to Seattle DOT for the offer of assistance."

They began work this morning.

Portland City Hall is About to Spend \$350,000 on Meetings to Talk About Homelessness

By Rachel Monahan

January 11, 2017

Portland City Hall is about to spend \$350,000 on a project to fight homelessness.

It won't house a single person or even buy a new bed.

Instead, the project was sold to City Hall as a series of meetings—up to 56 sit-downs between neighborhood associations, tenant groups and social-service nonprofits.

Its chief goal: "To engage the community...in discussions and solutions regarding efforts to reduce homelessness and the impacts of homelessness."

The project, championed by City Commissioner Amanda Fritz and approved last May, could begin awarding grants to neighborhood groups and nonprofits as soon as next month.

The city funds won't be distributed by the Housing Bureau or the joint city-county homelessness agency. It will instead be run by the Office of Neighborhood Involvement—an office the city auditor faulted two months ago for failing to keep tabs on the grants it awards.

Clearly, more needs to be done to address Portland's homelessness problem. The deaths of four people from exposure to cold weather in the past two weeks is a reminder of that need. And \$350,000 is a small fraction of the \$28 million the city plans to spend on homelessness this fiscal year.

But the price tag for this "community engagement" project has drawn criticism as a sizable bill for a program with few concrete goals except getting more people talking about solving the problem.

"It was an unnecessary expense," says City Commissioner Dan Saltzman, who was in charge of the Housing Bureau for the past four years and opposed the allocation. "From what I saw of the spending plan, it was taking \$350,000 and just doling it out to the usual suspects."

The project was approved because Fritz fought to make sure ONI got a piece of the city's housing dollars.

Its fate now rests with new Mayor Ted Wheeler and new Commissioner Chloe Eudaly, who both campaigned on pledges to fix the city's housing crunch.

Wheeler earlier this month took ONI away from Fritz and gave it to Eudaly, who now must decide whether to kill the project or keep it for herself.

The grants won't move forward without a careful review, says Eudaly spokesman David Austin, but, just a week and a half into her term as commissioner, she hasn't made a final decision. (Wheeler says it's her call.)

If Eudaly doesn't quash the project, the money—which comes from the city's general fund—is slated to begin flowing to nonprofits and neighborhood groups in March.

"We're holding off on any decisions on this until Commissioner Eudaly can get a better understanding of what the entities are supposed to do," Austin says. "She wants to make sure

that the money is going to have the most impact on getting people off the streets and into housing."

Fritz defends the project she spearheaded. She says it will help everyday Portland citizens understand how they can help the homeless in their neighborhoods.

"I receive dozens of emails urging the council to 'do better' in working to stop people from having to live outside," Fritz says. "It's very clear that many Portlanders don't know what the plan is, or how they can help."

Fritz debuted the project in May. Then-Mayor Charlie Hales and Commissioner Nick Fish voted with her to approve it.

Since its initial approval, the plan evolved.

The money would be dispersed in three \$80,000 chunks to nonprofits and other organizations focused on low-income tenants, homeless people, and minority, immigrant or refugee groups. Another nonprofit that ONI already works with will receive \$80,000 to oversee the project. (None of the groups have been selected.)

The result? Portland residents would know more about what the city is accomplishing, and the groups that win the grants would be better prepared to lobby for means to address the homeless problem. The groups are also supposed to train new leaders.

In a break from the staid policymaking typical of City Hall, Saltzman and Fritz fought openly over the project in council chambers May 18. (Saltzman said Fritz didn't consult the Housing Bureau while cooking up the project; Fritz retorted that she had.)

The City Budget Office was, if anything, even more skeptical of the project. Its analysis in March found the expenditure duplicated efforts already underway at the Portland Housing Bureau and A Home for Everyone, the joint city-county office fighting homelessness.

"While ONI and its partners have special expertise in public involvement, there are a number of engagement and outreach efforts already funded and in place in relation to housing investments and specifically the State of Housing Emergency," the City Budget Office analysis said, recommending no money be allocated to the proposal.

The project falls to a city office already under scrutiny.

An audit in November found mismanagement and confusion at ONI. The working papers for that audit noted the bureau had acquired the nickname "Island of Misfit Toys" for its hodgepodge of responsibilities, ranging from licensing marijuana shops to fielding noise complaints.

A November audit found ONI doesn't hold organizations accountable for the grants it awards or require "meaningful" measurement of their work.

Some observers question whether more meetings are necessary, no matter who's running them.

"There's a lot of words and not much action," says Eric Fruits, former Laurelhurst Neighborhood Association president, saying the project reminded him of Mayor Sam Adams funding a nonprofit that then lobbied the City Council to create the Portland Arts Tax. "I always get suspicious when the ultimate goal is to lobby the commissioners."

The Portland Mercury

Well That Escalated Quickly

How A Portland Cop's Brief Misconduct Quietly Became a War Over Police Accountability

By Dirk VanderHart

January 11, 2017

ON AN AUTUMN morning in 2015, a Portland cop named Scott Groshong decided to harass a member of the public.

Robert West, one of a small clutch of people who frequently videotape local police, was filming near the Portland Police Bureau's downtown garage on October 20, 2015, when Groshong was pulling out in his city-issued SUV.

The video West shot that day shows Groshong stopping after emerging from the garage, stepping out of his SUV, and approaching West to briefly grab at the video camera before driving away. He appears to feign confusion about West's identity, then smiles and says "I know exactly who you are" as he walks off.

In the realm of police misconduct, the incident is tiny. But it's had huge reverberations in Portland's complicated police oversight system.

Documents obtained by the Mercury show that the six-second confrontation ultimately grew into a months-long battle between a notorious police captain and the city's head police watchdog.

That battle included formal human resource complaints of "bullying" filed by police Captain Mark Kruger—who's head of the PPB's drugs and vice enforcement, but is probably best known for once erecting a memorial to Nazi soldiers in a public park roughly 15 years ago.

It also led the city to order an outside investigation [PDF] that unearthed concerns regarding Kruger's ideas about police accountability, and concluded that Constantin Severe, head of the city's Independent Police Review (IPR), illegally shared confidential information.

More generally, the incident has added to ongoing concerns about how Portland holds police accountable, and who should have a say in disciplining bad behavior. Those questions might come before Portland City Council next month.

But let's start at the beginning.

High-ranking officers were concerned as soon as footage emerged of Groshong briefly harassing West. According to the outside investigation into two HR complaints Kruger would later file, police Captain Mike Krebs even believed Groshong "might have committed a crime."

But under the oversight system, the decision as to whether the officer broke any bureau rules didn't fall to Krebs, or even to the PPB's internal affairs unit, which investigated the matter. It fell to Kruger, Groshong's boss. And Kruger didn't see any evidence of unprofessional conduct.

The police captain was so convinced his employee had acted honorably, in fact, that he suggested the police bureau shouldn't have deigned to investigate the matter (a decision which was recognized by the chief of police as a violation of bureau policy).

"Officer Groshong even goes to the trouble of writing a report," Kruger wrote in his formal findings on the incident, "which, in the conjunction with a review of the video, should have resulted in the rejection of this complaint in the first instance."

This, according to Kruger's superiors at the time, was plainly wrong.

Two assistant chiefs and then-Chief Larry O'Dea would tell the outside investigator that Kruger never should have said such a thing. O'Dea was concerned enough about the sentiment that he instructed then-Assistant Chief Donna Henderson to "counsel Kruger to make it clear that courtesy complaints would not be declined."

Severe shared the worry. Both he and Captain Derek Rodrigues, then head of the PPB's internal affairs unit, wrote memos arguing against Kruger's findings. In a strongly worded statement, Severe called Kruger's opinion "corrosive."

"If other members of the command staff engage in such behavior," he wrote, "it has the potential to undermine the Police Bureau's efforts to hold its members accountable."

Kruger and Severe had a chance to reconcile their views in January 2016, when the case came before the PPB's internal Police Review Board (PRB). The board is a five-member panel (three cops, two civilians) that meets out of sight of the general public. When there's disagreement over allegations of police misconduct, it's the PRB's job to decide who's right.

The deliberations are supposed to be confidential. These weren't.

After an acrimonious hearing—in which witnesses said an otherwise-professional Kruger seemed to wage personal attacks, and resulting in Kruger's opinion prevailing, four votes to one—Severe posted a two-page memo to IPR's website.

"Captain Kruger's behavior at the Police Review Board was hostile and combative," Severe wrote. "Captain Kruger was disrespectful to Internal Affairs and openly disdainful towards to [sic] IPR."

Severe says he felt compelled to post his concerns to let the public know what was going on. The city's outside investigator says he broke the law.

"Severe violated the PPB directive and City Code providing that PRB discussions and deliberations are confidential by making them public," says the report by Jill Goldsmith of Workplace Solutions Northwest. "I believe that Severe publicized this memo as part of the interpersonal conflict that he and Kruger had been engaging in."

Both Kruger and Severe declined to talk to the Mercury about the report. Severe's boss, City Auditor Mary Hull Caballero, disagreed with the findings and didn't discipline him. She also wrote a memo [PDF] taking issue with the fact-finding report.

"He used his best judgment in a difficult situation," Hull Caballero tells the Mercury, arguing that there's leeway in the city code to allow Severe license in sharing information about the PRB. "I would never want an IPR employee to see something they consider out of line or inappropriate and not speak out."

But when Severe spoke out, it led to more conflict: Kruger fired off an angry email to his superiors, and lodged a formal human resources complaint [PDF] against Severe.

In the complaint, Kruger singled out Severe for “bullying” and for “a concerted attempt to intimidate me as a commanding officer from carrying out my rightful duties...” He alleged the IPR director had violated a host of city rules. Kruger also lodged a complaint against Rodrigues, head of internal affairs, though the city declined to disclose information about it.

Kruger certainly had cause to know about such complaints. In the recent past, he himself had faced allegations from a subordinate who claimed Kruger harassed and retaliated against her. Some of those allegations were dismissed, but the city did conclude that Kruger retaliated against his former employee, Kristy Galvan. In addition, state investigators looking into Galvan’s claims found “substantial evidence” that she experienced harassment.

But it all came to naught. In a highly controversial move, the discipline was scrubbed from Kruger’s record as part of a 2014 settlement with the city, along with his 2010 disciplinary action for building an illegal Nazi tribute on Rocky Butte roughly 15 years ago.

After Kruger’s HR complaint against Severe, things got worse. With the PRB finding that Groshong had done nothing wrong, West—the man whose camera Groshong grabbed—appealed to the city’s Citizen Review Committee (CRC). The group wound up concluding Groshong had acted unprofessionally, but only after a hearing punctuated by outbursts from audience members—including frequent allusions to Kruger being a Nazi—and ending with a member of the citizen board being doused with a cup of water.

After that chaos, Kruger filed yet another complaint against Severe, this time lumping in Hull Caballero [PDF]. He says they should have stopped the meeting.

The outside investigation exonerated both Severe and Hull Caballero, and found Severe hadn’t been the bully Kruger claimed. It ultimately only faulted Severe for disclosing information about the PRB.

So what comes of all this drama? Possibly some substantive change in how police misbehavior is handled.

As part of a series of changes Hull Caballero plans to bring before counsel next month, she wants to create authority for IPR or internal affairs investigators to draw conclusions about whether a cop has violated bureau policy—not that officer’s commanding officer, as occurs today.

That change was recommended by the US Department of Justice, which is overseeing Portland police reforms, says Hull Caballero. In Groshong’s case, it would have largely cut out Kruger’s role, a change it appears the DOJ would welcome.

In an October 2016 status report on the city’s police reforms, DOJ attorneys lit into Kruger, chastising him for filing a complaint against Severe following the water-throwing incident and painting him as an impediment to reform.

“The water was not thrown at the Captain. Yet, the Captain continues to attack the very accountability systems designed to build confidence in legitimate policing,” the report said. “Thus, the Captain continues to undermine public confidence in PPB and makes every officer’s job less safe.”

Daily Journal of Commerce

Handling a Portland icon with care

*By Kent Hohlfeld
January 13, 2017*

The Portland Building, which houses more than 1,300 city employees in dozens of agencies, is one of the most iconic buildings in the City of Roses. But it also has proven to be one of the most trouble-prone.

Almost immediately after the building was completed in 1982, water began leaking into it. From 1990 to 2012, eight major efforts were launched to address structural performance issues.

“(The City Council) finally decided that nickel and diming it wasn’t working,” said Jen Clodius, a senior management analyst and public information officer for the Portland Office of Management and Finance. “Instead of throwing chump change at it, last year they authorized the (full reconstruction) project.”

The project has a budget of \$195 million and is scheduled for completion by 2020. Fixing a myriad of structural problems will be a tall order.

Chief among the issues is the performance of the building’s envelope. The mostly reinforced concrete enclosure lacks water-shedding features included in many comparable buildings. Also, the concrete structure has no exterior cladding other than paint. The inability to shed water has caused extensive damage to both the building’s interior and exterior.

DLR Group was contracted to devise a plan to address the structure’s numerous issues.

“Clearly a very high priority is that the envelope perform and keep water out,” said Carla Weinheimer, project manager for DLR Group. “The initial approach was not going to allow that envelope to work.”

While water leakage was the highest priority, it is not the only architectural challenge facing the project team. The fact that the building was constructed from so many different types of material also poses difficulty.

“We have stucco, tile and concrete,” said Kristin Wells, project manager for the city of Portland. “They all move at different rates. The way they move together is a challenge. It creates a point of weakness.”

Energy efficiency was a high priority when the building was built. Unfortunately, the technology of the 1970s and early 80s presented obstacles to meeting those goals.

“The black glass they used back in 1982 was a response to the energy crisis,” Weinheimer said. “The light is compromised by the glass. One thing we want to see is improved daylight.”

While addressing all of those technical issues, the project team is also charged with preserving the look of one of the most iconic examples of postmodern architecture in the country.

“A big question was how do we respect and treat it in a way that enhances the technical performance and maintains the architectural concept of the building,” Weinheimer said.

The solution came from evaluating methods used for other renovation projects. Owners of the Standard Oil Building in Chicago replaced all of the original marble cladding when it cracked under thermal and wind pressures. A new skin of modern curtain-wall framing and glazing was used to stop leaking at the Lever House in New York. Entirely new front glazing was used at Crown Hall at the Illinois Institute of Technology in Chicago to address damage from condensation and harsh weather.

Each of those solutions required significant changes to the buildings' appearances. That was something the Portland design team wanted to avoid.

"... The key thing to remember is we had to address the systems that comprised the envelope," Wells said. "To be doing this significant a renovation on a building of this age hasn't been done a lot."

After mulling their options, design team members settled on putting a rain screen over the existing façade. The screen will be able to shed water, relieve wind pressure and control temperature fluctuations to prevent leaks. It is also believed that the screen will stop more damage to the building's interior.

Other advantages of the rain screen system is that there is no need to demolish existing materials and it can match the building's exterior enclosure appearance, planar relationships and joint patterns.

"The building is significant because of what people see," Weinheimer said. "That is the big picture."

The rain screen will essentially create a second layer on the building's skin. It will use multiple materials to replicate the building's look. For instance, aluminum frames will replicate original frame sight lines and colors near the top of the building. Duplicate terra-cotta green tiles will mount onto concealed custom aluminum frames to duplicate existing green clay tile glazed hard surfaces at the lower three levels.

Aluminum panels with attached aluminum red tile shapes will be used to replicate the building's iconic red ceramic tiles. Aluminum plate panels will also be used to match the original painted concrete surfaces.

"We are going to create a layer on the exterior of the building behind which there is a second layer that allows the water to drain," Weinheimer said. "That means that what you will see is a layer that replicates the building's appearance and has that outer layer."

While the approach has been used in the past, it has seldom been used on buildings with historical significance comparable to the Portland Building's. When options were considered, the choice was clear to the design team.

"As a team we had to ask ourselves what system performs and gives us the aesthetics as well," Wells said. "It was a clear way to proceed. There aren't a lot of other options."

The design team is looking forward to implementing its plan despite the challenges presented by refurbishing one of most architecturally significant buildings in Portland. The plan did get the seal of approval of Michael Graves Architecture & Design, the firm responsible for the building's original design.

“Looking at it from our own standpoint, it’s an interesting design problem,” Weinheimer said. “We know this will be looked at nationally and internationally. We have been given a chance. With this new holistic approach, we will make the building useful and wonderful.”

Wheeler tells Portland Housing Bureau to halt new deals

By Chuck Slothower

January 11, 2017

Portland Mayor Ted Wheeler has directed the Housing Bureau to stop issuing housing bonds, pending a review.

But Kurt Creager, the bureau’s director, said that some of its work will continue despite Wheeler’s review.

“This does not sideline any deals that were already in the pipeline,” Creager said in an interview.

Nevertheless, the move effectively stops new deals for the Housing Bureau as city officials struggle to respond to an ongoing housing crisis. Creager said he expects the review to take three to six months.

Projects that are already under way will continue, Creager said.

“I feel like we’re still responsive,” he said.

Wheeler entered office on the heels of criticism that the Housing Bureau was building too few affordable housing units for its spending. Media dug into deals like a \$2.4 million loan to Hacienda Community Development Corporation for a new office building that included no affordable housing. Yet in November, voters approved a \$258 million ballot measure to fund affordable housing in response to skyrocketing rents and home prices across the metro area.

Wheeler wants to make sure the money is well spent.

Wheeler last week met with Creager to discuss the way forward for affordable housing spending. Shortly thereafter, Wheeler wrote on Twitter, “I have directed (the) Housing Bureau to suspend the use of housing bond funds until we clarify our goals and priorities.”

Creager said he expected housing spending to endure a “hiatus” as Wheeler took office.

“(Wheeler) needs some time to understand what the original plan was that was proffered by Commissioner (Dan) Saltzman and approved by the voters, and either validate or adjust the strategy,” Creager said.

Creager said he would meet with Housing Bureau staffers in a previously scheduled retreat to work on ways to evaluate what they’ve accomplished. Wheeler has asked for metrics to measure housing production.

“I’m looking forward to a very robust conversation with Mayor Wheeler as far as benchmarking performance,” Creager said.

Wheeler’s moratorium on new Housing Bureau deals came after the City Council agreed to buy the Ellington Apartments in Northeast Portland, and preserve 44 units as affordable. The

property, at 1610 N.E. 66th Ave., has 263 units total.

The Housing Bureau had to move quickly, Creager said. Federal Housing and Urban Development dollars will be leveraged along with city dollars to renovate the property.

“We’ll be improving the whole property,” he said.

The \$47 million purchase comes with an additional \$900,000 in closing costs. The deal will be funded in the short term by a transfer of money from the Bureau of Development Services. The Housing Bureau will repay BDS with bond funding and HUD money. The City Council approved the deal on Dec. 21.

In an unusual move, the council is also serving as the oversight committee for the bond issuance.

“I fully expected and understood that was a temporary outlier,” Creager said.

Guardian Management was extended as property manager temporarily, but the Housing Bureau will seek a replacement within six months, Creager said.

The Housing Bureau is moving forward with potential redevelopment of a property at 5020 N. Interstate Ave. The bureau plans to issue a “lightning round” notice of fund availability on Jan. 23, Creager wrote in a Jan. 4 internal Housing Bureau memo.

The property is adjacent to the MAX yellow light-rail line and a busy intersection with North Alberta Street.

“We think it’s a key site,” Creager said.

The parcel is currently occupied by J’s Market, a convenience store. The owner is interested in redevelopment options that would allow the store to continue operating, Creager said.

The Interstate Corridor Urban Renewal Area is the only URA in Portland with sufficient resources for development, Creager wrote in the memo. The Interstate project can leverage a 9 percent tax credit from Oregon Housing and Community Services. The Interstate area also has \$4 million available for multifamily development, \$5 million for homeownership development and the Housing Bureau-owned parcel at 5020 N. Interstate Ave.