

The Oregonian

Portland police union, mayor trade barbs over job description for chief of police

By Maxine Bernstein

May 17, 2017

No candidates have been identified in the mayor's national search for a Portland police chief. No interviews have been conducted, or finalists selected.

But already Portland Mayor Ted Wheeler and the head of the Portland police union are trading barbs, and it's over the wording of the job description for the top cop's job.

After the job description was posted on a city website Monday, [Officer Daryl Turner, president of the Portland Police Association, issued a lengthy statement](#) Tuesday night, decrying the mayor's reference in the description to the state's and the city's history of "systemic racism."

[The job description](#) prominently points out that Portland has a history of "legally sanctioned systemic racism with legally enforced exclusionary practices." It said that the successful candidate must have the "capacity and commitment" to improve relationships with members of minority communities, "ensuring that equity is a bedrock of policing."

Turner wrote that the description left the rank-and-file "angry and confused, as the clear implication from the posting is that the Police Bureau and its members have supported a racist culture in the City."

He criticized the mayor for not mentioning the positive work of the bureau's Behavioral Health Unit that pairs officers with mental health workers, officers' challenges working amid a significant staffing shortage and the decline in gang-related violence this year.

"The first paragraph of the Mayor's job posting shows blatant disregard for the decades of forward progress and is not representative of the Portland Police Bureau today," Turner wrote. "I urge our elected officials not to discount the relationships, partnerships, and friendships that our officers have built in our city. The job announcement does not accurately reflect our Police Bureau and its members. Certainly, it does nothing to aid in recruiting and retaining a police chief, let alone rank and file officers."

The mayor quickly responded Wednesday morning to the union president's missive, calling it "needlessly inflammatory and divisive."

Wheeler, in his prepared statement issued in a news release, reiterated the state's history, and argued that anyone applying for the chief's job needs to know about it.

"Our city and state have a shared history of racial injustice, from our state's original constitution – which contained an exclusion law banning black people from living here – to the hardships faced by those in Vanport before and after the flood, to the disparate outcomes for people of color in our legal system," Wheeler wrote.

"Anyone applying for the job should be fully aware of our state's history, and prepared to join me in ensuring that this history is just that...in the past."

This is the mayor's full statement:

"Our city and state have a shared history of racial injustice, from our state's original constitution – which contained an exclusion law banning black people from living here –

to the hardships faced by those in Vanport before and after the flood, to the disparate outcomes for people of color in our legal system. I have spoken about this shared history at length. I have never called into question the values and beliefs of our rank and file police officers. I have tremendous respect for the hard work they do every day in the community. At a time that calls for a shared vision and unity of purpose regarding the future of the Portland Police Bureau, today's letter from the Portland Police Association is needlessly inflammatory and divisive. We are conducting a national search, fulfilling a commitment I made to the community last year. Anyone applying for the job should be fully aware of our state's history, and prepared to join me in ensuring that this history is just that... in the past."

The search comes as the bureau is struggling with a staffing shortage, its controversial handling of large-scale protests, a recent officer-involved fatal shooting of a black teenager and the adoption of policy, training and accountability reforms required under a settlement agreement with the U.S. Department of Justice.

The job description was drafted based on input from selected community representatives, according to the mayor's office.

The Portland Police Association, representing rank-and-file officers, sergeants and detectives, recently announced that it supports current Chief Mike Marshman as chief and opposes the national search for an outside candidate.

Marshman was named chief in late June by former Mayor Charlie Hales after the retirement of Larry O'Dea amid a criminal investigation into his off-duty shooting of a friend during a camping trip in eastern Oregon. Marshman plans to apply to retain the job as part of the national search.

Voters give Portland city auditor more power

*By Gordon R. Friedman
May 16, 2017*

Portland voters on Tuesday overwhelmingly approved a measure to boost the Portland city auditor's independence.

Partial returns show 84 percent voted for the measure and 15 percent voted against it.

Approving the amendment to the city charter gives the auditor more control over budgeting, human resources and contracting, shielding the auditor's office from retaliation by city agencies it watchdogs. It also allows the auditor to seek legal advice independent of the city attorney. It also enshrines in the city charter the ombudsman's office, which investigates public complaints about city government.

City Auditor Mary Hull Caballero shepherded the measure through the city council, which gave unanimous consent to put it on the ballot. She has said Portland's auditor needs greater independence to avoid conflicts with city agencies. The city government has six elected officials -- the mayor, four commissioners and the auditor.

Portland opens recruitment for police chief

*By Maxine Bernstein
May 15, 2017*

The city on Monday opened recruitment for police chief candidates, seeking a "highly qualified and transformative" leader who has served as a chief or assistant chief in a large metropolitan law enforcement agency.

The successful person, according to the job description, must have the "capacity and commitment" to improve relationships with members of minority communities, "ensuring that equity is a bedrock of policing."

[The job description](#) prominently points out that Portland has a history of "legally sanctioned systemic racism with legally enforced exclusionary practices."

The city is looking for a chief who has a track record in boosting community policing and organizational change, is a college graduate and has at least 10 years of law enforcement experience, with at least five years in a management role.

An added benefit, the description says, would be prior experience helping police and mental health professionals collaborate.

The salary range cited is \$143,312 to \$205,379 a year.

The description cites the bureau's goals for the next fiscal year as building community trust, improving the working environment within the bureau and enhancing police accountability. Those [goals are similar to ones cited by Chief Mike Marshman when he was named to the job in late June by former Mayor Charlie Hales](#).

"The nature of police work in America is changing, and Portland deserves the chance to evaluate national talent in our efforts to create a 21st Century police force focused on building community trust, embracing diversity, and living up to the highest standards of transparency and accountability," said Mayor Ted Wheeler, who serves as Portland's police commissioner.

"This national search gives our community the chance to address fundamental questions about the direction of policing in Portland," he said in a statement. "I am dedicated to receiving and acting upon input provided by the community throughout this process."

The deadline for submitting an application is June 12.

A first round of interviews by phone is slated for week of June 24, with finalists identified the week of July 3.

"Based on an evaluation of the application materials, those applicants whose materials best reflect the experience, knowledge, and skill set for the position, will be invited to participate in telephone interviews," according to the Mayor's Office.

Final interviews before a panel of officers and community representatives will be held the week of July 17. The mayor will make the final selection.

Wheeler doesn't plan to have finalists meet the public in a town hall-type gathering, he said. Instead, the city wants people to offer their opinions and feedback via an online survey available [here](#).

The city search is estimated to cost \$19,900.

The search comes as the bureau is struggling with a staffing shortage, its controversial handling of large-scale protests, a recent officer-involved fatal shooting of a black teenager and the adoption of policy, training and accountability reforms required under a settlement agreement with the U.S. Department of Justice.

The Portland Police Association, representing rank-and-file officers, sergeants and detectives, recently announced that it supports Marshman as chief and opposes the national search for an outside candidate.

In April, the mayor scrapped plans to hire an outside agency to run Portland's national search for a police chief after only one agency – the International Association of Chiefs of Police - submitted a bid for a contract.

Instead, the city's human resources bureau is conducting the search. Three selected community panels were identified by the mayor's office to seek local input on crafting the job description.

Last month, Marshman said he planned to apply to keep his job.

"I don't want to abandon ship when things are starting to move forward. I feel obligated to do so," Marshman told The Oregonian/OregonLive. "I think morale is on the uptick. We're looking to hire another 15 to 18 officers next month. I feel obligated to continue to work to connect with people who work here and with the community. Those two things are what keeps me going on."

When Marshman was appointed chief at the end of June, his annual salary was \$172,619. He signed a three-year contract as chief that could be terminated without cause. If the contract is terminated without cause, he'll receive severance pay equal to six months of his salary, according to his contract.

The Portland Tribune

Wheeler, police union spar of racism claim in police chief job posting

By Jim Redden

May 17, 2017

Mayor Ted Wheeler and the leadership of the Portland Police Association are fighting over a reference to the city's history of racial discrimination in the job posting for the next police chief.

The request for applicants released last week included a statement that the city has a "history of legally sanctioned systemic racism with legally enforced exclusionary practices."

On Monday, PPA President Daryl Turner posted a letter on the union's Facebook page criticizing the statement.

"Understandably, the verbiage and the tenor of the job posting left many in the rank and file angry and confused, as the clear implication from the posting is that the Police Bureau and its members have supported a racist culture in the City," wrote Turner, who is African-American.

The statement also complains the posting was released on a day meant to honor law enforcement officers who have lost their lives in the line of duty, the 36th Annual National Peace Officers' Memorial Service, and does not mention progress being made to better respond to the mentally ill and reduce gang violence, despite staffing shortages.

"The job announcement does not accurately reflect our Police Bureau and its members. Certainly, it does nothing to aid in recruiting and retaining a police chief, let alone rank and file officers," wrote Turner.

In response, Wheeler released the following statement defending the posting and supporting the police:

"Our city and state have a shared history of racial injustice, from our state's original constitution — which contained an exclusion law banning black people from living here — to the hardships faced by those in Vanport before and after the flood, to the disparate outcomes for people of color in our legal system. I have spoken about this shared history at length. I have never called into question the values and beliefs of our rank and file police officers. I have tremendous respect for the hard work they do every day in the community. At a time that calls for a shared vision and unity of purpose regarding the future of the Portland Police Bureau, today's letter from the Portland Police Association is needlessly inflammatory and divisive. We are conducting a national search, fulfilling a commitment I made to the community last year. Anyone applying for the job should be fully aware of our state's history, and prepared to join me in ensuring that this history is just that... in the past."

Wheeler called improving the relationship between the bureau and the community a top priority when he ran for mayor last year. He also promised to conduct a national search for the next chief. The PPA has released a survey showing that the vast majority of its member prefer keeping existing Chief Mike Marshman, who was appointed by former Mayor Charlie Hales. Wheeler has encouraged Marshman to apply for the job.

You can read Turner's statement at [m.facebook.com/PortlandPoliceAssociation/posts/1570738872949824](https://www.facebook.com/PortlandPoliceAssociation/posts/1570738872949824).

City Hall Update: Council approves subpoena of Uber evasion documents

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May 16, 2017*

The City Council voted unanimously to subpoena the Uber ride-sharing company for documents related to a software program it reportedly used to evade regulation before being approved to operate in town.

Use of the so-called Greyball software was first reported by The New York Times after the council had approved regulations allowing Uber and similar companies, such as Lyft, to do business in Portland.

Commissioner Dan Saltzman told the council that Uber had refused to turn over requested documents concerning the software and policies for its use during a Portland Bureau of Transportation investigation launched after the news report. No one representing Uber testified.

Council backs Timbers' expansion plan

The Portland Timbers' plan to add 4,000 seats to Providence Park got the go-ahead Wednesday when the City Council unanimously voted to grant the team a 10-year, \$2 million tax break for the project.

The team will raise and spend an additional \$50 million to add the seats and make other improvements to the stadium where the Timbers and Portland Thorns play. It hosts other athletic and community events, too.

All of the Timbers games have sold out, justifying the expansion project. The council will vote to hire an architect to participate in the project in coming months.

Protest policy passes first test

U.S. District Judge Michael Simon has refused to declare Portland's new policy to reduce disruptions at public meetings unconstitutional.

The council adopted the new policy that includes proactively excluding repeat violators from future meetings after Simon declared the previous one violated the First Amendment. Frequent protester Joe Walsh sued the city in Simon's court after being excluded for future meetings for one of many outbursts. Walsh challenged the new policy after it was adopted, saying it also violated his rights. But Simon dismissed the challenge because the city has not used it against him or anyone else yet.

The City Attorney's Office is preparing to argue in federal court that the new policy is constitutional because it includes warnings to repeat offenders, among other safeguards.

Protests at council meetings have fallen since the policy was adopted, and the city hired an additional security officer.

City auditor gets more independence, lodging tax changes approved

*By Jim Redden
May 16, 2017*

Both Portland measures on the May 16 special election ballot easily passed Tuesday evening.

Measure 26-189, which increases the independence of the city auditor's office, was adopted with 86 percent of the vote.

"This was an inside baseball measure, but voters understood the importance of it. All the talk on the national level about the need to increase accountability and transparency did not hurt," Portland City Auditor Mary Hull Cabellaro said on election night. She proposed the measure, which was unanimously referred to the ballot by the City Council.

Measure 26-194, which clarifies the authority of the city to collect lodging taxes on short-term rentals, was approved with 62 percent of the vote.

The measure was sponsored by Commissioner Nick Fish and unanimously referred to the ballot by the City Council. It will ensure the city can collect lodging taxes on such new Internet-based short-term rental providers as Home Away and Airbnb.

"I think Portland voters understood this was about fairness and leveling the playing field. Out-of-state companies like Home Away should pay the same taxes as mom-and-pop bread and breakfasts," Fish said on election night.

FOREST PARK FEUD RAMPS UP

*By Lyndsey Hewitt
May 16, 2017*

Bickering between those on their feet and those on their bikes in Forest Park has gone on long enough that it has become a part of the park's story. It's a dispute that remains unresolved.

The feud spans decades, at least, ebbing and flowing. Lately, it's ramped back up.

Primarily a pedestrian-friendly park, about 28 out of 80 miles of trail are open to those interested in riding a bike on dirt-covered trails. But that could change with the Off-Road Cycling Master Plan being prepared by the Portland's Bureau of Planning and Sustainability, which aims to establish more opportunities for mountain bikers and cyclists throughout the city, as well as connect trails for a more cohesive riding experience.

For Forest Park, the plan illustrates five concepts to adjust existing trails to accommodate cyclists, and also for the creation of new trails.

Law or exception?

A new group called the Coalition to Protect Forest Park says the trail concepts violate the Forest Park Natural Resources Management Plan, a 224-page document from 1995 used to govern planning in the park. The plan was adopted as a city ordinance and ties in with local environmental zoning code.

Environmental lawyer Karl Anuta became interested in the situation, and sent a statement to city officials. Anuta was successful in past environmental legal battles, like the Salt Caves Dam project on the Upper Klamath River, a case where groups successfully opposed a large hydroelectric project between 1985 and 1998, upholding the river's designation as a wild and scenic river.

He says if the city doesn't stop looking at Forest Park for expanded use, it could result in a land-use battle, and that including Forest Park in any considerations is akin to false advertising.

"The cycling community is focusing on it. ... Somebody in the city bureaucracy doesn't know how to say no," Anuta says.

Some of Portland's plans call for single-track options in the park, where some trails would be between 2 and 6 feet wide, but the management plan says bike paths at Forest Park must be 8 feet wide. There are mountain bikers who enjoy riding on narrower trails; it poses more of a challenge than softer, flatter options.

Michelle Kunec-North, a cyclist who was chosen by the city to oversee the master plan process, says the plan would be "kind of like an exception" to the management plan.

And, the 8-foot-wide bike trail mandate is an outdated standard, she says. She says smaller trails cause people to ride slower, similar to a neighborhood street versus a wide roadway, where people often drive faster.

"This was adopted in the mid-'90s, and that doesn't mesh with best practices with modern trail design," she says. Kunec-North adds that future projects in Forest Park would have to go through an environmental review process "because it's different than what the (Forest Park Management Plan) had envisioned."

A special park

It's no wonder people are passionate about the park, the largest forested natural area within a city's limits in the United States. At 5,518 acres, it offers a slice of solitude, a chance to reconnect with nature without the hassle of too much travel out of Portland itself.

The management plan poses a higher level of governance than any of the city's other parks; consistently called "unique" by many people, Forest Park harbors valuable wildlife and uses its many trees to filter the city's air and water.

"Yes, Forest Park is certainly special ... but that doesn't absolve us of the fact that Forest Park is the best opportunity in the city to experience nature on a bike," Kunec-North says.

The 1995 plan was devised to help alleviate environmental damage caused by a rising level of use by humans — be it more hikers, bikers or even homeless people.

The plan is specific about trail use and future planning, but doesn't particularly mention off-road cycling opportunities.

"The (Forest Park Management Plan) lays out certain improvements outright, like restoration activities. For off-road cycling, it doesn't really identify future projects," Kunec-North says.

Marcy Houle doesn't agree with the city seeing it as an "exception." She's an esteemed wildlife biologist who has studied Forest Park intensively for the past 30 years, including conducting surveys and research for the Oregon Parks Foundation, Oregon Department of Fish and Wildlife, and the Multnomah County Planning Division. She also penned the book, "One City's Wilderness: Portland's Forest Park."

She sees the Forest Park Management Plan as not open to interpretation.

"We're lucky we have this very well-crafted law that's really well done. Once you talk about the 'exception,' you won't get it back," she says. Introducing a new user group to the park, she fears, will cause detrimental damage.

Portland Parks and Recreation already has run into some issues trying to fix up Forest Park fire lanes for cyclists, including narrowing them, running into opposition by the fire bureau because doing so reduced access for emergency response.

Other previous proposals included creating new trails next to the fire lanes, but the parks bureau wasn't supportive because doing so would "bisect areas in high-quality habitat, impacting interior forest."

Nonetheless, plans for expanding access at Forest Park are still being considered despite likely challenges.

Elderly and disabled

There were only a few mountain bikers zooming along the Leif Erikson Trail, the park's main drag for cyclists and hikers on a recent weekday.

Leif Erikson connects to other smaller trails like the Wildwood Trail. That's the path that Alex Schay, a blind athlete from Southeast Portland, enjoys hiking in Forest Park. He became acquainted with Houle after using her book to hike the length of the Wildwood Trail. The Wildwood Trail isn't being considered for cyclists.

An athlete who likes to stay active, navigating the trails comes relatively easy for Schay, despite being without his sense of sight because of glaucoma. Technology has given more confidence to folks like Schay who might otherwise stay away due to disability. He uses an iPhone app called

BlindSquare, which shouts out audible directions, while his guide dog Clifton navigates around any roots, rocks and sticks that could cause a fall.

He says he hasn't had much trouble in Forest Park with cyclists, but he has at Powell Butte, a park where there are some trails for cyclists. There, he's had to "get off the trail quickly." He's concerned that if more access comes to Forest Park, it could pose a threat for elderly and disabled who might not be able to act so swiftly.

"For older folks, if they have to quick dive from the trail or whatever, they could get really hurt, and they might not recover, and it might be a life-changing experience for them," Schay says.

Kunec-North contends that some people have preconceived notions of what mountain biking is, thinking of it as more of an "adrenaline, full-face, helmet-goggles sort of sport, when that type of riding is a very small demographic within the larger off-road cycling community."

She says they're looking at increased riding options for beginning and intermediate off-road cyclists.

Enforcement at Forest Park

Outside of anecdotal information, there's not much data about pedestrian and cyclist incidents, according to officials. For all of Forest Park's mass, it has a single ranger who can't actually issue citations for anyone found violating rules. Officials know, too, that signage is in poor condition, in need of upgrades so that cyclists aren't veering onto trails they're not allowed on.

According to Portland Parks and Recreation, there have been only three reports in a year regarding bike riders in Forest Park who were riding in areas prohibited to them.

"We primarily rely on education, talking to people and spreading the word about park rules, general safety and the negative impacts on natural areas," says Mark Ross, Portland Parks and Recreation spokesperson. They do have the authority to write a warning, where the next step would be a park exclusion. Exclusion starts from 30 days going to 90. Rangers are on foot and aren't about to chase rule breakers.

Park officials also are concerned about cyclists on narrow trails with pedestrians.

"A trail may be too narrow to accommodate cycling safely; there could be visibility challenges," Ross says.

The parks bureau, though not responsible for the Off-Road Cycling Master Plan, says it "would be supportive" of trail expansion for cyclists, as long as it also would reduce negative impacts to natural resources.

For its reliance on education, a pilot program that engaged volunteers with the ranger program to provide education and outreach to park users on trail etiquette and safety already has ended. It didn't focus on cycling.

However, Ross says the Portland Park Rangers recently received a grant to implement "Leave No Trace," a program that will help them learn concepts around stewardship, environmental education, habitat preservation and safety.

"Rangers have begun learning more about these concepts and how they can best be utilized across our system," he says.

Kunec-North says that better signage and enforcement could happen sooner if funding were prioritized. For now, they're reviewing feedback from their trail concepts, which were out until

April 30. Forest Park received the most feedback of any of the Off-Road Cycling Master Plan's other locations for expanded cycling.

They'll take information to the project advisory committee then draft a proposal that likely will be out for community input by the summer. Then it'll go to the Portland City Council, when there will be more opportunity for the public to testify.

The Forest Park Conservancy is supportive of new trails, but concerned about the park's lack of enforcement.

"But we're really looking forward — if the city does approve something — that there'll be better signage and more enforcement," says Renee Myers, executive director of the conservancy. "We really feel like there needs to be some kind of enforcement in order to keep the parks safe."

But can the longstanding dispute be resolved? Myers hopes so.

"I think it's not a bad idea to figure out how we can all get along, to (get) polarized groups together to collaborate ... instead of kicking the can down the road somewhere else," she says.

How it works in Boulder

The city of Boulder, Colorado, was pointed to by several in both the hiking and biking communities as a model city for how to handle competing uses for trails.

According to Mark Gershman, planning services supervisor for the City of Boulder, they've been experimenting with different options to make it work for both users. They have tried separating activities by day or alternating directional travel.

The city has 15 rangers for their trails who are able to issue citations that could result in a fine and court appearance.

They also have a bike patrol, started in partnership with its local mountain biking association, to offer education to users.

Judge to hear arguments in ratepayer suit against city

*By Jim Redden
May 16, 2017*

Water bureau spending related to two parks is being challenged in the final stages of the long-running ratepayer lawsuit against the City of Portland.

Multnomah County Judge Stephen Bushong is scheduled to hear final arguments about how much the City Council should repay the water and sewer bureaus on Friday. A little more than \$20 million is under discussion. Of that amount, almost \$2.6 million was spent at city-owned Dodge Park in Clackamas County and just over \$11.7 million was spent at Powell Butte in Portland, where two reservoirs and a nature park are located.

Attorneys representing ratepayers say all the spending related to the parks was illegal because it benefits them more than the water bureau. According to a May 12 trial memorandum from the City Attorney's Office, Powell Butte projects included a \$1.3 million caretaker's house and a \$2.4 million interpretative center. Bushong previously ruled that ratepayer spending must be "reasonably related" to the missions of the bureaus.

"The city is still trying to justify illegal spending. It should just come clean and admit ratepayers shouldn't have paid for these projects," says ratepayer attorney John DiLorenzo.

But in the memorandum, the city argues that only \$920,014 did not meet Bushong's standard at Dodge Park. The figure is even less, \$842,531, at Powell Butte, the city says. The rest of the spending — approximately \$12.4 million — either supports water bureau programs, was required by state land-use laws, or should not be counted for technical reasons.

Exchanges between the two sides became heated as the hearing date approached. DiLorenzo singled out the money spent on the caretaker's house in a May 8 letter to the City Attorney's Office. He said it replaced a manufactured home formerly used by a Portland Parks & Recreation employee to oversee the nature park at Powell Butte.

"It is time to regain the trust of Portland ratepayers," DiLorenzo wrote.

City Attorney Tracy Reeves wrote back in May 10. She accused DiLorenzo of threatening to try the case in the media and privately had said it would be "politically advantageous" for Commissioner Nick Fish, who is in charge of the water bureau, to concede the cost of the caretaker's house. Fish accused DiLorenzo of "political blackmail" in an email to the Portland Tribune. DiLorenzo says he merely said it would be the right thing for Fish to admit the money spent on the caretaker's house was inappropriate.

Defending the spending, the city attorneys say visitors to the Bull Run Watershed stop at Dodge Park during their city-approved tours. They also say the caregiver who lives at Powell Butte provides around-the-clock security for the reservoirs, and the interpretative center there educates people about Portland's water system and mitigates the environmental impact of reservoir construction. And the spending includes a \$3 million-plus maintenance building that is mostly used by the water bureau.

Altogether, the city is only conceding it may have misspent around \$6 million of the \$20 million under discussion — including money spent on the public toilets known as Portland Loos, the now-defunct public campaign finance program, sending city bureau employees to New Orleans for Hurricane Katrina relief, creating "hydro parks" as city reservoirs, and paying for maintenance and other work undertaken by Portland Parks & Recreation employees.

"The city is committed to fulfilling its obligation to properly spend ratepayer funds wisely and efficiently, and is looking forward to full resolution of these issues through the judicial process," says Senior Deputy City Attorney Karen L. Moynahan.

Even if Bushong awards the ratepayers all the money identified in the memo, it will be far less than the more than \$120 million their attorneys originally sought. He previously ruled that more costly expenditures — including over \$50 million in sewer funds spent on the Portland Harbor Superfund cleanup process — were authorized by the charter.

"This lawsuit has dragged on for more than five years, at great expense to taxpayers. At this point, I have to wonder whether John is more interested in billing his time than actually litigating this case," says Fish. "We have great respect for the court, and trust the legal process John initiated to see us through. Our City Attorney will continue representing the interests of ratepayers and taxpayers — John's threats and bluster won't change that."

After Bushong finalizes his ruling, the city must decide whether to appeal the case or live with the "reasonably related" standard for spending he has declared.

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The City Attorney's Office is preparing to argue in federal court that the new policy is constitutional because it includes warnings to repeat offenders, among other safeguards.

Protests at council meetings have fallen since the policy was adopted, and the city hired an additional security officer.

Portland launches national search for next police chief

By Jim Redden

May 15, 2017

Portland officially began recruiting its next police chief on Monday, beginning a national search that is expected to be completed in July with a job offer coming by fall.

"The nature of police work in America is changing, and Portland deserves the chance to evaluate national talent in our efforts to create a 21st Century police force focused on building community trust, embracing diversity, and living up to the highest standards of transparency and accountability," says Mayor Ted Wheeler, who is also Police Commissioner and oversees the Portland Police Bureau.

The job posting was developed using feedback given at a series of meetings attended by invited stakeholders. It outlines the minimum qualifications for the position, describes the ideal candidate.

Among other things, it says applicants must be a college graduate, have at least 10 years of law enforcement experience with at least five years in a management role, and have a record of supporting community policing and organizational change.

An added benefit would be prior experience helping police and mental health professionals work together.

The salary range is given as \$143,312 to \$205,379 a year.

You can read the posting at preview.tinyurl.com/m4wkfoa.

The public can offer their opinions and feedback through an online survey at tinyurl.com/kcvu4o6.

"This national search gives our community the chance to address fundamental questions about the direction of policing in Portland. I am dedicated to receiving and acting upon input provided by the community throughout this process," says Wheeler.

The Portland Police Association that represents rank-and-file bureau employees has released a survey that says the vast majority of its members prefer keeping existing Chief Mike Marshman. Wheeler promised to conduct a national search for chief when ran for mayor but has encouraged Marshman to apply.

According to the posting, the Recruitment Activity Schedule is as follows:

- Open search process: May 15
- Application deadline: June 12
- Initial Evaluation Process: Week of June 19
- Initial Interviews: Week of June 24
- Finalists Identified: Week of July 3
- Panel and Final Interviews: Week of July 17

According to the city, all applications will be reviewed for minimum qualifications. Based on an evaluation of the application materials, those applicants whose materials best reflect the experience, knowledge, and skillset for the position, will be invited to participate in telephone interviews. The best qualified candidates will move on to panel interviews. The Mayor will make the final selection for the position.

The Portland Mercury

Hall Monitor: Waiting Games

By Dirk VanderHart

May 17, 2017

Rob Wheaton doesn't tweet all that often. But when he does, the union rep often focuses on the city's 911 operations.

Wheaton represents roughly 80 employees who take 911 calls and dispatch officers to emergencies, and he's fond of tweeting out pictures of a digital board at Bureau of Emergency Communication (BOEC) headquarters that shows hold times for people seeking help.

December 14: A 22-minute wait, with three 911 callers holding.

January 24: An 11-minute wait, also with three callers holding.

May 3: A nearly six-minute wait, with six callers holding.

A staffing crisis at BOEC has contributed to outsized hold times in recent years, says Wheaton, who works for the American Federation of State, County, and Municipal Employees (AFSCME) Council 75. And it's hard not to see a bit of I-told-you-so in recent tweets—Wheaton just failed to win a raise he says could have helped the city recruit and keep 911 staffers.

Fresh off a new agreement between the city and Portland's largest police union offering rank-and-file officers a 9 percent raise, AFSCME and BOEC employees recently pressed for a similar pay bump. The union's "last best offer" in a contract dispute included a 10 percent raise.

The city, meanwhile, was offering fewer perks. Its proposal included higher pay for long-time staffers and for employees who coach trainees, among other things.

In an April 26 ruling, an arbitrator declared the city's offer the winning proposal. Wheaton says it was the wrong call.

"We've been trying to fix this with things other than wages and things that cost money for the last nine years," he told me. "We've seen our staffing levels continue to drop to the point we're reaching crisis level."

According to BOEC Interim Director Lisa St. Helen, the bureau currently has 83 full-time employees—despite being budgeted for 107 (a recent study suggested it actually needs more). That's not a Portland-only problem. Both Wheaton and St. Helen acknowledge 911 systems around the country are having trouble recruiting and retaining staff.

In Portland, the shortage comes as call volumes are rising, and has led to mandatory overtime that Wheaton says makes it hard for employees to plan their lives. More cash could help, he says.

For St. Helen, money isn't the thing standing in the way of her employees' happiness. Having been with BOEC for more than two decades, she's seen lots of contract bargaining. Her takeaway is that scheduling issues—such as senior employees getting plum shifts—are the big problem.

"What I keep seeing is us identifying the fact that this is a stressful job," she says. "We keep talking about ways to throw money at this problem. I think we're really smart people and can do better."

St. Helen talks about rejiggering the four, 10-hour shifts employees work each week, and offering a tiny bit of leeway for employees to say “no” to forced overtime. She notes there are more than 20 trainees “in the pipeline” (only a small fraction typically qualify or sticks around).

St. Helen says the new contract—which is \$1.86 million cheaper for the city than the union’s plan—moves the needle in the right direction. But she also bristles at Wheaton’s tweets, saying they offer an incomplete picture.

In an email she sent last Saturday, first reported on by the Oregonian, St. Helen warned employees that the city “strictly prohibits the dissemination of confidential information.”

Even if Wheaton’s tweets stop, though, high 911 wait times seem to be sticking around. That should concern us all.

Police Union Upset With City For Acknowledging Racism

*By Doug Brown
May 17, 2017*

The Portland Police Association (PPA), the rank-and-file police union, is upset with the City of Portland for acknowledging historical racism in the city and state in its job listing for a new Portland Police Bureau (PPB) chief.

"The State of Oregon and its largest city, Portland, share a history of legally sanctioned systemic racism with legally enforced exclusionary practice," [the first paragraph of the job listing states](#). The city is going forward with a national search for a new police chief, as Mayor Ted Wheeler promised on the campaign trail, though current PPB Chief Mike Marshman has a chance of keeping his job. "Given this history, the successful candidate must demonstrate the capacity and commitment to expand on existing strategies to improve relationships with and service provision to Portland's communities of color, ensuring that equity is a bedrock of policing in Portland."

This first-paragraph acknowledgment of Oregon's reality (see: "[The Racist History of Portland, the Whitest City in America](#)" in The Atlantic) is offensive to PPA President Daryl Turner. The PPA wants Marshman to remain as chief.

"Understandably, the verbiage and the tenor of the job posting left many in the rank and file angry and confused, as the clear implication from the posting is that the Police Bureau and its members have supported a racist culture in the City," said Turner, who is Black, in a statement yesterday (read it in full, below). Turner says the union feels slighted by the city acknowledging racism without highlighting "the hard work, dedication, professionalism and integrity" that union members "bring to the job every day."

Mayor Ted Wheeler, in a response to the PPA letter, praised the union members but again highlighted the state's racist roots.

"I have tremendous respect for the hard work they do every day in the community," the mayor said. "At a time that calls for a shared vision and unity of purpose regarding the future of the Portland Police Bureau, today's letter from the Portland Police Association is needlessly inflammatory and divisive. We are conducting a national search, fulfilling a commitment I made to the community last year. Anyone applying for the job should be fully aware of our state's history, and prepared to join me in ensuring that this history is just that... in the past."

The city's search for potentially new police chief, with a salary range of \$142,312 to \$205,379, officially began on Monday. They are accepting applications through June 12, will interview candidates in the following weeks, and hope to have finalists identified in July.

Check out [the full PPB chief job listing here](#). Here's Turner's full May 16 statement in response to that:

Yesterday, the Mayor posted the job announcement for police chief candidates, which led with a statement about the "history of legally sanctioned systemic racism with legally enforced exclusionary practices" in the City. Understandably, the verbiage and the tenor of the job posting left many in the rank and file angry and confused, as the clear implication from the posting is that the Police Bureau and its members have supported a racist culture in the City.

On a day that has been set aside to recognize law enforcement officers who lost their lives in the line of duty for the safety and protection of others and a day dedicated to the 36th Annual National Peace Officers' Memorial Service, not a single mention was made of the hard work, dedication, professionalism, and integrity that Portland Police Bureau rank and file bring to the job every day.

There was no mention of the PPB Behavioral Health Unit's recent national recognition for their ground-breaking efforts in working with citizens with mental illness or in a mental health crisis.

There was no mention of the, still short staffed, Gang Enforcement Team whose hard work is evident in the 40% reduction of gang shootings from this time last year.

There was no mention of the fact that although patrol officers are taking more calls for service, detective caseloads have increased, and other specialty units have been decimated by staffing cuts, our communities are still getting the exceptional services they expect and deserve.

The Police Bureau continues to struggle with inadequate staffing and, despite the baggage left after the forced retirement of ex-Chief Larry O'Dea, Chief Marshman and his staff have managed to hold the Bureau together, raising morale, providing leadership, and ensuring stability.

The job announcement neglected to reference to the strength of our rank and file who work diligently to meet the changing and evolving needs of our diverse community, embrace community-policing concepts, and continue in steadfast dedication to build trust in all the communities we serve. The foundation of the Portland Police Bureau is the rank and file who are on the ground doing the work, 24/7; they have earned, at a minimum, honorable mention.

The first paragraph of the Mayor's job posting shows blatant disregard for the decades of forward progress and is not representative of the Portland Police Bureau today. I urge our elected officials not to discount the relationships, partnerships, and friendships that our officers have built in our city. The job announcement does not accurately reflect our Police Bureau and its members. Certainly, it does nothing to aid in recruiting and retaining a police chief, let alone rank and file officers.

Daryl Turner, President

And here's Wheeler's full response to the PPA criticism:

Our city and state have a shared history of racial injustice, from our state's original constitution – which contained an exclusion law banning black people from living here – to the hardships faced by those in Vanport before and after the flood, to the disparate outcomes for people of color in our legal system. I have spoken about this shared history at length. I have never called into question the values and beliefs of our rank and file police officers. I have tremendous respect for the hard work they do every day in the community. At a time that calls for a shared vision and unity of purpose regarding the future of the Portland Police Bureau, today's letter from the Portland Police Association is needlessly inflammatory and divisive. We are conducting a national search, fulfilling a commitment I made to the community last year. Anyone applying for the job should be fully aware of our state's history, and prepared to join me in ensuring that this history is just that... in the past.

Voters Just Passed a Record-Setting Bond for Portland Public Schools

*By Dirk VanderHart
May 16, 2017*

It appears Portland voters have passed the largest bond measure in state history—a \$790 million property tax bond designed to eliminate lead and copper exposure in Portland Public Schools and complete major renovations and replacements.

The first tally of the night, just after polls closed at 8 pm, showed the bond measure leading with roughly 61 percent of the vote. The Oregonian called the race immediately afterward.

The passage of the bond, Measure 26-193, suggests the school board wasn't off base last year when it decided to delay a bond ask from the massive November election—which featured other high-profile revenue measures—to the smaller May election.

With the new money, [PPS promises much-needed fixes](#) to a school system that has seen few positive headlines recently. The causes of a lead scandal that unfolded in 2016 would be wiped clean, the bond campaign says, with both hazardous water fixtures and lead-based paint removed (or covered, in the case of some paint). Roughly \$324 million of the money voters approved will remove “lead, copper, asbestos and radon from all 90 PPS schools” according to the campaign.

The money will also pay for extensive renovations of Benson and Madison high schools, along with wholesale replacements of Lincoln High School and Kellogg Middle School.

Also well in the lead at first blush, changes to the Portland City Charter that will grant new independence to the City Auditor's Office. Initial results show Measure 26-193 leading with more than 84 percent of the vote.

With the changes in place, the Auditor's Office will have more power to set its own hiring practices and contract with outside attorneys. It will also have a degree of budget independence it's never had before.

Auditor Mary Hull Caballero lobbied hard for those changes, saying that her employees are put into potential conflicts of interest because they frequently need the help of offices they're also charged with critiquing.

“It's a constant cloud over every transaction we're involved in,” she told the Mercury in April.

Another citywide measure, to change the charter to solidify the city's ability to tax short-term rental platforms like Airbnb, led by less in initial results, leading with nearly 59 percent of the vote.

After a Budget Clash, Mayor Ted Wheeler is Looking for More Money to Battle Homelessness

*By Dirk VanderHart
May 16, 2017*

As he prepares to pass an "approved" budget for the coming fiscal year tomorrow, Mayor Ted Wheeler is on the hunt for more cash to fight homelessness.

It's still too early to say where the money will come from, but Wheeler's office tells the Mercury that after a meeting with Multnomah County Chair Deborah Kafoury on Thursday, he's agreed to delve into his budget—which contains [an \\$18.6 million surplus](#) that was quickly spoken for—to find more money.

"We've committed to working together to see if we can find some additional funding," Wheeler spokesman Michael Cox said this afternoon. "We're not talking about a specific dollar amount."

That's apparently not how the county understands things. According to spokesperson Julie Sullivan-Springhetti, county officials left last week's meeting believing Wheeler would be looking for \$1.7 million to bolster the city/county Joint Office of Homeless Services.

"That was the understanding the county left with," Sullivan-Springhetti says.

The decision comes after Wheeler [clashed publicly with Kafoury](#) over the \$25 million he's proposed for the homelessness office. Kafoury increased the county's spending on homelessness by over \$3 million this year, and had asked that the city follow suit. Wheeler initially declined, noting that the \$25 million contained in his budget proposal matched the county's funding.

The collective \$50 million is actually more than the homelessness office had to work with last year, but because some of the money is limited in its use—and officials want to offer more varied services—concerns circulated that shelter beds might be eliminated.

At a recent meeting of the coordinating board for A Home For Everyone, a task force strategizing on how to fight the city's homelessness crisis, Wheeler called the funding standoff "city-county budget poker" and suggested a deeper conversation should take place about how the \$50 million was spent.

But it appears something changed after he and Kafoury met last week. Cox wouldn't comment on anything that had specifically changed in Wheeler's outlook, but said: "This is the beginning of what's going to be a multi-year relationship between this mayor and this chair. We started January 1, but of course the Joint Office budget planning started well before we took office."

Cox says any additional money for homelessness won't be reflected in a budget proposal council, acting as the city's budget committee, is set to approve tomorrow. Instead, it would be hashed out between that vote, and a final adoption of the budget next month.

That doesn't mean there won't be changes to tomorrow's budget proposal. In particular, Wheeler might face pressure to [increase the money spent](#) on a new publicly-funded elections program set to begin in 2019, or [alter his allocation](#) for the city's 3 percent tax on recreational pot sales.

The Portland Business Journal

Portland voters emphatically back schools bond, auditor independence

*By Andy Giegerich
May 17, 2017*

Two out of three Portland voters agreed that the district's troubled school district should get more money for building improvements.

A measure that asked for \$790 million in bonds [passed by a 66 percent to 33 percent count](#). The measure would renovate and rebuild Lincoln, Madison and Benson high schools as well as Kellogg Middle School. It will further address the district's safety issues, including the high water lead levels that effectively led to [former superintendent Carole Smith's early retirement](#).

Portland voters also voted to allow greater independence for the city's auditor. Some 86 percent of voters approved the notion, which allows the office more control over such matters as budgeting.

[Scott Bailey](#), [Julia Brim-Edwards](#) and [Rita Moore](#) were elected to Portland's school board. Brim-Edwards is a former board member who's also a Nike Inc. executive.

OPB

Portland Voters Approve Greater Independence For City Auditor

*By Laura Klinkner
May 16, 2017*

In Tuesday's special election, Portlanders voted to increase the independence of the city auditor. The ballot initiative passed with an overwhelming majority, garnering 86.42 percent of the votes as of Wednesday morning.

The city auditor is an elected official whose duties mostly revolve around transparency and oversight of the rest of city government.

Mary Hull Caballero is the current auditor for Portland and championed the ballot measure. She believed the way things were organized gave the rest of city government too much power over the office that might investigate them. And so she made a proposal, one that voters in Portland overwhelmingly approved, according to early election returns.

"I am very gratified that the voters took the time to appreciate the problem that we were trying to solve and embrace the proposal that we put forward," Hull Caballero said Tuesday night.

Hull Caballero advocated for the measure earlier this month on OPB's "Think Out Loud": "The power of the auditor's office is its independence from the rest of city government," she said. "And if we have these situations where there are the appearance that we are beholden to the people that we audit and investigate, it hurts the credibility of my office."

The measure will amend the city charter to give the auditor's office more independence from other areas of city government. It allows the auditor's office to make some hiring and budget decisions without the review of some of the offices that the auditor is expected to oversee. The auditor will also be able to seek outside legal counsel, avoiding potential conflicts of interest that could have come from going to the city attorney.