

## The Oregonian

# Portland police union supports Chief Marshman, opposes national search for new chief

By Maxine Bernstein

April 27, 2017

The Portland police union wants Mike Marshman to remain chief and opposes the mayor's push to do a national search for the city's top cop.

The Portland Police Association conducted a survey of its rank-and-file officers, sergeants and detectives and [released the results](#) Thursday.

With 84 percent of the 849-member union responding, the majority said morale is up with Marshman leading the Police Bureau and believe a search for an outsider will hurt the bureau.

"When it's clear that Chief Marshman is more than qualified for the position and has the overwhelming support of his rank-and-file employees, a national search for a police chief is a misguided endeavor," Officer Daryl Turner, association president, said in a news release.

Marshman, 50, who has risen through the ranks in his 26 years with the bureau, was appointed chief by former Mayor Charlie Hales in late June as Chief Larry O'Dea retired while under criminal investigation for an off-duty shooting of a friend during a camping trip.

Marshman quickly made widespread changes in the command staff, demoting the four assistant chiefs who served under O'Dea and naming his own three captains or commanders to fill three assistant chief jobs.

Turner said Marshman understands the needs of patrol officers even though it's been a long time since he worked the street. He also has a good, non-adversarial working relationship with the union, even if he disagrees with its stance on particular issues or grievances, Turnert said.

"Moreover, Mike has come up through the ranks," Turner said. "He has a good relationship with the rank-and-file. He understands the politics and dynamics of Portland and our organizational history."

He cited the short tenures of the only two chiefs who didn't come up through the bureau's ranks but were appointed from outside, Mark Kroeker and Bruce Baker.

Kroeker was hired in December 1999 after he retired as a deputy chief for the Los Angeles Police Department. He resigned under pressure from Mayor Vera Katz in 2003. Baker was appointed by Mayor Neil Goldschmidt in 1974 from Berkeley, Calif. The marriage of Baker and the bureau was not a happy one. Baker once recommended to city officials that he be the last or "one of the last" chiefs to be chosen from outside the bureau.

In keeping with his campaign pledge, [Mayor Ted Wheeler has directed the city to do a four-month national search](#) for police chief. Marshman said the mayor encouraged him to apply, and Marshman said he will.

The mayor has said he wants an effective leader committed to returning the city to true community-based policing, where officers have time to get out of their cars and get to know the people and businesses they serve. He wants to increase diversity within the bureau from hiring to promotions and address a significant staffing shortage.

"The search will provide an opportunity to engage both local and national talent on a core set of issues vital to the future success of the Portland Police Bureau," said Wheeler's spokesman Michael Cox.

The union's eight-question survey showed:

-- 90 percent of the 712 union members who responded believe morale has improved under Marshman and 94 percent support his continued service as chief.

-- 91 percent believe Marshman has promoted a positive culture in the Police Bureau.

-- 87 percent believe that replacing Marshman "will negatively affect morale in the Police Bureau."

-- 83 percent believe that replacing Marshman with a chief who comes from outside the bureau will negatively affect the bureau.

-- 82 percent don't believe the mayor will consider the union's input in the search.

--94 percent support Marshman's continued tenure.

Marshman, who recently returned from three weeks of paid leave while under investigation for allegations that his executive assistant signed him in for attending a training class that he missed, said earlier this week that he intends to apply for the permanent 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."

The city expects to post a job description sometime in May and has estimated its four-month search will cost \$19,900.

Under a tentative schedule, screening of applicants would occur in June. Some community representatives would sit in on interview panels for the finalists. A candidate would be selected by the end of July. The mayor doesn't plan to have finalists meet the public in a town hall-type gathering, he said.

The Rev. T. Allen Bethel, president of the Albina Ministerial Alliance and vice chair of the alliance's Coalition for Justice and Police Reform, said he very much favors a national search for chief.

"In order to get a chain in the culture and accountability in the bureau, I feel we really need someone from the outside who has no ties to the same 'old boys' network," Bethel said.

While Bethel said he supports Marshman as chief in the interim, he said he would not support him as the bureau's permanent chief.

Bethel said Marshman didn't take a leadership role when Marshman attended the now-defunct Community Oversight Advisory Board as the police liaison to the U.S. Justice Department on the city's settlement agreement over use of force against people with mental illnesses.

"I didn't see great participation by him or really a push by him to see that the reforms and the community's concerns were heard," Bethel said.

The Rev. Leroy Haynes, chair of the alliance's Coalition on Justice and Police Reform, said a national search would find the best candidate for one of the city's most critical jobs. The alliance wants a leader who can propose a strong community policing strategy to build trust between residents and officers that's now sorely lacking, Haynes said.

Dan Handelman, who leads the police watchdog group Portland Copwatch, said the union's ardent support of Marshman may signal "a too cozy" relationship between the chief and union. But appointing someone from outside the bureau isn't necessarily a solution either, he said.

The search for a chief comes as several high-ranking police officials including Capt. Kevin Modica, Capt. Derek Rodrigues and Lt. Mike Leasure remain on paid leave, pending separate investigations.

## Portland Mayor Ted Wheeler takes all city bureaus back from commissioners

*By Jessica Floum*

*April 27, 2017*

Portland Mayor Ted Wheeler took over all 27 of the city's bureaus Thursday and will run them until the city budget is approved. He took the action via an executive order that took effect immediately.

Wheeler will announce his budget proposal Monday, after which the City Council will hold public budget hearings and work sessions to determine where the city's dollars ultimately go. A budget committee will approve the budget May 17, but the City Council won't adopt the budget until June 8, after a tax hearing and utility rate reviews.

Former Mayor [Charlie Hales took over](#) all of the city's bureaus for at least four months during his first year, and [later reassigned them](#) to many commissioners' displeasure. Hales' office struggled to manage all the bureaus, said Commissioner Nick Fish. His staff lacked the capacity.

Wheeler's approach is different. He asked that commissioners continue to work with the bureaus he assigned them in January, according to an email obtained by The Oregonian/OregonLive. The mayor's director of bureau relations, Kyle Chisek, emailed commissioners and their chiefs of staff on Thursday asking them to work with the bureaus "in conjunction with our office." The mayor will assign one contact in his office to each of the bureaus with whom commissioners' offices can coordinate, Chisek wrote.

Overseeing citywide bureau management for three weeks makes more sense, Fish said.

The announcement comes as no surprise. Wheeler [said before his term](#) that the bureau assignments he would assign Portland's four commissioners and himself were only temporary.

The ability to assign bureaus at will is one of the few powers granted exclusively to the mayor under Portland's commission form of government.

"Given our unique structure of government, the budget process can become siloed," mayoral spokesman Michael Cox said. "The mayor would like the City Council to approach the budget with an enterprise-wide mindset, focused on prioritizing limited dollars to fund core city services like infrastructure, public safety, housing and homelessness."

Assignments can sometimes be seen as political statements and lead to tension with commissioners who are responsible for overseeing whichever office the mayor assigns.

Commissioner Amanda Fritz in January said she was "quite miffed" to lose management of the Office of Neighborhood Involvement, which rookie Commissioner Chloe Eudaly was assigned to oversee. Eudaly [ousted the bureau's former director](#) Amalia Alarcon de Morris about two months after receiving the bureau.

Wheeler retained control of most city bureaus, including the police department, when he gave each of his fellow commissioners two bureaus to run.

City officials say Fritz is still unhappy about losing the neighborhood office because she launched her political career by working in neighborhood associations. They say she is still angling to get the bureau back.

Fritz's chief of staff Tim Crail denied that Fritz is trying to get the neighborhood office back. The commissioner and her staff have had no conversations about getting the office back since the mayor assigned the bureaus, Crail said.

"Amanda accepted the mayor's decision and accepted that that would be the way things are for at least the next two years," Crail said.

The mayor will reassign the bureaus to commissioners once the approved budget is passed.

"We fully expect the mayor will resign ONI to commissioner Eudaly when he reassigns the bureaus," Crail said.

Wheeler and Cox have given no indication whether or not they will return the bureaus to the commissioners who had them between January 3 and now.

"I want to see progress and clear progress in terms of accomplishing the goals that I've laid out for my administration, and the goals that they have laid out for themselves," Wheeler told The Oregonian/OregonLive in December.

Proposing the city's budget is also among the few unique responsibilities granted to the mayor.

*This story was updated to include comments from Tim Crail, chief of staff to Commissioner Amanda Fritz.*

## **The Portland Tribune**

### **Police union urges Wheeler to keep Marshman as chief**

*By Jim Redden*

*April 27, 2017*

The union representing rank-and-file Portland police is calling on Mayor Ted Wheeler to keep Chief Mike Marshman and not conduct a national search for the next chief as he promised during his campaign.

The Portland Police Association released the results of a membership survey Thursday afternoon that found the vast majority support keeping Marshman and oppose the national search that is underway.

"When it's clear that Chief Marshman is more than qualified for the position and has the overwhelming support of his rank-and-file employees, a national search for a police chief is a misguided endeavor," said union president Daryl Turner.

The release also Wheeler did not consult with the union before the city launched the national search that is currently underway.

Wheeler's office says the mayor is sticking to his promise, however.

"By conducting a national search for Police Chief, the Mayor is fulfilling a commitment he made to the public during his campaign, one he has reaffirmed many times since. That commitment means something to the Mayor, and he's going to see it through. The search will provide an opportunity to engage both local and national talent on a core set of issues vital to the future success of the Portland Police Bureau. The Mayor has expressed publicly, and to Chief

Marshman personally, that he wants the Chief to participate as a candidate," Wheeler spokesman Michael Cox said in an email.

According to the union, 84 percent of its 849 members responded to the survey. It found:

- 94 percent of the union members support Marshman continuing as chief.
- 91 percent believe that since being appointed chief by former Mayor Charlie Hales, Marshman has promoted a positive culture in the Portland Police Bureau.
- 90 percent believe that the morale in the Police Police Bureau has improved since Marshman replaced Larry O'Dea, who was appointed by former Mayor Charlie Hales.
- 88 percent do not believe that a national search for a new police chief is the best option for moving bureau forward.
- 87 percent believe that replacing Marshman will negatively affect morale in the bureau.
- 83 percent believe that replacing Marshman with a chief from outside the bureau will negatively affect it.
- 82 percent do not believe that the Wheeler will consider their input when conducting his national search.
- 67 percent believe that replacing Chief Marshman will negatively affect retention and recruiting efforts that have improved over the past several months.

You can read the survey [here](#).

## **City, county making good progress on reducing carbon emissions, in contrast to nation**

*By Steve Law  
April 27, 2017*

Carbon emissions in Multnomah County have fallen 41 percent on a per- capita basis since 1990, significantly outperforming national efforts to avert climate change, according to a new progress report on the city and county's joint Climate Action Plan.

The progress report, delivered Thursday to the Portland City Council, notes that carbon emissions have declined 21 percent overall in the county since 1990. (The city of Portland constitutes about 80 percent of the county, population-wise.)

"Even with this very good news, we should continue to be very, very humble, said Susan Anderson, director of the Portland Bureau of Planning and Sustainability. That's because the ultimate goal is to cut carbon emissions 80 percent by 2050, to forestall dramatic global warming. "It is difficult," Anderson said in a presentation to the City Council, "but we believe it is very doable."

During the same period the county's carbon emissions fell 21 percent from 1990 levels, they are up nationally by 7 percent.

And the county's gains came despite a 33 percent increase in the number of people living here since 1990, and a 24 percent increase in the number of local jobs.

"I think we've got local proof that prosperity and environmental quality do go hand in hand," Anderson said.

Two years ago, when the city and county adopted the latest 2015 version of their joint Climate Action Plan, they announced that total emissions in the county had dropped 14 percent below 1990 levels, and 32 percent on a per capita basis.

The new figures, which are based on the latest data from 2014, show continuing improvement.

Portland devised the world's first known climate action plan back in 1993, written by Anderson. Revised plans were written in 2001, 2009 and 2015, more recently in tandem with Multnomah County.

Last year, the city and county won an international award for their Climate Action Plan from the C40 Cities Climate Leadership Group, which is working to mobilize the world's largest cities to take the initiative to reduce carbon emissions. That group, much like city officials, argues that most of the carbon emissions in the world stem from activities in large metro areas, so they can lead the way, despite often-laggard national governments that choose to do little, or, in the case of the Trump administration, to actively reverse past progress.

Since the 2015 plan update of the city/county joint plan, there have been several notable developments locally to address climate change:

- The city bike share program, Biketown, launched.
- Portland City Council adopted a policy requiring homes for sale to have a Home Energy Score that details energy use, pointing the way to energy-efficiency projects.
- Big commercial buildings have started to track their energy use, under a new city requirement.
- Home demolitions in the city must be done more manually and carefully, to limit contamination from asbestos and lead, and to promote reuse of wood and other building materials.
- A 2016 state law requires electric utilities to provide half their energy from renewable sources by 2040, not counting hydro power.
- Multnomah County and the Portland Development Commission launched PropertyFit, a new financing program making it easier for commercial, multifamily and industrial building owners to invest in energy efficiency and renewable energy.
- Portland barred major increases in fossil fuel terminals in the city.
- Trimet completed the new MAX Orange Line and the Tilikum Crossing bridge, dubbed the largest car-fee bridge in the United States.

Of the 171 specific actions called-for in the 2015 Climate Action Plan, city and county officials say 83 percent of them are on track to completion by 2020. Another 5 percent have already been completed, and 5 percent are in progress but face some obstacles. Work hasn't started yet on 7 percent of the tasks.

Work hasn't begun on the goal of developing a sustainable consumption strategy, aimed at getting county residents to reduce emissions through the stuff they buy. But the Bureau of Planning and Sustainability will commence work on that this year, Anderson said.

Another undone project: establishing climate action metrics for Portland neighborhoods, which would score each for their energy use, bike commuting and other criteria. There have been initial discussions with Portland State University about taking on that task.

There are no signs yet of tackling another unmet goal: promoting the use of sustainably harvested wood.

Of course the big elephant in the room right now is the Trump administration, which is rolling back the clock on efforts to forestall climate change and actively promoting fossil fuel industries — whose products are the main cause of climate change.

Michael Armstrong, deputy director of the Bureau of Planning and Sustainability, cited two Trump policies that could have the biggest impact locally to thwart the city and county's climate goals: ditching the Energy Star program that seeks to encourage more energy-efficient home appliances, and erasing Obama-era motor vehicle fuel efficiency standards.

Another progress report is scheduled to be done next year, and a revised Climate Action Plan is expected by 2020.

Steve Law can be reached at 971-204-7866 or [stevelaw@portlandtribune.com](mailto:stevelaw@portlandtribune.com), or Twitter at <https://twitter.com/SteveLawTrib>

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## **Wheeler assigns all Portland bureaus to himself**

*By Jim Redden*

*April 27, 2017*

As promised, Mayor Ted Wheeler assigned all city bureaus to himself on Thursday as the City Council prepares to consider his proposed budget.

Wheeler will resign the bureaus after it is approved by the council. he will release his proposed budget on Monday, May 1.

Having Wheeler oversee all bureaus during the budget process is intended to help the council members be more objective about them.

Wheeler has not said yet which bureaus will receive recommended spending increases or decreases. He is known to be concerned that the previous council approved more than \$10 million in last-minute spending increases without identifying additional revenue. The increases included money to hire more Portland police officers.

Budget hearings are set for May 11 and 17 at City Hall. The council is scheduled to adopt the budget June 8. It takes effect July 1.

All liaison responsibilities remain the same.

You can read Wheeler's declaration assigning the bureaus to himself [here](#).

## **Willamette Week**

### **Police Union Tries to Throttle Portland Mayor's Hunt for a New Police Chief**

*By Corey Pein*

*April 27, 2017*

Portland Police Association president Daryl Turner today released the results of an email survey of the Portland Police Bureau rank and file. The results reveal officers' skepticism toward Mayor

Ted Wheeler's announced plans to replace Chief Mike Marshman following a national hiring search.

"When it's clear that Chief Marshman is more than qualified for the position and has the overwhelming support of his rank-and-file employees, a national search for a police chief is a misguided endeavor," Turner wrote in a statement accompanying the survey.

Marshman resumed his full duties as chief on April 12 after an investigation into whether he was involved in the falsification of training records. As The Oregonian reported, Marshman was cleared after subordinates [changed their accounts](#) of the incident.

The PPA survey, [available here](#), found strong majorities of respondents felt morale had improved under Marshman as compared to his predecessor, Larry O'Dea.

The survey also found that nearly 88 percent of officers who responded to the survey disagreed that a national search was "the best option for moving the Police Bureau forward." Approximately 82 percent did not believe Mayor Wheeler would "incorporate the rank-and-file members' input when conducting his national search." Roughly the same percentage preferred an internal hire.

Wheeler was in a council meeting this afternoon and not immediately available for comment, according to his spokesman, Michael Cox.

**Update 4:30 pm:** Cox sent the following statement in response to the PPA survey.

*"By conducting a national search for Police Chief, the Mayor is fulfilling a commitment he made to the public during his campaign, one he has reaffirmed many times since. That commitment means something to the Mayor, and he's going to see it through. The search will provide an opportunity to engage both local and national talent on a core set of issues vital to the future success of the Portland Police Bureau. The Mayor has expressed publicly, and to Chief Marshman personally, that he wants the Chief to participate as a candidate."*

## The Portland Mercury

### Ted Wheeler's First Budget Will Include \$18.6 Million In Surplus Cash

*By Dirk VanderHart  
April 28, 2017*

It's too soon to say whether Mayor Ted Wheeler's got any tricks in store on Monday, when the new mayor will release his first city budget ever. We've been told not to expect any hijinks like Charlie Hales' surprise, [ill-fated business tax hike](#) from last year.

But we do know the numbers Wheeler is dealing with.

Following a revamped revenue forecast that made the rounds at City Hall earlier this week, the mayor's budget will include nearly \$21 million more in one-time spending, but seek to trim \$2.3 million in costs that recur each year, according to City Economist Josh Harwood.

That's still a fairly plush budget, considered against the \$21 million deficit Hales grappled with his first year on the job. But it's also a smaller surplus that Portland's had in years. Which makes sense: The city's surging economic growth has to slow some time.

These financial assumptions also contain some budgetary smoke and mirrors. Harwood made the decision not to assume the city will be able to collect a [first-of-its-kind tax](#) on egregious CEO pay slated to kick in next year. As we [reported in February](#), Donald Trump's administration has signaled it could make collecting the tax impossible.

Without that assumption built in, Wheeler would be working with a \$200,000 surplus in ongoing funding, and \$18.4 million in extra in one-time money.

Either way, the numbers seem bigger than they likely feel to city officials. A persistent theme in past years has been that the city's financial growth—albeit robust—is not keeping pace with increases in its spending. That was one reason Hales proposed the business tax hike last year.

Sure the details are wonky, but they'll take on real meaning Monday morning, when we see where Wheeler's priorities lie.

One very vocal group we're told will likely be disappointed: Boosters for the Portland Police Bureau's Mounted Patrol Unit. Each year, the PPB offers up the unit to the budget gods, and each year politicians pass, after hearing panicked shouts about the good PR the horses give the PPB.

"The horses are a walking beat on steroids," says Bob Ball, head of the group [Friends of the Mounted Patrol](#). "There is no better ice breaker."

In years past, the group has offered up money to help the Mounted Patrol Unit keep the stable lights on. Currently, it's wagging \$465,000 it says it'll kick in for a new paddock for the horses (which have been rousted from their longtime home in the Pearl District, and currently stay in Lake Oswego). The group's also [began an online petition](#) that currently has more than 2,100 "signatures."

It might not be enough for Wheeler, whose spokesperson [told us earlier this year](#) was "likely to recommend a cut to the mounted patrol.

We'll find out if the mayor follows through on Monday. Once Wheeler's budget is released it will be subject to jockeying among city commissioners, and will almost certainly garner outcry from some citizen group or another.

## **City Hall's New Bag Checks Cost Nearly \$190,000 Per Year**

*By Dirk VanderHart  
April 27, 2017*

[As promised](#), Mayor Ted Wheeler has assumed control of all of the city's 20 departments and bureaus this morning, as he gets ready to unveil his first budget on Monday. ([Here's a PDF](#) of the executive order Wheeler issued.)

And while the specifics of that budget—and a new city revenue forecast that began making the rounds yesterday—are so far being kept quiet, it appears Wheeler will need to find nearly \$200,000 to pay for beefed up City Hall security.

That's because Wheeler this month took the unprecedented step of requiring visitors to City Hall to submit their bags for inspection by a newly bolstered security force. According to the new protocol, the city's employing three more guards than usual these days. On a recent visit, two of the guards were standing outside of City Hall's main entrance, ushering visitors through the appropriate door and letting city employees pass through another. A third guard waited inside to check bags.

The policy is Wheeler's latest strategy for dealing with outbursts at City Hall meetings recently, and a response to staffers in the building who have said they don't feel safe amid frequent protests (those protests have rarely involved objects that people might be carrying in their bags, though at least one did feature tents set up on the building's second floor).

We were curious: What's this tighter security cost? The city's Office of Management and Finance broke it down like so:

*The new bag inspection process has increased security personnel by three officers, 9.5 hours per day, five days a week.*

*3 Officers x 9.5 Hours a day, 5 days a week @ \$25.45 per hours = \$3,626.63*

Spread out over 52 weeks (an oversimplification, given city holidays), that amounts to \$188,584.76 per year so that officials can check your bag.

There will almost certainly be more money put into tamping down City Hall, though. As we [reported last week](#), the city's looking to contract with a private consulting firm to create a "Security Master Plan" at all city buildings.

## **The Daily Journal of Commerce**

### **Portland City Council accepts Design Overlay Zone Assessment final report**

*By Kent Hohlfeld  
April 27, 2017*

An effort to analyze the Portland city design process that began more than a year ago culminated with Mark Hinshaw, an urban designer at Walker Macy, submitting his team's report to the Portland City Council on Wednesday afternoon. The council voted unanimously to accept the report.

"Sometimes people from outside don't appreciate the passion with which people care about this place," Hinshaw said. "There are other places where that is less so, frankly."

The Design Overlay Zone Assessment (DOZA) team spent more than a year on its analysis. City officials hope that the recommendations can be followed to accelerate development of projects subject to review.

"There are certainly very thoughtful development teams that are sincere in their efforts," Hinshaw said. "Then there are those that are simply getting a project in the ground."

The city's goal is to streamline the review process, but also ensure that it continues to improve projects' designs. To that end, the DOZA team formed nine primary proposals.

The most controversial idea calls for changing the threshold at which projects would go before the full Design Commission rather than face a lower level of scrutiny. New projects could be classified for review by size while alterations would be classified by dollar value. Other possible criteria included height or sensitivity of the site.

"It would allow more time to be spent on higher-impact projects," Hinshaw said.

Some commissioners expressed concerns that basing thresholds on those criteria would betray earlier promises the council made when height rules were increased last year during zoning discussions.

“I am concerned about bait and switch,” Commissioner Amanda Fritz said. “The whole of last year when we were discussing heights and appropriate zoning, there was the fail-safe that things would go through design review.”

The Design Commission’s option to refuse to allow a building to reach the tallest height allowed by city code benefits the city, Fritz said.

Another proposal would reduce the number of factors that the Design Commission could consider in its decisions. The recommended changes would help reduce the workload burdening city design staff as well as the commission, Hinshaw said.

“We are not trying to point the finger at the commission,” he said.

City commissioners also voiced concern about the impact of design review on affordable housing projects. Hinshaw said that while the review process did add to the cost of affordable housing, it was not the primary reason why housing costs continue to rise in the city.

Some of the DOZA team’s proposals regarding process can be enacted without legislative action. Those that require changes to city code could take up to 18 months, according to city staff.

That drew the ire of Commissioner Dan Saltzman, who criticized that estimate and pushed for quicker action.

“I hate to be skeptical, but sometimes I think we do these projects because we want to keep people employed and keep people busy,” he said. “I’m really going to be disappointed if this is dragging out 18 months, and two years from now and we are still talking about ways to improve the design process.”

The full report is available [online](#).

## **Inclusionary plan for city contracting on hold**

*By Garrett Andrews  
April 27, 2017*

Portland Mayor Ted Wheeler is waiting to present the City Council his minority contracting plan due to insufficient stakeholder buy-in.

The council was scheduled to consider on Wednesday whether to approve the final draft of the Community Equity and Inclusion Plan (CEIP), which aims to increase participation of women and minorities on city construction projects. But the plan has met resistance from a number of the groups at the table, including the Metropolitan Alliance for Workplace Equity and the Columbia Pacific Building Trades Council.

The mayor’s spokesman, Michael Cox, said it’s not known when the City Council will vote whether to accept the CEIP, or if additional meetings with stakeholders will be held.

“We want to make sure the city and the relevant stakeholders reach a higher level of consensus,” he said. “That’s our goal.”

The CEIP’s objective is a lofty one: to align all the equity plans of various city bureaus under one policy capable of withstanding legal scrutiny.

At the root of this issue is a discussion of the Community Benefits Agreement, a union-friendly policy tool. CBAs have been assailed by some stakeholders for excluding minority-owned nonunion companies. Opponents of CBAs say that owners of open-shop firms are better able to hire from within their own communities. They also point out that many nonunion companies are

nonunion only because they're small and/or starting out – and most companies join a union when they're big enough.

Additionally, some city officials, as well as the city's lawyers, have advised against using the language of pure CBAs in city contracts, because it could open to the city to litigation.

Willy Myers, head of the Columbia Pacific Building Trades Council, expressed opposition to the CEIP at stakeholder meetings. The plan, he said, lacks the “mechanics for delivering” on the city's expectations, he said. CBAs are the best way for public agencies to meet both diverse contracting and workforce goals, he added, because unions have a proven record of getting results.

“The problem with the CEIP is the fact that it totally devalues union labor,” he said. “It takes out of the equation what the unions bring to the table when it comes to equity and inclusion.”

Eliminating the signatory component of CBAs would mean crucial stakeholders would not be engaged in the process, Myers said. Additionally, nonunion firms are free to sign the same agreement with the city, but generally choose not to, he said.

But some professionals in the minority contracting community complain that unions only “hit the numbers” by playing with their numbers. Many white male-owned businesses end up earning diversity points when their data isn't “disaggregated.”

The city tested CBAs five years ago on two Water Bureau projects. Though the projects achieved equity and inclusion success, an [independent audit](#) found fault with how the CBAs were implemented – namely, that members of the committees that administered project contracts also received contracts.

The audit, by Washington-based Framework LLC, concluded that CBAs as applied under the pilot projects could create the appearance of conflict of interest.

CBA supporters counter that with such a small minority contracting community in Oregon, such an outcome is nearly inevitable. They also point out that everyone was acting properly under the CBAs, and no one has ever been formally accused of an actual conflict of interest.

Myers invoked the fight of African-Americans for civil rights.

“Dr. Martin Luther King had a dream,” he said. “He had a dream of equity and inclusion, and he knew that the way to accomplish that dream was to bring labor to the table. He valued union labor and what it could bring. It's very unfortunate that the city of Portland's own Office of Equity doesn't share the same value.”

The [Office of Equity and Human Rights](#) has played a prominent role in the development of the CEIP, though it's been strictly one of public outreach, not policy drafting, according to Jeff Selby, an OEHR spokesman.

Versions of the draft CEIP were sent to 44 community groups; 26 provided feedback. OEHR Director Dante James visited personally with 23 groups to discuss the plan, according to a letter to stakeholders from the city's work group.

The National Association of Minority Contractors-Oregon represents both union and nonunion shops. Executive Director Nate McCoy said it's a misconception that nonunion companies choose it to skirt worker protections – often they're small, he said, because they're just starting out.

With some of NAMC Oregon's members boasting workforces upwards of 90 percent minorities, McCoy said it's important for both union and open shop firms to be involved in city contracting efforts. The city has exhibited transparency while drafting the CEIP, he said.

“It’s not like they just did what they wanted to do,” he said. “They took my comments and the union’s comments, and more or less found language that they felt was appropriate to address both concerns.”

It’s not yet known if more public work sessions will be held or if the Equitable Contracting and Purchasing Commission (ECPC) will continue to meet, Cox said.

Under the draft CEIP, progress would be watched by the Equity and Inclusion Commission, a new body. An earlier version listed that that task would be administered by the ECPC, before the language was eliminated.

Maurice Rahming, an outspoken member of the ECPC, said he believes some city officials are still attempting to fold the ECPC into the city’s other equity-focused citizen committee, the Fair Contracting Forum.

“There are elements at the city that are either trying to: A, change out some of the commissioners, or B, dissolve it,” he said.

## **OPB**

# **Portland Plans To Subpoena Uber Over 'Greyball' Program**

*By Amelia Templeton*

*April 27, 2017*

Portland Transportation Commissioner Dan Saltzman says he plans to ask the City Council to issue a subpoena to the ride-hailing company Uber.

Saltzman said the company has refused the city’s request to hand over a software program called Greyball, which the company used to flag the phones of regulators and deny them rides. The company has also declined to show the city a playbook that allegedly detailed how Greyball could be applied in cities where Uber operated without local approval.

“There are smart, bright people at Uber, and we just want to make sure that they’re operating within the bounds of our regulatory agreement, and to a larger extent, that they’re operating ethically,” Saltzman said in an interview with OPB and the Oregonian.

The Portland City Council has issued a legislative subpoena just once before, during an investigation into PGE and Enron about a decade ago.

PGE defied the subpoena, and a court case over it was never fully resolved, leaving open questions about the city’s power to compel companies to turn over information.

The Portland Bureau of Transportation began investigating Uber’s use of Greyball after a story in the New York Times revealed the tactic.

“They say there is no playbook. I don’t think we every really got an answer on the software,” Saltzman said.

Saltzman said his primary concern is ensuring that Greyball is not being used in violation of the city’s requirement that transportation network companies provide universal service in all of Portland’s neighborhoods.

Uber did share some information with the Portland Bureau of Transportation on its use of the program.

Uber used the Greyball technology to tag the accounts of at least 16 different government officials in Portland, according to the city's investigation.

It used the Greyball software to refuse rides to three different regulators on 29 separate occasions.

The company removed those tags in 2015 when it launched legally in the city. The investigation did not uncover any evidence Greyball has been used to deny riders service since then.

City investigators reviewed roughly 3,600 audits that inspectors have conducted of Uber and Lyft drivers since the companies launched locally.

"Our investigation showed things looked pretty good for Uber and Lyft, in terms of providing universal service," he said.

Saltzman said he does not intend to fine the company or revoke its operating permit over its use of Greyball in 2014. The company paid a \$67,000 fine at the time for operating in Portland illegally.