

## **The Oregonian**

### **Ted Wheeler: Addressing Portland's livability without 'harassing the homeless' (Guest opinion)**

*By Ted Wheeler  
December 10, 2017*

Portland is a dynamic and prosperous city, and I'm honored to serve as your mayor.

People are moving here from all around the nation and the world to participate in what our community has to offer, including diverse employment opportunities, thriving and unique neighborhoods, world-class restaurants and access to nature.

I am committed to ensuring that, as Portland grows, the things we love about our city grow along with us.

The Seattle Times recently characterized our economy as "transformational," and Forbes called Portland the "Best Place for Business and Careers" in the country. A recent survey from Downtown Clean and Safe found that employment, wages and the number of new businesses are all growing.

But this success and its resulting growth have come with some big-city problems, among them rising housing costs, concerns about safety, more litter and graffiti, and increased traffic congestion. More than anything else, I hear about the need to address our homeless crisis with clarity, consistency and compassion.

In concert with my colleagues in Portland, Multnomah County and the Joint Office of Homeless Services, we've made record investments - driven by record business license revenues - on a compassionate and comprehensive approach to homelessness. Our approach includes more rent assistance, enhanced shelter options, improved community mental health services, addiction treatment and permanent housing. We are doing more, even as the federal government retreats from its commitment to housing and mental health.

The goal is to get people the help they need to get off and stay off the streets.

We are already seeing signs of progress. Last year, our community partnerships with local business, non-profits and public agencies created pathways to stable housing and services to nearly 30,000 people in our community. A recent official count showed that there are fewer homeless people without shelter in Portland and Multnomah County than there were two years ago.

At the same time, our growing city is facing pointed questions about public safety and livability. I want to be clear: We can address safety and livability issues head-on without criminalizing homelessness. After all, people living on our streets are themselves vulnerable to crime and other hazards.

All of us should expect to live, work and conduct our daily lives in a community that is safe and clean. Nobody should feel threatened anywhere in our city, and nobody should be exposed to public health or environmental hazards that can be prevented.

My administration is pursuing common-sense public safety and livability strategies. We started by enforcing existing laws that had been inconsistently and sparingly applied in the past. That means increasing the number of police walking beats across the city, hiring more Park Rangers to patrol our parks, creating a new Community Service Officer program, enhancing Clean and

Safe efforts to eliminate trash, biohazards and drug needles, expanding our neighborhood graffiti abatement program, and starting a new program to get hazardous and abandoned RVs off our roads.

Our most recent public safety effort includes identifying areas with a lot of foot traffic - the kinds of places frequented by visitors to our great city. Portland doesn't have a "sit-lie" ordinance like Seattle or San Francisco. Our use of high pedestrian zones is significantly more limited and nuanced, but it gives authorities the flexibility they need to address specific public safety or public health threats in congested areas, by keeping our sidewalks accessible and walkable. This common-sense approach will not be used to harass homeless people as some have wrongly suggested.

We have a comprehensive strategy to address housing, homelessness and livability. The strength of our strategy is bringing many threads together. Alone, any one thread can break. But woven together we are creating something effective, something durable.

The majority of our work lies ahead and I expect us to continue to make significant progress. I am dedicated to ensuring that the prosperity our city is experiencing extends to everyone who lives, works and visits Portland.

## **Portland should ease tree burdens on tiny-home development: Editorial Agenda 2017**

*By the Oregonian Editorial Board  
December 9, 2017*

Multnomah County wasn't even ready to start recruiting homeowners for a pilot project seeking hosts for homeless families to live in county-built tiny homes on their property when the inquiries started pouring in. A Willamette Week story and other coverage prompted 1,000 homeowners to contact the county's Idea Lab asking to be considered for the program.

The strong response from homeowners offering to be part of the solution stands as one of the few bright spots in a housing crisis that has sown deep dissent among neighbors, businesses and elected leaders about how best to address it. While the idea lab is working with only four homeowners for its pilot project, the widespread interest suggests that if the project is successful, the county could deploy tiny homes, otherwise known as "accessory dwelling units," on a much broader scale.

That is, provided the city of Portland removes barriers that could delay or discourage tiny-home development. As The Oregonian/OregonLive's Molly Harbarger reported, the county eliminated many homeowners' sites from consideration due in part to their conflicts with Portland's tree code, which regulates the preservation, protection and removal of trees during development. While the county had a long list of criteria for selecting the best candidates, the tree code was one factor "that came into play for many, many sites," said Idea Lab Director Mary Li. Similarly, Kol Peterson, an ADU consultant, said navigating tree code requirements - such as a tree's location on a site and how much room to leave for its root structure - is a common problem for homeowners seeking to add an ADU. While solvable, they can pose an unexpected and significant expense.

That's why the city should take the time now to review the code and work with developers and housing advocates to iron out solutions to keep tiny-home construction as economical as

possible. That could include expanding exemptions for affordable housing commitments, lowering tree-removal fees that can total thousands of dollars or loosening other site-development restrictions to allow trees and ADUs to co-exist. The city, now in its third year of a declared housing emergency, needs to evaluate how its development requirements align with goals of increasing density and boosting the supply of housing at affordable prices. Unfortunately, as we wrote last month about proposed new rules for neighborhood development, the city too often adopts contradictory policies that only ensure the housing emergency will persist for a fourth year - and beyond.

To respond to this editorial, post your comment below, submit an OpEd or a letter to the editor.

If you have questions about the opinion section, email Laura Gunderson, editorial pages editor, or call 503-221-8378.

It remains to be seen how the county's pilot project, still in its earliest stages, will fare. And ADUs alone won't bring the tens of thousands of units that the housing market needs. But even now, months after the county stopped taking homeowners' names, people continue to contact the county, Li told The Oregonian/OregonLive Editorial Board.

Such enthusiasm shows how easily an idea like this can take root. Portland should do a better job of preparing the soil.

## **Portland Brewery Faces off with the City in Trademark Dispute**

*By Jessica Floum  
December 9, 2017*

Portland has forged its national reputation in part around its many local breweries and exceptional craft beers.

But the city of Portland has devoted hundreds of hours and tens of thousands in legal fees to gain rights to a distinctive beer logo — a move that would undermine a local brewery.

At the center of the dispute: the leaping deer featured on the iconic city-owned neon “Portland Oregon” sign that is a prominent feature of the city’s skyline.

Old Town Brewing has clearly established legal rights to put the leaping stag on beer products. But the city wants to sell those rights to other breweries.

The clash has become a David and Goliath affair in local business owners’ eyes. So much so that one of the state’s largest microbreweries, Rogue Ales & Spirits, last month banned Portland Mayor Ted Wheeler and all the city’s attorneys and bureaucrats from drinking at its Portland pubs.

By registering the leaping deer image for use in the beer market with the U.S. Patent and Trademark Office, Old Town Brewing has owned the sole right to use the logo on beer-related products since 2012. The brewer also has the sole right to license the image to other beer companies.

Under federal trademark law, that means neither the city of Portland nor any other entity can deploy the stag on beer-related products without Old Town’s permission.

The city, which acquired the sign in 2010, can and legally does use the iconic “Portland Oregon” stag image all the time. In 2011, it secured rights from the state to use the image locally on a wide variety of products, including clothing, footwear and entertainment – but notably not beer products. And in 2015, the city registered the image with the U.S. Patent and Trademark Office for use on clothing, tote bags, cyclist jerseys and prints.

But it doesn’t have the federal trademark to use its own sign on beer bottles, promotions or equipment -- or to get licensing fees from beer companies to do so.

That hasn’t stopped the city from repeatedly asking the federal trademark office to grant it that right. Three times – in September 2015, March 2016 and September 2017 -- the federal patent experts have said no.

The trademark office did approve the city's trademark once, in October 2016. But it withdrew that approval and reaffirmed its objection after Old Town Brewing filed a letter protesting the city's use.

Federal trademark attorney Jennifer L. Williston wrote in the September 2017 decision the stag design the city sought to trademark was “virtually identical” to Old Town Brewing's trademarked logo.

Why would the city keep trying to yank the trademark when federal lawyers keep saying no? Deputy City Attorney Simon Whang asserted in a November 2016 letter that the city should have the rights to the logo for beer since the city owns the physical sign from which the image is directly derived.

“Your client clearly copied its leaping stag trademark from the city sign, presumably for the purpose of creating and benefiting from an association with the city,” he wrote. “Having done this, your client has no right to place limits on the city’s ability to license its own sign image.”

Mayoral spokesman Michael Cox told The Oregonian/OregonLive in an email that the city keeps pursuing the rights to own the image of the sign on products including beer to “protect the sign as a landmark.” The city, he wrote, wants to promote its attractions —including its food, outdoor culture, “maker mentality, and ... yes... our local craft brewing culture”—by licensing the sign to relevant vendors.

“The Portland Oregon sign is our Space Needle, our Golden Gate Bridge,” Cox wrote. “It is an iconic representation of our city.”

Television stars Fred Armisen and Carrie Brownstein even trekked to the sign for a photo with it to promote their popular TV show, *Portlandia*, on cable channel IFC.

“The city wants Old Town to succeed,” Cox added. “Any dispute between the city and Old Town is because Old Town seeks to prevent the city from licensing its own sign image to beer and alcohol companies.”

Money may also be part of the city’s motivation. Lawyers for Old Town Brewing and owner Adam Milne say an attorney for the city told them point blank during a meeting in 2016 that the city was in talks to sell rights to the image to international beverage giant Anheuser-Busch -- an anathema in Portland’s craft brewing community.

Cox says that’s plainly untrue. “That is a myth, and there is no truth to it,” he told The

Local breweries that compete with Old Town aren’t convinced. “Independent craft is under attack from Big Beer, this time with the assistance of the City of Portland,” Rogue officials wrote

in a November letter posted to Facebook. “We have no patience for those at City Hall who want to foolishly and unduly harass a fellow independent craft brewer.”

Last week, a group representing more than 50 Portland restaurants, bars and hotels wrote the mayor urging the city to stop pursuing the trademark.

“Tell the city’s attorneys that it is wrong and an abuse of power to attempt to bury Old Town Pizza & Brewing in legal fees,” wrote Dan Lenzen, chair of Old Town Hospitality Group.

Oregon trademark attorney Lisa Caldwell said the fact that the trademark office has refused the city’s request three times does not bode well for the city’s likelihood of getting the federal beer trademark.

“The trademark office appears to be unpersuaded,” Caldwell said.

The city acquired the iconic neon sign in 2010 at no cost. Ramsay Signs donated it to the city. And Art Demuro, owner of the White Stag blocks building on which it is erected, donated money for the city to change the sign’s words from “Made in Oregon” to “Portland Oregon.” The city pays \$28,000 per year to light and maintain it, according to the city’s website.

In 2011, just a few months before Old Town sought and eventually secured the federal trademark to use the image on beer products, the city sought a relatively weak state trademark to use the image from its newly acquired sign.

State trademarks are issued almost automatically as an administrative matter and empower the holder to use a trademarked image only in the state, said Peter Threlkel, director of the Oregon Secretary of State’s Corporation Division, which registers trademarks. State trademark rights are trumped by federal rights, he said.

“The city went for the state trademark because it was quick and most of the interest in use the sign was local,” Cox said.

In 2016, when Portland sought to renew its state-granted right to use the image in many areas including footwear and entertainment, Oregon’s Division of Corporations agreed to add beer, wines, nonalcoholic drinks, liquor and tobacco and smoking products to that list of areas in which the city had rights to use its leaping stag image.

But that didn’t override Old Town’s federal trademark. “If you file and you’re infringing on someone else’s trademark, the parties have to work it out in court,” Threlkel said.

As a boy growing up in Portland, Milne patronized Old Town Pizza, celebrating his ninth and 13th birthdays at the 70s-era pizza joint. In 2011, he bought the restaurant, converted it to a brewery and started using the white stag on his products.

The next year, as his business took off, he secured the federal trademark to use the image on beer products.

It had “become recognizable with our products, and it’s something we’re proud of,” Milne said.

Any time the city is turned down by the federal trademark office, it has six months to modify its application or appeal to the federal Trademark Trial and Appeal Board, Caldwell said.

If the city continues to get unfavorable results, it can appeal to district court and, ultimately the U.S. Supreme Court. Or, it could sue the local brewery directly. Either way, the city would have to pay attorneys to make their case, which would strain the small brewery’s finances.

“If they want the ability to license,” Caldwell said, “they can drag this out for a very long time.”

## The Portland Tribune

# Eudaly Refuses to Release Information from Her Personal Social Media

*By Shasta Kearns Moore  
December 8, 2017*

**An appeal to the district attorney was side-stepped for lack of jurisdiction because Eudaly made the decision herself not to release information from her personal account.**

When an elected official creates and moderates a social media forum, who is and is not allowed to participate?

It's a question that may soon need to be resolved, affecting everyone from President Donald Trump to Portland City Commissioner Chloe Eudaly.

Because of Trump's unprecedented use of social media, the issue of blocking constituents for their criticism has reached the U.S. Supreme Court. In *Knight First Amendment Institute v. Trump*, lawyers are arguing that the president is violating the free-speech rights of those blocked from participating in his Twitter forum. The president posts publicly on a personal account he has had for years, as well as through a separate account from his office as president that is assumed to be run by staff.

On Dec. 4, Portland City Commissioner Chloe Eudaly's office responded to a public information request for the names of those she was blocking from her public Facebook and Twitter accounts. One account was blocked from Facebook and none on Twitter. Eudaly is not releasing information on her block list on her personal account. She said city attorneys advised her last week that her personal account is not related to public business.

"The city attorneys have found that my personal Facebook account is private and are denying and closing a couple of public records requests for access to my personal Facebook account," she wrote in an email to the Tribune.

But one person who testifies regularly at Portland City Council meetings said she is blocked by Eudaly's personal page and is seeking records of a discussion of her testimony. Activist Mimi German appealed the denial of her Nov. 13 request to the Multnomah County District Attorney.

Due to a quirk in Oregon's Public Records Law, the DA can't issue an opinion on whether or not the city commissioner should release the documents. While public records decisions by local government agencies can be appealed to their county district attorney, decisions by elected officials to deny access to records in their custody can only be appealed through the courts.

In a Dec. 7 letter, Deputy District Attorney Adam Gibbs wrote that Eudaly made the decision to deny access to the records herself.

"I have confirmed with the Portland City Attorney's Office that the decision to not provide records in this case was made personally by Commissioner Eudaly," Gibbs said.

German said she is considering her options in filing a lawsuit against Eudaly, in hopes that a judge will compel the commissioner to release the records.

The city will not release information on the public records training provided to Eudaly, citing attorney-client privilege. Eudaly said it briefly touched on social media and she understood that she should avoid conducting city business on her Facebook page.

City paralegal staffer Carrie Wilton wrote in the records denial: "...the mere fact that a public employee posts information on a private social media page which refers to the public body does not transform that private social media page into a public record."

On her public Facebook account, Eudaly said she blocked one account that she felt was devoted entirely to "troll-like behavior" and several more who converged after she posted in support of February's A Day Without Immigrants boycott and strike.

"In both cases I felt justified in blocking them, however we unblocked them as per the direction of the City Attorney," Eudaly wrote in an email. "Now we just hide comments that run afoul of community standards."

### **New approach**

As elected officials navigate the new landscape afforded by social media, key questions remain about how to govern with transparency in the social media era.

"The question I haven't seen addressed is what is the intent of our public records laws?" Eudaly wrote in response to written questions from The Portland Tribune. "In large part, they exist to ensure transparency and accountability in government. It certainly was never my intent, nor do I believe that my talking about issues or events that are already a matter of public record in a private network in any way impacts transparency and accountability."

Eudaly, who only communicated in writing with the Tribune, said she will not release any information about her personal account, but she will also avoid discussing city business on her personal page from now on.

What remains unclear is whether this approach applies retroactively. Freelance journalist Mike Bivins exposed several screenshots Nov. 10 from Eudaly's private Facebook account that appear to discuss city business.

As recently as Wednesday, Nov. 29, Eudaly posted a picture of herself at a city function. Marshall Runkel, her chief of staff, said they met with the city attorney the next day and from that point on, she will no longer post "anything that could even be remotely construed" as city business from that account.

Runkel also said that they will hire someone to manage her public social media account.

"I think we want to avoid even the appearance of any impropriety," he said. "The bottom line is: I don't want to be answering these questions anymore. And neither does the commissioner."

### **Governor's block list**

Governor Kate Brown also just released the list of people her team has blocked on social media. It consists of one account on Facebook and two on Twitter. Brown does not have a personal Facebook account.

Brown's staff declined to comment on the reasons behind the blocks and noted that they hired someone this October who will, for the first time, be dedicated to managing the governor's social media presence.

Natalie King, the newly named staffer, said in an email she expects social media to allow for greater transparency and deeper connections to elected officials over time.

Anyone looking at the comments on Brown's page may be forgiven for thinking that might be a long way off. Many responses are laced with anger and vitriol.

"...Progressive liberal Democrats are destroying Oregon," David Loyd wrote Nov. 6 on a picture of Brown with a child she said received hearing aids through the now-threatened Children's Health Insurance Program.

"Wow, 6 posts before I hit one by an ignorant right-wing dumbass — far fewer than usual!" retorted Gary Hilliard.

"Indeed, a range of sentiment is expressed," King said in her email to the Tribune, noting that credible threats are sent to the state police. "But, it's important to hear both sides of every story and receive the concerns and triumphs people feel toward our policies and actions. We welcome the vast range of opinions and want to hear from all our constituents and social media gives us an additional opportunity to connect."

## **Homeless Shelter Planned for Southeast Foster**

*By Jim Redden*

*December 10, 2017*

**Joint Office of Homeless Services invites area residents to a Dec. 18 meeting to discuss the opening and operation of a new 100-bed homeless shelter.**

Portland and Multnomah County plan to open a new, 100-bed homeless shelter at 6144 S.E. Foster Blvd. early next year.

Residents in the area have been invited to a community meeting to discuss the shelter on Monday, Dec. 18. The invitation came from the city-county Joint Office of Homeless Services (JOHS). Scheduled to attend are Mayor Ted Wheeler, County Chair Deborah Kafoury, County Commissioner Jessica Vega Pederson and JOHS director Marc Jolin.

The location is a vacant building in a strip mall that last housed the Winly Cash and Carry grocery. It is located between Southeast 61st Avenue and Holgate Boulevard.

"By next year, we plan to convert the space into a high-quality shelter with room for roughly 100 people, along with offices, showers, laundry facilities and other amenities that will help participants better connect with services. The shelter would be managed by an experienced, proven operator and would run on a reservation-based system to avoid queueing outside," said the invitation, signed by Wheeler and Kafoury.

The invitation said the planned shelter will be one of several emergency shelters the city and county have opened in recent years in response to the homeless crisis. Another recent shelter cited in the invitation is in the Westmoreland neighborhood.

"Those new beds mean people who might otherwise have camped outside, in tents or on sidewalks, have a warm, safe place to go instead. Those beds allow folks to come in with their pets, or with their partners, and store belongings during the day. It's working. We counted more people sleeping in shelter than outside last winter," the invitation says.

The county has also filed paperwork to open a 200-bed shelter in a vacant warehouse in the Old Town/Chinatown neighborhood.

The meeting is set for 7 p.m. on Monday, Dec. 18, at the offices of Service Employees International Union Local 503, 6401 S.E. Foster Rd.

You can read the invitation on the Foster-Powell Neighborhood Association Facebook page at [fosterpowell.com/general-info/community-meeting-to-discuss-planned-shelter-at-6144-se-foster-road/](http://fosterpowell.com/general-info/community-meeting-to-discuss-planned-shelter-at-6144-se-foster-road/)

## **Willamette Week**

### **Old Town Businesses Urge Portland Mayor to Give Up Trademark Battles Over White Stag Sign**

*By Katie Shepherd  
December 8, 2017*

**"It is wrong and an abuse of power to attempt to bury Old Town Brewing in legal fees."**

Business owners in Old Town are urging Mayor Ted Wheeler to abandon a city effort to trademark the "Portland Oregon" sign.

The city's federal trademark applications have been denied in the past for use on beer and alcohol because a local brewery, Old Town Brewing, already owns a confusingly similar trademark for the leaping stag image.

"Tell your city staffers to stop filing trademark application after trademark application for an image that the U.S. Patent and Trademark Office has repeatedly determined is confusing," Dan Lenzen, president of the Old Town Hospitality Group, wrote to the mayor last week. "It is wrong and an abuse of power to attempt to bury Old Town Brewing in legal fees."

Wheeler's office says the city is working toward a solution to the trademark dispute that is "mutually agreeable" to both the city and the brewery.

## **The Skanner**

### **Black Charter Granted 200K for After School Program**

*By Melanie Sevchenko  
December 7, 2017*

The Portland Children's Levy has helped one charter school start the academic year off on the right foot.

Its support will continue throughout the next two school years, as the Levy has gifted KairosPDX – whose K-5 student body is 75 percent youth of color – with \$200,000 for its after-school STEM program, which incorporates the fields of science, tech, engineering and math.

The goal of the program is to get historically underserved students interested in these areas at a critical age.

According to the Department of Commerce, employees of STEM jobs have among the highest earnings, charted at 26 percent more than non-STEM jobs. Growth in these sectors is also looking up, currently holding the lowest unemployment rate over other industries.

By introducing children to these fields early on, the hope is to encourage lifelong learning and even career opportunities as adults.

One component of Kairos' after school program is called Project Breaker. This fall, it gave students the chance to participate in a design challenge through a partnership with Construct Foundation, a public organization which helps modernize teaching and learning models in Oregon.

"We aim to introduce students to the steps of the design thinking process and mindsets that designers use to solve messy problems," said Erin Bray, Project Breaker facilitator with Construct Foundation.

Students practice these steps by taking on "mini-design challenges" -- for example, designing a chair for the animated character Moana, redesigning the playground for a friend or creating an innovation to solve a problem in a story book.

In January, Project Breaker will work on a larger design challenge with students during the winter break.

"We are thrilled to have this partnership that provides our third and fourth graders the opportunity to lead in new and exciting ways," said Kali Ladd, executive director of KairosPDX, whose Afro-centric curriculum works to address Portland's achievement gap for students of color.

The charter will also be partnering with Building Blocks for Success and Young Audiences for additional after school projects, and is one of seven programs that received the two-year funding from the Children's Levy this autumn.

On Sept. 20, the funding package – made possible through unspent Levy revenue – went before the Portland City Council for a final vote, during which grantees came forward to testify to their programs and pledge their support of the package.

It's reassuring news for KairosPDX, which found itself in the hot seat this summer when a proposed Portland Public Schools policy was threatening to take away its building and potentially leave the one-of-a-kind charter without a facility.

Ladd told The Skanner that her school is currently in negotiations with the district for a longer term lease of the building, which is the former site of Humboldt Elementary School.

KairosPDX's program joins 22 other levy-funded after school programs which support student well-being.

"We are pleased that KairosPDX will be helping to right the historic underrepresentation of African American students in STEM classes," said Dan Saltzman, city commissioner and Portland Children's Levy allocation chair.

The Portland Children's Levy currently funds 74 programs with \$18 million annually in areas of Early Childhood, After School, Mentoring, Child Abuse Prevention/Intervention, Foster Care and Hunger Prevention.