

The Oregonian

Portland Mayor Ted Wheeler looks back on first year 'governing from one crisis to the next'

*By Jessica Floum
December 22, 2017*

Portland Mayor Ted Wheeler this week reflected on his first year as it drew to a close, lauding the strides the Portland City Council made on housing and homelessness, as well as on police, livability and public safety concerns.

The mayor promoted the accomplishments in a letter released Wednesday. He also reflected on the challenges posed by the national political climate and a series of ice and snowstorms last January that left roads slick and unpassable, closed schools, shut down businesses and caused at least four exposure-related deaths.

"My administration did not plan to spend our first months governing from one crisis to the next," Wheeler wrote in his letter, "but we took on each crisis as it came, all the while making progress on the issues Portlanders care about most: housing, homelessness, public safety, economic growth, environmental protection, equity, and government transparency and accountability,"

Wheeler touted the city council's progress on his agenda and its ability to often reach consensus when voting on policy. He detailed specific accomplishments on his website. Much of what he mentioned started under the previous administration or at the urging of his fellow commissioners.

HOUSING AND HOMELESSNESS

The mayor promised during his campaign that he would create affordable housing and get Portlanders experiencing homelessness off the streets.

He touted on his website the city's \$28 million investment in the city's and county's Joint Office on Homeless Services. He also praised the city council's adoption of Commissioner Chloe Eudaly's renter protection rule that requires landlords to pay relocation costs to tenants evicted without cause or who must move as a result of a rent increase of 10 percent or more.

Wheeler noted that the city found Right 2 Dream Too a new home on Portland's Central Eastside, which was largely the culmination of years of advocacy and work by Commissioner Amanda Fritz and others to find a new location for the homeless community.

Commissioners extended Portland's "housing emergency" declaration, which city officials said encouraged spending on housing, gave the city and county flexibility to open shelters and enabled the city to fast-track building permits for affordable housing.

The city and county also challenged landlords and property managers to come up with 40 rental units for homeless families. They pledged to add 2,000 apartments with social services by 2028 to help keep those experiencing homelessness housed, an idea championed by Commissioner Nick Fish and County Chair Deborah Kafoury. Those services could include physical and mental health care, drug addiction treatment and career coaching.

PUBLIC SAFETY AND POLICING

Wheeler also pledged to improve police accountability and to restore community trust in law enforcement, especially among the African American community.

The mayor highlighted the hiring of Danielle Outlaw, the first African American woman to serve as police chief. The city council this year also required police officers who use deadly force to speak with internal investigators within 48 hours, the mayor wrote. When proposing this year's budget, the mayor and police commissioner also implemented a community policing program, which has officers step out of their cars to get to know the community they serve.

Wheeler also noted police accountability efforts, which included increasing the authority of the city auditor's Independent Police Review and establishing the Portland Committee on Community-Engaged Policing. Critics blasted the panel, saying community members would get cut out if the mayor, who is also the police commissioner, also oversaw the group meant to hold the police bureau accountable.

The mayor also pointed to the city's efforts to improve livability and public safety, which he said included clearing trash and needles, abating graffiti and removing abandoned vehicles. He also employed more park rangers and tasked police with enforcing rules that forbid people from camping along the Springwater Corridor and North Park Blocks.

Finally, the mayor praised the city's efforts this year to stimulate Portland's economy, protect the environment and promote social justice, equity and effective government.

The city this year released a plan to make good on the mayor's promise to create 25,000 jobs paying \$25 per hour by 2025 and positioned Portland as a testing site for autonomous vehicles, the mayor noted.

He also proposed a \$50 million plan to fix Portland's roads.

'A STORM AT MY BACK'

Wheeler explained how the unpredictable result of 2016's presidential election and a local weather crisis forced him to spend his first few months quickly reacting to reaffirm Portland's values, manage large protests and protect the lives of Portlanders sleeping outdoors during a historic snowstorm that the city did not prepare for or predict.

"I took office with a storm at my back, quite literally, and during the early months of my term," Wheeler wrote.

President Donald Trump's election and his attempts to impose a travel ban, to ramp up federal immigration enforcement efforts and then to punish so-called sanctuary cities like Portland that refused to spend local resources to enforce federal immigration policy sparked unrest across the country and protests in Portland's streets, Wheeler wrote. The unrest prompted a police response that drew criticism and sparked further protests against Portland police and calls to fire then-Police Chief Mike Marshman.

This pressured Wheeler, the police commissioner, to deliver on a campaign promise to conduct a national search for a new police chief. In August, he hired Outlaw.

As Wheeler moved to install a new chief, he drew criticism in August for moving too slowly on his promise to increase affordable housing options in Portland and to get Portlanders experiencing homelessness off the streets.

Since then, the council approved spending guidelines for the city's \$258 million voter-approved affordable housing bond, the mayor ousted former housing director Kurt Creager and the mayor announced plans to use housing bond proceeds to build **as many as 300** new affordable apartments in Southeast Portland.

Wheeler acknowledged that the council will continue to face "tremendous challenges" that will not be easy to solve in 2018, but said his administration is up to the challenge.

"We are a can-do city and mine is a can-do administration," Wheeler wrote. "Working together, we can continue the progress we began this year."

Portland activist sues Commissioner Chloe Eudaly over social media posts

By Molly Harbarger

December 21, 2017

An outspoken activist and City Hall regular has sued Commissioner Chloe Eudaly, asserting the Portland official refuses to release what should be public documents.

Mimi German claims in a lawsuit filed Thursday in federal court that Eudaly is violating German's First and 14th Amendment rights. German's complaints about Eudaly started earlier this year when German began disrupting City Council meetings. She rallied dozens of people under the banner of advocating for homeless people's interests over several weeks, often leading the march into council chambers that would bring meetings to a halt amid heckling.

German has been a regular at City Hall since. Her suit claims Eudaly has used her personal Facebook page to comment on German's public statements and behavior, and that some commenters respond with rude or threatening posts.

One commenter said German should be "locked up in the nut house," the suit said. Another commenter, who asked Eudaly what friends could do to help, allegedly followed up with a photograph of a vandalized building near to German's workplace.

"The defendants' actions in mocking and harassing Ms. German, and in soliciting others to do the same, constituted unlawful retaliation by public officials for engaging in activity protected by the First Amendment to the United States Constitution," German said in her suit.

German said that she is afraid for her safety and has nightmares because of the Facebook posts and comments.

She also alleges the commissioner denied a public records request for comments and notes Eudaly made about German's testimony. German maintains that, even if Eudaly writes on her own Facebook page, it is a public document when she writes about city business.

Oregon state archivist Mary Beth Herkert has backed German's assertion. The Oregonian/OregonLive reported in November that Eudaly's posts have condemned protesters at City Council meetings, dismissed some of the public testimony to the council, disputed the findings in news stories critical of her bureaus, and discussed lobbying the Oregon State Legislature to lift the state's ban on rent control.

Herkert said in that article that private Facebook posts in which Eudaly makes or receives comment on city matters are public records that the public is probably entitled to see and should be retained the same manner as any other public document.

Eudaly's office has denied that her Facebook posts are public records. Several people have complained about Eudaly's social media **use** to the ombudsman's office, records obtained by The Oregonian/OregonLive through a public records request show. The ombudsman's office redacted the name of the people who complained.

German is the first to assert that Eudaly owes her money because of it. German also asks that Eudaly be forced to produce the documents and be mandated to attend every future City Council meeting unless she is too sick.

The last point of contention is because Eudaly has not always been present in council chambers to hear German address the commissioners. German claims those absences are intentional and violate her right to petition the government.

The Portland Tribune

When the levee breaks.....the bank

Entire Portland area may be asked to help improve levee system via property tax-funded bonds

*By Steve Law
December 21, 2017*

The railroad embankment that failed to hold back raging waters of the Columbia River in 1948 — setting off the Vanport Flood that wiped out Oregon's second-largest city — is still not up to snuff for flood control nearly 70 years later.

But local and state officials working on the problem say nearby property owners don't have the means to cover the estimated \$15 million to build a replacement levee, or more than \$20 million to replace aging pumps and maintain other parts of the area's flood-control system. (See sidebar.)

Their solution: It'll take a village — perhaps the entire Portland metro area — to pay to protect much of North and Northeast Portland, Troutdale, Gresham, and Fairview from future Columbia River floods.

Levee Ready Columbia, a collaboration between local, state and federal governments plus the Port of Portland, environmental and business groups, is zeroing-in on new governance and

financial structures to bring Portland-area flood control into the 21st century. That could include a new utility that would charge the most-affected residents and businesses via monthly water bills, plus bonds paid by property owners in the entire Portland urban area and perhaps beyond.

We need to bring the levee system into the "modern era," and "apportion (costs) fairly among people in the region," said Jules Bailey, convener of Levee Ready Columbia, at a 3.5-hour meeting last Wednesday. "We're now reaching a spot where our options are becoming more clear," he said.

Stiffer standards

North Portland has dodged disaster for decades because the region's flood-control system continues to rely on a railroad embankment to do double duty as a leg of the levee system.

The raised railroad line, located in what's now North Portland, was rebuilt after the 1948 flood that leveled Vanport, and has been reinforced twice over the years. But it was never engineered and built to be a flood-control levee — not before the Vanport Flood and not since then.

After the federal government imposed tougher new requirements to certify levee systems in the wake of Hurricane Katrina about five years ago, local officials created Levee Ready Columbia to tackle the challenge. Since then, local officials have tried but failed to win the consent of railroad embankment co-owners Union Pacific and BNSF Railway to go in and assess its current condition or even do simple soil tests.

Both rail companies say they oppose the use of their railroad rights-of-way as levees, and don't want the liability that comes with that.

But Levee Ready Columbia has enough information to conclude the embankment isn't safe enough to meet new federal standards.

"Historic documents and samples taken near the railroad property suggest that this embankment does not meet stability and seepage requirements," Levee Ready Columbia reports in a new engineering assessment.

Outmoded governance system

For the past century, four tiny drainage districts in the Columbia River floodplain, three of them formed by farmers to drain excess water from their fields, have collected property taxes within their districts to operate and maintain the levee system. Those districts now include about 7,500 residents in the floodplain south of the Columbia River, from the Sandy River to the Interstate 5 bridge. That area includes nearly \$8 billion in property, including Portland International Airport, the Portland-Troutdale Airport, the Oregon Air National Guard base, retail centers, industrial parks, hotels, waterfront homes, golf courses and marinas.

Continuing to rely on drainage districts to fund levee system operations "has some drawbacks," said Gordon Wilson, a consultant with Lake Oswego-based FCS Group hired to research alternatives. The Oregon Constitution includes tax limitations that sharply restrict the amount that can be raised from property taxes. And because of a phenomenon known as "compression," an increase in taxes for the drainage districts winds up lowering taxes for Multnomah County,

nearby cities and other local governments.

Clearly, adjacent property owners aren't the only ones who benefit from keeping the area safe from floods. Think about the passengers and businesses using the airports. Or go back 69 years to the 18,500 residents of Vanport, hastily built to house shipyard workers for the military buildup in World War II. They were all homeless after the Memorial Day, 1948 flood.

"We know what could really happen" if the Columbia River overflows the protective levees again, Wilson said. "Nobody's in denial in this part of the country."

Switching to new utility

Wilson proposed two main ideas for replacing the four drainage districts (a fifth one on Sauvie Island would remain in place).

Property owners in the drainage districts would pay a monthly fee on their water bills instead of property taxes, likely costing them more than they currently pay. That could be accomplished via a new county water district approved by the Multnomah County Board of Commissioners, led by an elected board.

The water district might offer the most robust and stable long-term solution, said Henry Burton, governance project manager for Levee Ready Columbia. It also might be empowered to levy property taxes and bonds, for instance.

But even if county commissioners agreed to create the district, Burton said, "it would almost certainly be referred to a public vote." That could kill the idea.

An easier solution would be a partnership between the cities of Portland, Gresham, Troutdale and Fairview. They would agree to tack a new fee onto water bills of property owners in the floodplain.

That could be done rather quickly, helping fund urgently needed levee improvements to satisfy federal officials cracking down on inadequate flood-control systems. The down side, many said at last week's Levee Ready Columbia meeting, is that it wouldn't have the ability to raise taxes or sell bonds if needed, in addition to the utility charges.

Governance also could be an issue if the four cities don't agree on policies. The partnership, created by an intergovernmental agreement, could be called into question when new officials are elected in those cities.

And conflicts could arise if the new entity exerts authority to restrict development within the Columbia River floodplain that is at odds with individual cities' land use authority.

"The average assessment now within the floodplain is \$25," Bailey said.

Wilson's firm estimated the typical monthly new utility charge for a single-family home in the floodplain would be about \$45. That's about \$20 higher than current drainage district taxes, based on the cost of operating and maintaining a modern levee system.

Commercial and industrial property owners would pay higher amounts. One idea is to have tiered utility rates, with the highest rates paid by those who have the most property value at risk in a great flood.

Wilson said the key is financing that is collectible and legal. If a utility fee is construed as a tax, it would be nullified.

Under the formula being discussed, floodplain property owners would cover the operations and maintenance of the levee system, roughly accounting for half the overall costs.

Casting a wider net for funding

The other half, paid by a much-wider swath of property owners, would pay for new pumps, levees and other capital costs.

If Metro were to put a levee system bond before voters, that would be paid for by property owners in Metro's jurisdiction, basically the urbanized part of the Portland area.

If the Port of Portland were to put the bond measure before voters, it would cover more territory, areas that already help finance the port.

Voters in either jurisdiction would have to approve the bonds, projected to be put on the ballot as additional projects are needed.

But the beauty of having a broad area paying for the bond measure is that costs would be "minimal," Wilson said. One rough estimate put it at less than \$12 a year for owners of a home with a \$300,000 assessed value.

Levee Ready Columbia estimates that the drainage districts currently spend about \$6 million a year, but what's really needed is \$12 million to \$16 million a year, between operations, maintenance and new capital equipment.

An initial bond measure is envisioned in the range of \$60 million to \$80 million.

Those figures may seem relatively modest considering the devastation caused by the Vanport Flood or future floods. But convincing voters to shell out money for mundane things like levees and water pumps might be a hard sell.

"This is going to require a political lift" from politicians willing to champion it, said Bailey, a former Multnomah County commissioner and former state lawmaker.

Maryhelen Kincaid, a citizen activist working with Levee Ready Columbia, said politicians won't lead unless they have backing from their constituents.

"If you don't get people behind it, it doesn't matter what politicians think," she said.

Past Columbia River floods in Portland

As federal standards for flood-control grow stricter, scientists also expect more flooding risks

due to climate change.

So-called "100-year floods," named because they were expected to happen once per century, are coming more frequently. So are 500-year floods, which were supposed to come once every five centuries.

500-year floods:

1894: Columbia crested at 39.7 feet in Portland, the highest in recorded history

1948: Vanport Flood; river crested at 36.1 feet

100-year floods:

1956: River crested at 32.9 feet

1964: River crested at 33 feet

1996: River crested at 32.5 feet

Levee fixes costly

Bringing the 27 miles of levees in the Columbia River flood-control system up to new, stricter safety standards won't come cheap.

Recent engineering studies have shown that the main east-west levee, which lies under Marine Drive, is mostly up to snuff. But several other costly projects are needed, some of them urgently:

- * Replace railroad embankment: Levee Ready Columbia officials are realizing they need to build a new north-south levee segment parallel to the railroad embankment, since the two railroads that own it won't even allow it to be studied. A rough cost estimate: \$15 million.

- * New pumps: Huge pumps move floodwaters or excess rain out of the floodplain, beyond the protective levees and into the Columbia River. Three of the pumps are in fairly urgent need of replacement. Estimated cost: \$12 million to \$21 million.

- * Rebuild Peninsula levee. Another north-south levee along the Peninsula Drainage Canal is too steep and narrow to meet current safety standards. Estimated cost: \$5 million.

- * Raise low sections: Two stretches of levee aren't high enough to meet new standards. One is at the Interstate 5 interchange with Marine Drive; the other is on airport property near Northeast 33rd Avenue. Estimated cost: about \$1 million each.

More precise cost estimates will be generated after detailed engineering studies and evaluation of alternative designs.

But to do all that, Levee Ready Columbia is scrounging for new funding sources.

EPA deal with industrial polluters comes amid signs of progress on Superfund cleanups

Businesses, parties begin to negotiate cleanups on Willamette River 'hot spots' as Trump administration inks deal with a DDT manufacturer, a Russian steel company and Schnitzer

*By Steve Law
December 21, 2017*

There are finally signs the long-stalled cleanup of the Willamette River north of downtown Portland is taking shape, 17 years after the Portland Harbor was declared a federal Superfund site.

The U.S. Environmental Protection Agency announced a deal Tuesday, Dec. 19, with four industrial polluters, who agreed to fund and oversee a \$14 million baseline study of conditions in the river, which will be used to gauge the effectiveness of the EPA's upcoming \$1 billion, seven-year cleanup effort.

Officials from the Oregon Department of Environmental Quality and the city Bureau of Environmental Services, the state and city agencies working most closely on the Superfund process, say they are hopeful the baseline study will pave the way for river cleanups.

Environmental groups and Native American tribes complained the study shortchanges wildlife, and that it emerged via a backroom deal with some of the companies that have been dragging their feet on the cleanup.

A key business group praised the deal, saying the baseline study should break a logjam and prod dozens of polluters to begin agreeing on each one's share of the cleanup costs.

Despite the mixed reviews, one thing is clear. The EPA is beginning to work on agreements with past river polluters to begin planning site cleanups, including NW Natural, the Port of Portland, the state and the city of Portland.

EPA Director Scott Pruitt sent top advisor Albert Kelly to Portland last week. Kelly met with government, environment and tribal representatives, and stressed Pruitt's commitment to make the Portland Harbor cleanup a priority. Local leaders were pleased to hear the Trump administration agreed to enforce the \$1 billion cleanup plan, called the Record of Decision or ROD, rather than try to dilute it.

DEQ Director Richard Whitman sent a letter to the EPA on Dec. 19, thanking the agency for Kelly's visit, and ticking off several ways the stalled cleanup is moving forward.

"We are pleased to hear the EPA will not allow the collecting and analysis of baseline data to be used as a pretext for reopening or amending the ROD," Whitman wrote, "nor as an excuse for delaying remedial design and cleanup."

It's common for the EPA to reach consent orders with past polluters to take charge of Superfund studies and cleanups, because there is no fund left in the Superfund to pay for them. But the Trump administration raised concerns when it declined an offer by the state, city and NW Natural to fund the baseline study, instead negotiating with an evolving cast of past industrial polluters. The original proposal emerging from the four companies, known as the Pre-RD Group, sought to weaken the cleanup standards in the EPA plan. The EPA backed down when the state, city and tribes cried foul.

The Dec. 19 deal puts four companies in the driver's seat to fund and oversee the baseline study: Arkema, a French-owned company that once manufactured DDT on the riverfront; Evraz Inc., a Russian-owned steel company; The Marine Group LLC, a San Diego-based yacht builder and ship-repair company; and Schnitzer Steel Industries Inc., based in Portland.

They aren't the only ones funding the study. Sixty-five private companies in the PCI group, which are all on the hook to pay Superfund cleanup costs because of past practices on the river, announced they will contribute to the \$14 million study. The PCI group has been meeting for years to hash out their respective liabilities to cover cleanup costs, known in Superfund lingo as the "allocation" process.

An industry source involved in those negotiations said the PCI companies will pay one-fourth of the study costs, and they view the Pre-RD Group as a subset of PCI, akin to a "board of directors."

When Trump put industry-friendly Pruitt in charge of the EPA, companies in the PCI group privately indicated they could command better terms when negotiating their cleanup obligations.

Now the cleanup is "starting to gel," the industry insider said.

The baseline study will provide scientific data pointing to the respective share of cleanup costs that scores of past polluters, known as "potentially responsible parties," should pay. That appears to be easing resistance among PCI members to agree on who owes what, the source said. Once the two-year baseline study is finished, he expects industrial parties will cooperate more with the EPA on cleanups.

"I think folks are happy with this result," he said. "They're doing the work that they have to do and it's costing them money."

Environmental-minded groups aren't so positive.

In June, EPA laid out several species whose status needed to be evaluated before the cleanup begins, to help measure the effectiveness of the \$1 billion effort. Those were salmon, lamprey, sturgeon, crayfish, carp, clams, small-mouthed bass and osprey eggs.

But in the final consent order, "all of those species were eliminated from being monitored" except one— small-mouthed bass, said Bob Sallinger, conservation director of the Audubon Society of Portland.

"Understanding how contaminants are getting into wildlife populations is critical to seeing if the cleanup is effective," he said.

"I would say it's concerning," said Travis Williams, executive director of Willamette Riverkeeper. "The whole level of contamination will just be based on that species."

Without that data, the Superfund process won't have a comprehensive baseline of current river conditions, said Laura Shira, environmental engineer for the Yakama Nation.

"We're just concerned how this data will be used to shrink the active cleanup area," she said.

The Yakama Nation also is concerned about the precedent set when EPA negotiated the Pre-RD deal from its Washington D.C. headquarters, relegating EPA leaders in Region 10 offices, who have managed the Portland Harbor Superfund project, to the sidelines. "We expect (the industrial polluters) will be able to circumvent Region 10 in any kind of dispute-resolution process in the future," Shira said.

The city is OK with having small-mouthed bass serve as an indicator species to monitor the progress of the cleanup, said Annie Von Burg, the Bureau of Environmental Services senior program manager for Superfund. However, she said, additional species must be monitored to update "fish advisories," health warnings posted on the Willamette alerting fishers they shouldn't eat too many contaminated fish.

Having only small-mouthed bass as an indicator species shouldn't change the cost or terms of the subsequent harbor cleanup, said Kevin Parrett, DEQ's manager for its Northwest regional cleanup program.

But the EPA needs to expand the species it evaluates, and add more sections of polluted riverbed sediment that are monitored, he said.

"Because the carp are the most contaminated species, we definitely need to have good baseline data," Parrett said. The tribes have demanded baseline studies of the lamprey and Chinook salmon populations, he noted, and EPA has previously suggested it needs to monitor the clams and crayfish in the river.

The DEQ fully "expects" EPA will need to expand the baseline monitoring, Parrett said, by finding other potentially responsible parties willing to pay for those additional costs.

One thing not under dispute is that there's forward movement on cleanups:

- NW Natural is working on a remedial design, a prelude to cleanup work, on its Gasco site. That's the most expensive of dozens of sites that must be decontaminated.
- EPA is working with the city of Portland, PacifiCorp, CBS, Cargill and others on a remedial design for a contaminated hot spot on River Mile 11.
- The Port of Portland is in discussions with the EPA about cleaning up its Terminal 4 site.

- And the state is negotiating with EPA on a cleanup of the Willamette Cove site.

The city and state have been prodding EPA to move forward on selected cleanups, and progress on those sites suggests that is beginning to happen.

The DEQ's biggest concern now is that private companies will continue to dawdle over who pays what, Parrett said. "DEQ's concern continues to be that the allocation will drag on," he said.

Metro: amend Constitution as voters consider housing bond

Proposed state ballot measure would let agency tap private sector for affordable housing projects if voters approve bond

*By Jim Redden
December 21, 2017*

Metro is hoping that Oregon voters will revise the Oregon Constitution before money will be spent on a potential \$500 million affordable housing measure it is considering.

The idea: Ease restrictions on spending so the money can go farther, such as by relying more on nonprofits and the private sector to help build housing.

Metro has not yet begun drafting the bond measure, being considered for the November 2018 ballot. Although Metro President Tom Hughes announced last month the regional government will pursue the likely \$500 million measure, the elected regional government is not expected to appoint an advisory committee to help until after the first of the year.

But the possible outlines of such a measure can be seen in documents presented to the Metro Council during a Sept. 7 work session on such a measure. They also reveal the council hopes the 2018 Oregon Legislature will ask voters to ease restrictions in the state Constitution before the money is spent.

State Rep. Alissa Keny-Guyer, D-Portland, told the Oregon Leadership Summit that the Legislature will consider asking voters to approve a constitutional amendment to allow local governments to partner with private businesses on affordable housing projects funded by general obligation bonds.

The state constitution currently prohibits such partnerships. That is why the city of Portland has to finance, own and operate the projects to be created by the \$285.4 million affordable housing bond approved by city voters at the November 2016 election.

"We want to give jurisdictions more flexibility," Keny-Guyer said during a breakout session on housing at the Dec. 4 gathering of business and elected leaders at the Oregon Convention Center.

Both measures could appear on the same ballot. The Legislature will meet for a 35-day session in February, something that happens every even-numbered year. The November 2018 general election would be the first opportunity to refer the proposed constitutional amendment to voters.

If Metro sticks to its announced schedule, the regional government will not know whether the Constitution will be amended before it finishes writing its measure. That will likely force Metro to include different options for spending the funds in the measure's official explanation. Because Metro has no experience building, owning or operating affordable housing projects, it will likely consider passing the funds to the governmental housing authorities in all three counties if the restrictions are not eased.

Even though the Metro work session on the bond measure was held more than two months before Hughes announced the agency is pursuing it, documents distributed at the meeting show how much thought had already gone into it. And they underscore how much Metro is hoping to take a different approach than Portland.

The documents clearly show that a bond measure — like the one approved by Portland voters — would raise the most money of available options for affordable housing. An Aug. 28 memo written by Metro Planning and Development Director Elissa Gertler says a reasonable construction excise tax would raise only around \$11 million a year, compared to \$500 million or more from a property tax-funded bond.

And the documents show how Metro hopes to share much of its money if voters approve the measure. Among other things, the documents talk about the council acquiring land in transit corridors for affordable housing projects, providing "gap financing" to support traditional public-private affordable housing projects, and offering financial incentives to private developers to include affordable units in otherwise market-rate projects located in areas that are well-served by transit.

For that to happen, Gertler says, Oregon voters would have to ease the restrictions in the Constitution. "However, discussions are underway to pursue a constitutional amendment in 2018 that would modify those requirements to create greater flexibility," she wrote.

The Portland Housing Bureau is trying to determine whether the proposed amendment's passage would ease restrictions on any of the city's unspent affordable housing bond funds.

The plans to build its first new project on the site of the former Safari Club at 3000 S.E. Powell Blvd., which the city bought in September. It is also screening 12 proposals for submission to the City Council in March.

Activist files federal suit against Commissioner Eudaly, city

Mimi German alleges City Commissioner Eudaly and the city are violating her First and 14th Amendment rights by refusing to release a thread of comments disparaging her.

*By Shasta Kearns Moore
December 21, 2017*

Mimi German, a Portland activist and vocal critic of Commissioner Chloe Eudaly, has seized upon the opportunity presented by screenshots of Eudaly's personal Facebook posts to file a federal lawsuit.

In the complaint filed Thursday in U.S. District Court for the District of Oregon, German claims the commissioner and the City of Portland violated her First and 14th Amendment rights. Those would include the rights to free speech, personal security and petitioning the government for redress of grievances.

German, who often testifies in front of the council, alleges the commissioner started a thread on her personal Facebook page about German's public testimony and friends piled on, calling her a "witch," "psychopath," "unhinged" and seeking out and mocking her personal poetry. German claims this constitutes unlawful retaliation by a government official.

German obtained the screenshots through a third party, but sought to have records released pertaining to her and her testimony through the city's public records process. The city denied the request, stating that the records were not public. An appeal to the Multnomah County District Attorney revealed that Eudaly had made the decision not to release the records herself.

"Ms. German and Commissioner Eudaly have no personal relationship and did not know each other prior to the Commissioner taking office," argues the lawsuit in part. "Therefore, it's obvious that all statements Commissioner Eudaly has made about Ms. German are related to her public testimony and political activism, and therefore official records that pertain to the city business. Ms. German believes that the Commissioner knows this and is wrongfully and illegally refusing to produce public documents because they will embarrass her, and will serve as evidence of her other illegal and potentially tortious actions."

Eudaly's Chief of Staff Marshall Runkel declined comment for this story. A text message sent to Eudaly was not immediately returned.

Eudaly has previously told the Tribune that she feels constituents have plenty of opportunity to speak to her.

"As for my personal page, it is not a public forum and I reserve the right to block anyone I want. I have a high threshold for conflict and I love a good debate, but I don't have time for people deliberately spreading misinformation, misrepresenting conversations with myself or my staff, using insulting or derogatory language, exhibiting abusive behavior, etc.," Eudaly wrote in an email Dec. 4. "All constituents have an equal opportunity to contact my office via phone, email, or post, give testimony at Council, or comment on my City page."

German is asking the court for a to-be-determined amount of money for damages, the release of records deemed public, and to compel the commissioner to attend city council meetings.

Willamette Week

Portland City Council Critic Sues Commissioner Chloe Eudaly Over Facebook Posts

Mimi German asks a judge to compel Eudaly to release posts and comments from her personal Facebook page.

*By Aaron Mesh
December 21, 2017*

A frequent critic of Portland City Council has sued Commissioner Chloe Eudaly in federal court, alleging Eudaly used her personal Facebook account to bully and ridicule her and that those social-media posts should be public record.

Mimi German today filed a civil-rights lawsuit in U.S. District Court, asking a judge to compel Eudaly to release posts and comments from her personal Facebook page, which is locked. German argues that the Facebook page is a public record, and that the refusal of Eudaly and the Portland City Attorney's office to release the contents is a violation of German's constitutional rights.

"Commissioner Eudaly has created public documents related to Ms. German's testimony on a Facebook page that Ms. German is blocked from seeing," the lawsuit says.

"Commissioner Eudaly has also engaged in lengthy discussions of about Ms. German's testimony that she is blocked from seeing, exchanges which were visible to lobbyists, other city officials and members of the media."

The lawsuit is the first court action in an ongoing dispute over whether Eudaly's personal social-media posts should be considered a public record while she serves in office. It's also the latest twist in a long-running battle between City Council and its most dedicated and disruptive critics.

German, who is representing herself in the lawsuit, is a vocal critic of City Hall policies on homelessness and policing. She regularly testifies at City Council meetings. This spring, she led abrasive protests that brought meetings to a halt and caused Mayor Ted Wheeler to exclude her from hearings.

In her lawsuit, she says Eudaly repeatedly left council chambers during her testimony, then took to Facebook to ridicule her.

"On or about October 30, 2017," the lawsuit says, "Commissioner Eudaly followed up by publishing a screed on her Facebook mocking Ms. German which got over 200 responses and generated a number of comments. In the responses Ms. German was called all sorts of foul names."

The lawsuit asks the court to compel Eudaly to release the Facebook posts and comments, to make her remain in council chambers during German's testimony, and to award German monetary damages.

Eudaly's office could not be reached for comment.

Portland Towing Policy That Costs Car Theft Victims Hundreds of Dollars Poised to Change Following WW Story

The bureau will seek public comments on a policy change in the first two weeks of January.

*By Katie Shepherd
December 21, 2017*

Mayor Ted Wheeler and the Portland Police Bureau have a belated Christmas gift for victims of car theft: Next year, they likely won't have to pay to get their recovered cars out of private tow lots.

That reform comes as a result of a *WW* story.

On Wednesday, *WW* reported that under Portland's current policy, victims of car theft often have to pay hundreds of dollars to buy back their stolen cars from private tow companies contracted by the city.

After *WW* presented questions about the towing policy, Mayor Ted Wheeler pledged to discuss changing the policy in a meeting with Police Chief Danielle Outlaw.

Now the Portland Police Bureau has announced it is seeking public comment on its directives that guide officers who recover stolen vehicles—signaling an imminent change in the city's policy that passes the cost of towing recovered vehicles on to the owners.

The bureau will start taking public comment on its website in the first two weeks of January, says PPB spokesman Sgt. Chris Burley. *WW* will post a link when the page goes live next month.

Once public comments are received and analyzed, the city can propose changes that could go into effect 30 days after being posted online.

The Portland Business Journal

Prosper Portland seeks developers for a prominent project in the Central Eastside

*By Jon Bell
December 21, 2017*

It might seem, what with selling Centennial Mills and its ambitious plans for the Broadway Corridor, that Prosper Portland has a full development plate before it.

But apparently there's room for a little more, this time in the form of the ODOT Blocks, three parcels in the Central Eastside Industrial District the agency acquired earlier this year. Prosper Portland, which bought the blocks from the Oregon Department of Transportation in June for \$2.8 million, issued a request for proposals for the property today.

"It's a unique opportunity because there are three parcels," said Geraldene Moyle, a project manager with Prosper Portland. "We think it would be of great interest to locals, but we're hoping for some national interest as well."

Totalling 2.19 acres, the ODOT Blocks are the vacant gravel lots along Southeast Water Avenue between Southeast Taylor and Southeast Madison, just east of I-5. Prosper Portland acquired the eastern portion of each block, while ODOT retained the western portions to maintain its access to the highway.

The property is zoned General Industrial, so no residential components are permitted; traditional office space that would be home to professional firms like accountants and attorneys is also not allowed. However, industrial office use is permitted in the area, which expands the possibilities of what could be developed.

In recent years, the Central Eastside Industrial District has evolved from a more manufacturing based district to one that includes more creative office and tech tenants that fit in with the more flexible industrial office requirements. One example: online bank Simple, which moved into the new six-story Clay Creative building back in 2016.

"The zoning hasn't changed," Moyle said, "but there is some flexibility in the type of office you are allowed to have."

According to the RFP, goals for any project that comes to the ODOT Blocks include: industrial mixed-use, including ground-floor industrial space; adequate parking; compatibility with the city's goals for development in the CEID; and timeliness. Prosper Portland would like to see construction begin as early as 2019.

Another goal is for projects to minimize the amount of public financing that would be required. That said, Prosper Portland does have some financing and funding tools that it could bring to a deal. In addition, Moyle said the entire CEID was recently incorporated into an existing enterprise zone, which could work as an incentive for some projects.

Prosper Portland would also like projects to offer some kind of affordability component, which could come in the form of reduced rents or assistance with tenant improvements. Moyle said Prosper Portland is aware that such a component might require some sort of financial assistance arrangement from Prosper Portland.

"It is a preferred component," she said. "Providing some affordability component into that industrial use would allow some small, craft manufacturers who otherwise may not be able to afford to locate in this district."

Jonathan Malsin, a principal with Beam Development, said his company, which has developed several projects in the CEID, sees the ODOT Blocks as a "great opportunity."

"They're parcels that have been in need of development for a long time," he said. "It took way too long for ODOT to realize that they could surplus them and sell them. I'd say we are certainly giving (the RFP) serious consideration."

There are some concerns, however, that there may already be too much new office space in the pipeline to make a new project like the ODOT Blocks pencil out at this point in the economic cycle.

"Timing is always a consideration," Malsin said.

Tom DiChiara, founding principal with Cairn Pacific, said his firm won't be pursuing the ODOT Blocks RFP, in part because of the maturity of the current cycle and the office space already in the works.

"But there's probably still a market for some office there," he said. "The Central Eastside has been pretty popular and I think there are a lot of people who still prefer being over there."

The deadline for developers to submit their proposals to Prosper Portland is Wednesday, Feb. 18.