

**The Oregonian**

## **Central Eastside Business Caught Up in Failed Move of Homeless Camp Sues Portland**

*By Andrew Theen  
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A longtime Central Eastside business sued the city Wednesday, claiming Portland's failed 2015 plan to move a homeless camp adjacent to its property may end up costing the company "irreversible damage."

East Side Plating filed the lawsuit in Multnomah County Circuit Court this week, asking the court to either intervene and rule Portland illegally gave up rights to a stubby section of Southeast Harrison Street to pave the way for Right 2 Dream Too, or prevent the city from selling the property altogether. Absent either of those remedies, the company is seeking \$9.9 million in damages.

The lawsuit is the latest twist in a disagreement between the business and city officials. In 2015, Portland planned to move the Right 2 Dream Too homeless camp to land adjacent to East Side Plating's shop. Portland bought the property and decided to abandon the street, a process known as a street vacation, to make the site more contiguous for the camp. But East Side Plating had used that street for decades as a way to back up trucks of chemicals and other shipments.

The city spent roughly \$1.1 million to buy the land, clean it up and add mobile showers for the homeless community. The company opposed the move, but Right 2 Dream Too never came after a state land use board blocked the move. The company didn't foresee losing access to a key door on its property.

According to the lawsuit, Portland previously agreed to work in good faith to keep allowing the company to back up its delivery trucks onto the city's property, but that pledge is no longer being honored.

"The City has refused to be bound by the terms of the ordinance it enacted and has instead notified ESP of its intent to sell the property," the lawsuit states. "The proposed sale will effectively extinguish ESP's access to its property and its ability to continue plant operations at this location."

East Side Plating has operated on the same site for 72 years. The company said it offered to pay \$45,000 to the city for an easement to use the unpaved alleyway, but bureaucrats did not respond several times. According to the lawsuit, one of Mayor Ted Wheeler's staffers subsequently said the city was in the process of selling the land, but East Side Plating "might be able to talk to the developer."

Margie Sollinger, Portland's independent ombudswoman, got involved in the matter earlier this year. "The City should honor its promise and support a local, family-owned business," she said in an email in June. "At this point it isn't clear that it will, and I am concerned the City's decision is being influenced by East Side Plating's earlier opposition to relocating R2D2 at this property."

Right 2 Dream Too has since moved to a temporary location near the Rose Quarter.

Sophia June, a spokeswoman for Mayor Ted Wheeler, said the city was unable to comment on active or pending legal matters.

# Portland Council Candidate Paid Business Taxes, Records Show

*By Gordon Friedman  
August 16, 2018*

Documents released Thursday by the campaign of Jo Ann Hardesty, a candidate for the Portland City Council, show she paid her business taxes the past three years.

Hardesty's opponent, Multnomah County Commissioner Loretta Smith, on Monday accused her of failing to register her consulting business, which raised questions about whether Hardesty owed back taxes for her business activities.

The records provided by Hardesty show her business, Consult Hardesty, did not make enough money to be subject to Portland or Multnomah County business taxes. Hardesty paid federal income and self-employment taxes on her business income, the records show.

The city and county exempt the first \$50,000 in revenue a business generates from taxes. The most Hardesty reported her consulting business generating was \$33,448.

People who operate businesses in Portland are required to register them with the city and may be subject to penalties if they do not. The city also prefers business owners keep it apprised of the business names they operate under. "But thousands do not, and we do not take any enforcement action if they fail to," Thomas Lannom, the city's top tax official, said in an email. Hardesty has an out-of-date city business registration.

At the time Smith called on Hardesty to release her business records, Hardesty's campaign cast the demand as "a cheap trick and typical, establishment dirty tactics to distract voters."

Correction: An earlier version of this article misstated the city of Portland's business registration policies. The city does enforce its business registration rules. It prefers businesspeople keep it apprised of their doing-business-as activities, but that is not enforced.

## The Portland Mercury

### Hall Monitor: Bureau Swap

*By Alex Zielinski  
August 15, 2018*

#### Let's Speculate About Mayor Wheeler's Bureau Reassignments!

After months of contemplation, Mayor Ted Wheeler announced city commissioners' new city bureau assignments last week.

These rare bureau shakeups have historically given Portlanders an idea, however hazy, of how the mayor's relationships with other commissioners—or bureaus—are faring. Wheeler swiped Bureau of Development Services from Commissioner Chloe Eudaly, who's been working closely with the bureau to flesh out tenant protection policies. Is Wheeler unhappy with Eudaly championing this work? Or is he just aiming for efficiency by pulling all housing-related bureaus into one office—his own?

One bureau reassignment that flew relatively under the radar might say the most about Wheeler's thought process. Instead of continuing to oversee the Office of Equity and Human Rights

(OEHR), Wheeler put Commissioner Amanda Fritz in charge of the seven-year-old department that was created to make city resources and programs more accessible for Portlanders from minority groups.

Thanks to her history, Fritz is unquestionably the best fit for this office, at least while Portland's city council remains white, hetero, and able-bodied. No, it's not because she's the council's only immigrant—it's because Fritz was the one who called for OEHR's creation in 2011, following a number of studies that detailed the stark social inequities faced by people of color living in Portland and Oregon.

Despite skepticism from her fellow commissioners at the time, Fritz convinced then-Mayor Sam Adams to establish an office to tackle those inequities. Seven years later, OEHR's initial \$1 million budget has more than doubled, with the office aiming to address the systemic racism and prejudice woven into city ordinances, contracts, job applications, and other internal processes—anything from the city's community policing tactics to its contracts with Uber and Lyft.

While Fritz lost the office to then-Mayor Charlie Hales in a 2013 bureau reshuffle, she's remained close to the department, and still holds weekly check-in meetings with the OEHR Interim Bureau Director Koffi Dessou. Mayor Wheeler, meanwhile, meets with Dessou about once a month.

Unsurprisingly, OEHR is happy to have Fritz back at the helm. "She has offered unwavering support of our office since its inception," says OEHR spokesperson Jeff Selby.

According to her chief of staff, Tim Crail, Fritz's priorities for OEHR include hiring a permanent director and coordinating the equity staff assigned to each city bureau.

"Going into a director search and new strategic framework, the mayor thought [Fritz] would have a unique opportunity to reset some things," says Sophia June, spokesperson for Wheeler's office. "Commissioner Fritz was part of the foundation of OEHR; she has relationships with everyone who set up the office."

Fritz is a good fit. But is that the only reason Wheeler decided to hand over the office?

The handoff could also be seen as a peace offering from Wheeler, who, in 2017, famously left Fritz with one measly bureau—a move city staffers couldn't recall ever happening before. The decision was seen as a harsh critique of Fritz's management abilities from a brand-new mayor, cementing what became a lukewarm relationship between the two officials.

Perhaps the shift is also an opportunity for Wheeler to reassess his commitment to the equity promises he campaigned on—and how Fritz and a redirected OEHR can help accomplish them. In the words of Cameron Whitten, the new interim director of the Q Center and a longtime racial justice advocate: "[OEHR] has been inward focused on city processes instead of being focused on operationalizing equitable outcomes for all Portlanders."

## **In Other News**

*By Kelly Kenoyer and Alex Zielinski  
August 15, 2018*

### **Airbnb Shirks Responsibility; TriMet Has a Fare Evasion Problem**

A city audit on Portland's short-term rentals hosted through companies like Airbnb revealed that nearly 80 percent of the city's rentals operate without a mandatory city permit. That hardly came

as a surprise to city staff or housing advocates, since the city has no way to enforce regulations around short-term rentals. Currently, Airbnb and similar companies have refused to share data about their listings and hosts with the city, while inspectors have no idea where unpermitted rentals are. The audit's data itself is shaky, since it comes from an outside research company unaffiliated with rental companies.

The city introduced short-term housing rules in 2014 to disincentivize Airbnb hosts from turning needed affordable housing units into vacation rentals.

“Without data, the original version of the rules is completely unenforceable,” says Marshall Runkel, chief of staff for Commissioner Chloe Eudaly.

Perhaps worse than the small-time hosts and companies shirking the rules is the city's inability to regulate what it calls “commercial” short-term rental outfits—people or businesses that manage multiple short-term rentals across the city. By repeatedly violating one of the city's key rules for short-term rentals—that a host must occupy the residence at least nine months of the year—hosts and the services they use, like Airbnb, are adding to the city's dearth of available housing.

Airbnb currently shares its rental data with cities like San Francisco and New York City. According to the city's revenue director, Thomas Lannom, Portland is negotiating with those companies to start sharing their data, but it's unknown when those talks will conclude. In Lannom's words: “Soon.”

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TriMet has a growing problem with fare evasion on the MAX. According to a study released last week by Portland State University, 14.7 percent of surveyed riders failed to pay fare on the MAX in 2018, a 3.1 percent increase from 2016. That's an unusually high rate compared to cities with a similar type of ticket system, like Berlin, which considers 5 percent to be a high rate for fare evasion. TriMet's hoping their “honored citizens program” program will diminish the company's problem with free rides. TriMet spokesperson Roberta Altstadt says that fare citations now come with information about the program, which allows veterans, the elderly, and those with low-incomes to pay cheaper fares. The honored citizen program cuts the cost of daily rides in half, to \$2.50 per day, and offers \$28 monthly passes. In some cases, riders can enroll in the honored citizens program instead of paying a fare-evasion fine. “It gives them an opportunity to break that cycle and change that behavior,” Altstadt says. “We definitely think that will help people who are struggling financially to realize they can play by the rules.”

## **OPB**

### **Portland Police Face Questions of Impartiality After Radio Show Comments**

*By Amelia Templeton and Ericka Cruz Guevarra  
August 16, 2018*

Portland Police Chief Danielle Outlaw made headlines this week with a series of comments critical of left-leaning protesters.

Outlaw's comments came as the city's Independent Police Review is investigating at least seven different incidents of possible police misconduct at an Aug. 4. rally in downtown Portland held by right-wing groups.

And the same group of protesters Outlaw is publicly criticizing may be key witnesses in IPR's ongoing investigations — witnesses investigators say they've struggled to contact.

In an interview with conservative talk show host Lars Larson this week, Outlaw made a number of dismissive comments regarding counter-demonstrators who have accused her bureau of deliberately targeting them with excessive force.

Outlaw compared the left-wing protesters to children who lost a schoolyard fight and left to "whine and complain."

When prompted by Larson, Outlaw declined to call antifa a terrorist organization. But she did say antifa showed up at the protest with the intent to "cause physical harm and confrontation."

She also described the group as "wearing flak jackets and bringing guns and wearing helmets." In the lead up to the event, it was right-wing groups – not antifa – that had publicly declared their intent to carry guns at the rally. Several members of those groups arrived at the protest wearing tactical vests, helmets and other paraphernalia.

"I tell people, we hold ourselves accountable," Outlaw said. "If we did something wrong, we own it. I own it. We'll take it. Because we don't want to continue on doing the same thing over and over again if we can find ways to improve moving forward. But at what point is there accountability to not only acknowledge the law and say that lawlessness is not OK?"

Outlaw's comments are a departure from previous chiefs, who have been more tight-lipped about controversial incidents involving allegations of police misconduct.

"I was glad to see Chief Outlaw is willing to step up, and offer her opinion," said Kristin Malone, an attorney who has chaired the city's Civilian Review Committee, a volunteer board that reviews officer misconduct.

Malone spoke in her capacity as a private individual familiar with the bureau's history, and not on behalf of the CRC.

Malone said in the past, bureau leaders' reluctance to publicly discuss incidents like the Aug. 4 rally has left the public in the dark for months at a time on the bureau's position.

"I'm sure there are a lot of people who will take objection to what she said, but at least there is a voice from the police bureau that is part of the conversation," she said.

Malone added that Outlaw's comments come with a possible downside.

"The reason people have felt like they shouldn't comment is because you don't want to give people a sense that there is a pre-judgment made, or that the bureau is reaching a conclusion before they have all the facts," she said.

Outlaw's comments have outraged left-wing counter-protesters, even as she insists the police bureau is fully committed to reviewing officers' use of flash-bangs and other crowd control weapons.

Outlaw directed the Professional Standards Division to begin an internal review of PPB's tactics at the Aug. 4 protest and whether police actions were within policy, law and procedure.

Mayor Ted Wheeler oversees Chief Outlaw in his capacity as Police Commissioner. A spokesman for Wheeler said he would not comment on whether Outlaw's recent public statements about Antifa undermine the credibility of the Bureau's review of the incident.

In addition to the bureau's review, the Independent Police Review has opened seven investigations into possible misconduct in response to citizen complaints.

IPR, which is a division of the city auditor's office, provides civilian oversight of the police bureau.

The agency is struggling, however, to make progress on the most high-profile case: a protester allegedly hit in the head by a flash-bang who suffered a traumatic brain injury. He hasn't yet made contact with investigators.

"We haven't been able to talk to the person who was impacted by the alleged misconduct," said Constantin Severe with the city's Independent Police Review. "We're working off witness statements and video from community media and the police bureau."

The person in question has spoken to several media outlets about his injuries.

"For us to be able to do a good investigation, we will need to talk to this individual," Severe said. "It's important for the process for them to reach out and talk to one of our investigators."

While IPR conducts independent investigations and publishes its findings, Outlaw and the City Council have the ultimate authority in disputed misconduct cases to determine whether or not officers will face disciplinary action.

In a City Council meeting Wednesday, Wheeler suggested the city may pursue a third, "outside" investigation into the police bureau's crowd control tactics.

Wheeler's spokeswoman, Sophia June, said the mayor is discussing the possibility of an outside review with Outlaw.

June referred questions about who would conduct such an outside investigation to the Police Bureau.