

## **The Oregonian**

# **Editorial: One Step Forward, Two Steps Back with Portland Firefighter Policy**

*By The Oregonian Editorial Board  
August 23, 2018*

The Portland City Council didn't devote much debate last week to a change in the firefighters' union contract proposed by Portland Fire Chief Mike Myers. The commissioners largely lauded Myers' plan to allow some purging of firefighters' disciplinary records in exchange for the union's pledge to let reprimands issued for tardiness and other modest infractions go unchallenged. The ability to levy such discipline without going through the long and costly grievance process would be a step forward for greater accountability, Myers said.

It's too bad that the four commissioners present didn't dig into what they were giving away. The council, minus Commissioner Chloe Eudaly, unanimously passed the proposal, The Oregonian/OregonLive's Gordon Friedman reported, focusing on the part of the policy that allows for purging of reprimands for the low-level offenses. Had they looked more closely, they might have discovered that the contract provision, broad and unspecific in its wording, does not limit the kinds of misconduct that could be eligible for purging.

That means that employees disciplined for sexual harassment, drunk driving or racist statements, for example, could seek to have those records removed from their personnel file if they don't commit further misconduct in a three-year period and if two of three officials - the fire chief, firefighters union president and human resources director - agree. While Myers and union president Alan Ferschweiler both told The Oregonian/OregonLive Editorial Board they wouldn't support removing records of such serious misconduct, Myers acknowledged a "valid concern" that others who fill their roles might.

Myers' goal of injecting greater accountability at the fire bureau is an admirable one. And both he and Ferschweiler deserve credit for trying to craft a solution that supports Myers' efforts while recognizing that it marks a significant shift in workplace discipline for firefighters from previous chiefs' laissez-faire attitude.

But Myers, Ferschweiler and city commissioners all seem to view the integrity of a personnel file as a bargaining chip between management and labor. That misunderstands the purpose of personnel files, which should be factual, reliable and unbiased dossiers of relevant information about employees and their performance. The integrity of personnel records is particularly important when the employees and the employer occupy positions of public trust as Portland firefighters and the fire bureau do. Taking out unflattering records, even old ones, only makes it harder for employers to provide the individualized support or oversight that helps employees and the employer succeed - while also keeping the public safe.

As Portlanders have already seen from Portland Public Schools' shoddy disciplinary records policies, this is the kind of system that lets the tiny percentage of bad actors in any workforce remain on the payroll for years, getting the benefit of the doubt for behavior that's neither isolated nor innocent. For Portland Public Schools, in which the teachers' union contract allows for some purging of records, longtime educator Mitch Whitehurst escaped accountability in part because allegations of sexual misconduct toward students weren't kept in his personnel file or shared with new administrators.

It barely matters that Commissioner Amanda Fritz was able to amend the new policy to make it effective for only the current contract term. Leaders change. Attention to new policies wanes. Contractual provisions, however, are far harder to dislodge, as longtime police reform watchers can attest. And with talks for the next contract to begin this fall, commissioners should be weighing in now, not waiting until next year when it will be far more difficult to unwind provisions from a fully-negotiated agreement.

Commissioner Dan Saltzman, who oversees the fire bureau, told the editorial board that he plans to introduce a version of the new policy to tighten up the language. That's a start, but the council should do more to stop this policy in its tracks. The worst outcome would be for other unions to try to win the same kind of discipline policy that the city gave to the firefighters union.

Myers is right to push for accountability for low-level infractions as a way to head off bigger problems down the line. He is correct that winning the ability to issue discipline without expensive, time-sucking grievances from the union marks an important step forward. But those worthy goals still don't justify taking two steps back.

## **The Portland Tribune**

### **Wheeler rejects ICE employee demands, union says he's violated responsibilities**

*By Nick Budnick  
August 23, 2018*

**Hostilities fester over Mayor's hands-off policy to Occupy ICE protest. Union wanted more than \$15,000 per employee affected.**

Mayor Ted Wheeler has rejected a call from the union representing Immigration and Customs Enforcement employees to change police response policies and reimburse their members for lost wages and other damages — leading to another round of hostilities with the union.

Wheeler's decision to reject the union's request is just the latest in tensions stemming from what many have interpreted as the Mayor's hands-off approach to policing issues around the OccupyICEPDX protest unless they entailed an immediate threat to someone's life.

"We have asked Mr. Wheeler to retract his policy of only responding to calls from the ICE facility, businesses and residents when 'lives are in danger' or when there is 'immediate life safety concern,'" the union said in a statement on Thursday shared by its lawyer, Sean Riddell. "His refusal to renounce this policy violates his responsibilities as the Mayor and Police Commissioner, and is putting the lives and property of those working and living near the ICE facility in danger."

The union statement regarding Wheeler's handling of the protest follows similar attacks that have been made on Wheeler by President Donald Trump and Republicans in Congress.

The matter began with a July 30 "cease and desist" letter from the union, first reported by Willamette Week, that threatened a lawsuit and complained that its employees were exposed to threats, harassment and "terror and lawlessness."

During the course of the protest, employees of a food cart also reported being threatened. Reporters reported being assaulted or threatened, neighbors complained of feeling unsafe, and ICE employees reported racist insults, according to assorted media coverage.

In all, nearly 60 police calls were associated with the protest, which lasted 38 days starting June 17. Of those, 16 led to police reports being written, according to the city.

More recently, Tribune obtained an Aug. 8 demand letter from the union, called the National ICE Council. The letter calls for Wheeler to change police response policies and compensate ICE employees for damages of more than \$15,000 apiece.

[Click here to read ICE demand](#)

Portland City Attorney Tracy Reeve responded on Aug. 15, according to the records obtained by the Tribune, indicating the city had no formal policy on responding only to immediate threats and that the city is committed to ICE employees' safety.

"The City and the Mayor are committed to the safety of ALL people in the City, including ICE Council members (as well as documented and undocumented immigrants). The City and the Mayor are also committed to protecting property rights and the right of the public to peaceably assemble and exercise their First Amendment rights," Reeve wrote.

"The City (through its Police Chief and command staff and under the policy direction of the Mayor) necessarily needs to exercise discretion in determining how to allocate law enforcement resources in the face of non-violent demonstrations, including non-violent civil disobedience."

[Click here to read City letter](#)

The correspondence was obtained under Oregon's public records law. It's unclear what happens next, or whether the union will sue.

Below are excerpts from messages and public records referred to in the ICE union's statement today.

**June 20, 2018 Wheeler tweet:**

The policy being enacted by the federal government around the separation of very small children from their parents is an abomination. It is un-American. I'm glad to see the President seems to be reconsidering this very ill-conceived policy and I hope that happens forthwith. I drove by the demonstration yesterday, it seemed to be very peaceful and I was pleased to see that. I want to be very clear I do not want the @PortlandPolice to be engaged or sucked into a conflict, particularly from a federal agency that I believe is on the wrong track that has not fully lived American values of inclusion and is also an agency where the former head suggested that people who lead cities that are sanctuary cities like this one should be arrested. If they are looking for a bailout from this mayor, they are looking in the wrong place.

**June 20 Capt. Mike Frome email to members of the Portland Police, per public records request submitted by Judicial Watch:**

"The PPB will only respond to calls at the demonstration site that have an immediate life safety concern. When we respond, a supervisor must be one of the responding units. We are not to proactively patrol the area of the demonstration either."

**June 21 Wheeler advisor Berk Nelson text message to Assistant Chief Bob Day:**

"Here's where our office stands: The Mayor will provide strategic direction to PPB. He will not dictate tactics we will leave that to the expertise of PPB. In this case, the Mayor's strategic direction is for PPB to not get involved unless lives are in danger. If that direction changes it will be after a conversation between the Chief, deputy chief and the Mayor."

## **Wheeler July 31st response to ICE Council's Cease and Desist Letter:**

"While Portland Police were not engaged in removing protesters from federal property, Portland Police made clear to Federal Protective Service officials that local law enforcement would respond to calls for service at the demonstration site that have an immediate life safety concern."

## **Willamette Week**

### **Scooters Break Oregon Speed Limits, and Portland City Hall Is Considering Fines For Scofflaw Companies**

*By Elise Herron  
August 23, 2018*

**WW's reporting last week revealed something interesting: Bird scooters are the only ones that adhere to city speed laws.**

This week, WW's hands-on research of scooter speeds (yes, we raced them) revealed something interesting: Of the three scooter companies operating in Portland, only one appears to adhere to Oregon speed limits.

Dylan Rivera, a spokesman for the Portland Bureau of Transportation, tells WW that, according to the Oregon Vehicle Code, it is unlawful for a "motor assisted scooter" to exceed speeds of 15 miles per hour.

Lime and Skip scooters both appear to go faster than 15 mph. In our speed trials, conducted using a speedometer phone app, Lime scooters topped out at 16.2 mph and Skip at a whopping 19.3 mph. Bird scooters were within the law, traveling at 14.9 mph.

Rivera, whose bureau oversees a four-month pilot project for e-scooters, says city employees have already caught Lime scooters exceeding the 15 mph speed limit, using a radar gun.

"We're working with the companies on this issue, using our own testing by PBOT staff and using [a speed radar gun]," Rivera says. "We have not issued any fines for this, though the companies could be subject to fines and suspensions."

According to Rivera, the city is still sorting out whether scooter speeding fines should fall on the companies or the people riding them.

"Our rules for the pilot program are focused on what permitted companies are responsible for," Rivera says, "Oregon Vehicle Code covers penalties and fines for user behavior."

Rivera says a PBOT warning has already prompted Lime to make adjustments to its scooters to decrease speeds.

So far, Rivera notes that PBOT staff have learned that scooter speeds vary based on "terrain and weight of the rider."

Rivera says the city's efforts are currently on rider education, and "reminding everyone to be respectful of others."

Spokespeople from Lime and Skip could not immediately be reached for comment.

# **The Daily Journal of Commerce**

## **Project Consultant Selected for Water Treatment Plant**

*By Chuck Slothower*

*August 23, 2018*

The Portland City Council on Wednesday authorized an exemption to the low-bid process and an alternate contracting method for the city's \$350 million to \$500 million project to construct a water filtration plant at Bull Run.

City officials have been wrestling with options to build a massive water treatment plant to address the persistent presence of cryptosporidium in Bull Run's raw water intake. The waterborne parasite has been found in five samples taken by the city this year, most recently in April. It also appeared in several tests during the 2017-18 winter.

The parasite's presence forced the city into a compliance agreement with the Oregon Health Authority to build a filtration plant. Terms of the agreement call for the plant to be in operation by Sept. 30, 2027.

City officials have selected engineering firm Brown and Caldwell Inc. to serve as project management consultant. The first reading on the firm's selection was Wednesday, and the contract is expected to be formally approved during a second reading next week. The contract is worth \$67.89 million.

Brown and Caldwell is based in Walnut Park, California, but it has a Portland office on Southwest Macadam Avenue.

Brown and Caldwell's Jon Holland is listed as program manager. The consultant is required to adhere to the city's guidelines for disadvantaged, minority-owned, woman-owned and emerging small-business contractors. The contract proposes 22 percent DMWESB participation.

According to the Portland Water Bureau's timeline, a construction manager-general contractor will be selected for the project in the fourth quarter of 2019. Hiring a CM-GC is likely to lead to lower costs and a faster construction schedule, said David Peters, principal engineer for the Water Bureau. The CM-GC will be selected through a competitive request for proposals process.

"This is a fully competitive process," Procurement Services Manager Larry Pelatt said. "There is no limitation on who can bid, but you do want to get some specialized kind of people."

City officials are considering a plant with capacity to filter 160 million gallons per day, according to documents presented to the City Council. That will meet peak-day capacity until 2045. A facility smaller than 145 million gallons per day would require increased use of groundwater, while a larger facility is not supported by growth projections, according to the Water Bureau.

The plant's capacity, location and method of filtration are still to be decided, Commissioner Amanda Fritz said. Further community consultation is expected in early 2019.

Last year, the council voted to move forward with planning for a filtration plant. An ultraviolet light treatment system was considered but ultimately rejected.

The Water Bureau has applied for an Environmental Protection Agency grant, Pelatt said.

At Wednesday's council meeting, Dee White, a local resident who actively follows water issues, criticized costs of previous city projects and questioned the city's process in selecting contractors.

"This is not so transparent," she said.

## **The Skanner**

### **New Greenway in NE – But Where?**

*By Lisa Loving  
August 23, 2018*

You've heard that Northeast 7th Avenue might get shut down but where do you air your opinion about it?

The Portland Bureau of Transportation is extending public comment on its Lloyd to Woodlawn Neighborhood Greenway project through the end of this month.

The bureau has a detailed slideshow presentation online for viewing at your convenience, with a chance to leave feedback. [Find that slideshow here.](#)

Those without computer or smartphone access can call PBOT directly and share your views of the greenway plan at (503) 823-5185.

Many are concerned that the proposed greenway would clog the streets around Albina Head Start at Northeast Fremont and 7th. It's a major intersection with the organization's main office and a large childcare facility.

So far several observers around the city are publicly suggesting that the 7th Avenue route is most popular, but it's still not too late to weigh in on the decision by filling out a comment form online or calling PBOT directly. The work is scheduled for completion over the next few years.

"Our online open house will be available on the project web site through Aug. 31 and we plan to have more meetings and other opportunities for people to engage," PBOT spokesman Dylan Rivera told The Skanner.

The Greenway Project would take one street that connects the Woodlawn neighborhood to the Lloyd District -- whether that's Northeast 7th or Northeast 9th or some combination of the two has not yet been officially decided -- and create a slower transportation corridor for pedestrians and bikes by adding traffic features including crosswalks, a few "green boxes" painted on the street for cyclists at intersections, a new roundabout and potentially a closed-off turnaround on Northeast 7th that dead-ends on a tiny park.

#### **Outreach is slow**

While PBOT has held meetings and forums since February, the word on the proposed project has been slow to reach households of color. Local boosters hope more families will participate before it's too late.

"When I first heard about it I thought it wouldn't happen," said Darcell Dance, who lives on Northeast 9th Avenue and works on Northeast 7th Avenue.

If Northeast 7th is slowed for the greenway project it will force more traffic onto Martin Luther King Jr. Boulevard and other nearby streets, she said.

“Everybody I’ve talked to thinks that is crazy,” she said. “There is a disconnect here.”

Dance said she never received any mailing or notice on her door about the proposed changes, but that now she is better informed she is trying to make sure others are as well.

So far she has attended a forum at SEI and chatted at the PBOT table at Good in the Hood, but Dance is concerned that already the Northeast 7th Avenue option is being consistently described in public as the most popular.

Albina Head Start Director Ronnie Herndon says that’s why he is watching this process like a hawk.

Herndon runs an organization that serves parents and staff from all over the area, which means literally hundreds of vehicles need to pull up to its doors every weekday.

He says putting the greenway on Northeast 9th Street makes more sense because it is already residential.

“When they came here to talk I took them right outside and we walked up to the corner -- the main thoroughfare for Head Start is right there on the corner,” Herndon said. “If they restrict traffic, it will force hundreds of cars onto King and into the neighborhoods -- and it’s already overcrowded.

“This would make it more difficult for people -- frankly, low-income people who are trying to use the services of Head Start,” he said.

### **More PBOT Outreach**

Rivera said the bureau is continuing to build its relationships with churches, Albina Head Start and other organizations, to make sure the word gets out on issues but also opportunities.

For example PBOT last year awarded grants to a dozen local organizations for streetscape and parks projects led by neighborhood residents, organized by Living Cully, NAYA Generations, the Urban League PDX, Rosewood Initiative and more.

Several of the grants PBOT recently awarded to neighborhood groups will be used to build “wayfinding” systems designed to help families more easily find parks and green spaces for healthy outside activities where they live -- in Lents, Cully, and outer Southeast.

Since February, Rivera said PBOT has gathered hundreds of people together for question-and-answer sessions around the neighborhoods and sent out direct mail to tens of thousands of people who live and work in Lloyd/Woodlawn and along the corridors nearby.

Rivera said more than 150 people attended the first open house event last February at King Elementary School, and an online open house received 200 survey responses.

The outreach campaign spread flyers and posters to businesses along Northeast 7th Avenue, along King Boulevard, and four elementary schools in the neighborhood.

PBOT also tabled at the King Elementary School Community Celebration, Juneteenth and Good in the Hood Festival.

Rivera said special outreach was made by phone to SEI Inc., Albina Head Start, the Rerun resale shop, Cafe Twenty Six, and Northeast Fellowship Community Church; a follow-up transportation outreach event was held at SEI.

The second open house was held on Aug. 1 at Augustana Church and was attended by over 150 people.

It's still not too late to share your opinion.

Find out more about the Lloyd to Woodlawn Neighborhood Greenway, check out the proposals and leave your feedback by clicking [here](#) or call the Portland Bureau of Transportation at (503) 823-5185.