

## **The Oregonian**

### **Portland Grants \$500K for Immigrants' Attorney Fees**

*By Gordon Friedman*

*September 21, 2018*

Some Portland immigrants and refugees facing deportation may be provided an attorney at no cost thanks to an ordinance adopted Wednesday by the City Council.

The council approved a \$500,000 grant to Catholic Charities of Oregon, which will use the money to hire attorneys and paralegals to represent potential deportees. A minimum of 60 people are to receive attorney help under the grant, according to the agreement. At least 50 of those "will receive a screening for service eligibility," though no eligibility conditions are listed.

Immigrants living in the country illegally and refugees have the same constitutional protections as citizens. But people facing deportation are not entitled to a court-appointed lawyer if they cannot afford one.

The legal assistance program is the brainchild of Portland's newest city commissioner, Chloe Eudaly. She said Wednesday that hundreds of Portlanders are facing deportation, and most will be forced to leave the country unless they can be provided attorneys. She did not cite a source for the figure.

Her remarks came in reaction to news reports she steered more than \$13,000 from the nonprofit she ran to herself and her consulting firm.

The need for access to attorneys is especially great given "continued and increasingly aggressive attacks" on immigrants from federal officials, Eudaly said.

"Providing access to legal services is about protecting everyone's constitutional right to due process," Eudaly said. "This is one of the most fundamental components of our democracy and every American regardless of immigration status should be proud to defend this value."

The \$500,000 grant to Catholic Charities is a one-time grant under the city special appropriations budget. Money for the grant is drawn from the city general fund, which primarily pays for police, fire and parks operations. The vote to approve the funding ordinance was 4-0 with Commissioner Dan Saltzman absent.

### **Lawyer: Portland Worker Posed as Cop to Scare Ex's New Lover**

*By Gordon Friedman*

*September 20, 2018*

A city employee used confidential databases to investigate her ex-boyfriend and posed as a police officer to intimidate his new girlfriend, according to a lawsuit notice recently filed with the city.

The notice, filed by an attorney on behalf of Carina Tarrillo, says Tarrillo's trouble with city 911 center employee Keren Ceballos began with a breakup.

After Ceballos' boyfriend ended their relationship, she became "angry and jealous" and used confidential government databases to investigate the man, the legal notice says. Those searches led Ceballos to discover Tarrillo had moved in with him, according to the document.

The searches also led Ceballos to learn that Tarrillo worked at a chiropractic clinic, the legal notice states. Ceballos went to the clinic to inquire about treatment and was led by Tarrillo to an exam room, it says. Once there, Ceballos said she works for Portland police and told Tarrillo that her name "popped up" in the course of a background check, according to the legal notice.

The document states that Tarrillo believed she was the target of an investigation, became frightened and ran from the exam room.

The legal notice says Tarrillo believes Ceballos "misused public and confidential resources to do a background check unrelated to Ms. Ceballos's employment" with the 911 center. It states Ceballos "held Ms. Tarrillo in a room against her will and under pretenses that she was under investigation and under arrest."

The notice claims the city and its 911 center are in part responsible for Ceballos' alleged conduct because "it allowed her unfettered access to confidential databases."

Tarrillo's attorney was not immediately available for comment Thursday. Ceballos has not been charged with any crime.

Bob Cozzie, director of the 911 agency, said the city risk management office evaluates legal claims, adding, "I am not at liberty to discuss the case." Cozzie did not respond to an emailed question about agency policies on employee access to databases. A city Bureau of Human Resources employee said Ceballos remains a full-time employee at the 911 center.

## **Portland Police Recruiter Fired for Giving Applicant Questions for Interview**

*By Maxine Bernstein  
September 23, 2018*

A Portland police recruiter who gave an applicant the questions and score sheets that would be used for an entry-level job interview and offered to pay for a hotel room to help her prepare for the police exam was fired this year for his "significant misuse of authority."

The Police Bureau this month posted a summary of the case along with other discipline cases examined by its Police Review Board, but didn't name the officer.

However, The Oregonian/OregonLive has confirmed that the recruiter fired was Officer Timmy Evans, a nearly 24-year veteran of the bureau who served as a bureau recruiter for at least five years. He was fired on May 10.

"I did give her the information," Evans said in an interview Sunday. "I was truthful about that."

Evans also provided the applicant with confidential information on why she had failed a prior background inquiry done in 2010 and 2011, according to the bureau's summary of the case.

A citizen complaint prompted the bureau to conduct an internal affairs investigation. Members of a Police Review Board, which examined the bureau's investigation, noted that the officer gave the applicant an "unfair advantage" in the testing process that potentially compromised the test for all candidates.

Board members acknowledged that Evans had a "passion for helping women and underrepresented people" get hired by the police force, but his actions represented a "significant misuse of authority, unethical behavior, a "willful disregard of police bureau values" and a "serious lack of integrity, ethics and character."

Evans said he believed the bureau's testing process was unfairly eliminating people of color and women. "I chose to do what I could to get those people in the door," he told The Oregonian/OregonLive. However, he said he didn't assist other applicants.

The review board also considered whether Evans was seeking sexual favors by offering to share a hotel room, in exchange for helping the applicant in the testing process. The board did not sustain that allegation, but did find evidence Evans had offered to share a hotel room with the applicant in Los Angeles.

Evans told The Oregonian/OregonLive that he offered to have the woman share his hotel room in Los Angeles so she could take the exam there and be considered earlier for a vacancy, instead of waiting until the exam was offered again in Portland later in the year. He said he didn't think the woman could afford paying for a room. The woman didn't accept his offer, but did take the exam in Los Angeles. She passed the exams, but was disqualified during the background inquiry.

The board recommended the Police Bureau examine why it allowed Evans to serve in a recruiting position for the police force given his prior disciplinary history, which it did not describe. Evans said he received command counseling or a letter of reprimand for accepting food, a burrito, from a previous applicant, who tested well on her exam.

Evans' termination was one of several cases summarized in a report made public this month on the police bureau's website that were reviewed between Oct. 13, 2016 , and Jan. 10, 2018.

Evans said the police union has filed a grievance, challenging his firing. Officer Daryl Turner, president of the Portland Police Association, declined comment on Evans' case, noting it's an ongoing matter. The challenge may allege that other officers who've taken similar actions were not terminated.

Among the other cases were:

- The firing of Officer Dan Chastain, who was off-duty when he was arrested in Clackamas County after crashing a city-owned car on April 25, 2016. The car overturned, coming to rest on its top. Chastain's blood-alcohol content was .256 percent, according to the bureau's summary. The legal limit is .08 percent. An open beer can was found near the scene. Chastain was off-duty at the time but on call. Chastain, convicted of driving under the influence of intoxicants and sentenced to 32 days in jail, was fired Aug. 1, 2017, according to state records.
- The firing of Sgt. Gregg Lewis, who was reported by other officers to have made an inflammatory remark during Central Precinct's roll call regarding the use of force against a black man. The remark came just three days after the Feb. 9, 2017 fatal police shooting of a black teenager, 17-year-old Quanice Hayes. The review board found Lewis' remarks brought discredit to the bureau. One board member called Lewis' comments an "egregious, abhorrent act' that has no place in the police bureau. Lewis, who retired from the bureau Oct. 31, 2016, was rehired in December 2016. He was fired Feb. 2 of this year.
- Command counseling given to Lt. Mike Leasure, who signed then-Chief Mike Marshman in on a log as having attended a training though the chief never showed. The so-called "command counseling" is on the low-end of bureau discipline. The board noted that

Leasure was unable to explain why he signed the chief in on the attendance log and gave "ambiguous" answers to investigators' questions. Board members did not find Leasure was untruthful, but were critical of his "bad decision-making and poor leadership skills" as a supervisor.

- One unnamed officer resigned after the bureau determined he had done an unlawful search of a vehicle, described in the report as a "dirty search." A citizen who was on a ride-along reported the search, and the officer never documented it in a police report.
- Another unnamed officer received a one-week suspension without pay for responding on a missing person case that involved an extended family member. The officer, who was off duty, went to a strip club in his partial police uniform to help search for the missing person, an employee of the club, but never told a supervisor of his response, the board report said.

## **The Portland Tribune**

### **Clean Energy Fund City Ballot Measure Stirs Heated Debate**

*By Jim Redden  
September 20, 2018*

**Business disputes backers on several aspects of plan, including whether Portlanders will pay the costs.**

Both sides of the debate over the Portland Clean Energy Fund say they support the goals of the November city ballot measure — to provide energy-efficiency upgrades and job training to communities of color.

Beyond that, they disagree over just about everything, including whether the proposed surcharge on large retailers is the right way to pay for them, how much it will actually raise, and whether any of the costs will be passed on to Portland residents and businesses.

Measure 26-201 was drafted by a coalition of minority, environmental, social justice and faith-based organizations. It was placed on the ballot by an initiative petition drive supported by the same groups, and has been endorsed by such high-profile liberals as Democratic U.S. Sen. Jeff Merkley. The measure is opposed by fiscal conservatives and some business interests.

Representatives of both sides appeared before the Portland Tribune editorial board on Sept. 6. Their arguments are amplified in Voters Pamphlet pages that are already online through the Multnomah County Elections Department. Printed copies will be mailed to registered voters in Portland as the Nov. 6 election approaches.

"The Portland Clean Energy Fund will benefit those who have been left out of previous programs and feel the brunt of climate change most acutely," said Tony DeFalco, the Living Cully coordinator at Verde, a nonprofit organization that supports low-income and minority communities.

"We agree the goals are laudable, but we have issues with the mechanism," said Portland Business Alliance Vice President Marion Haynes.

If approved, the measure would impose a 1 percent surcharge on the Portland retail sales of companies with total annual revenues of more than \$1 billion and more than \$500,000 within the

city. It exempts public utilities, food, medicine and health care. The money raised would be dedicated to projects and job training programs intended to increase energy efficiency and reduce greenhouse gas emissions, including weatherization and solar panels, job training in related fields, and urban agriculture. At least half the spending is intended to benefit low-income communities of color. Grants to nonprofit organizations would be reviewed by an advisory board and approved by the City Council.

DeFalco and other supporters said the measure will raise at least \$30 million a year, citing a June 2017 analysis by the city Revenue Division. Haynes and other opponents said it likely will raise far more, citing the same analysis.

In fact, no city analysis has been done of this specific measure. The revenue division looked at an earlier proposal that was revised slightly before being put on the ballot. The June report estimated the measure at that time would raise between \$24.8 million and \$35.9 million a year. Opponents say the final version defines sales more broadly than the one reviewed by the city, meaning collections will be higher, perhaps as much as \$80 million a year. Supporters say that final definition makes no difference.

Another issue is how many businesses the surcharge would apply to. The Revenue Division report said a minimum of 116 companies would pay the tax. Supporters say the final version would apply to 122 companies, while opponents say it will apply to 180 or more. But neither side can say who the businesses are, because such potential tax collection information is secret. It is assumed the list includes such companies as Walmart and Home Depot, but the Bank of America also apparently qualifies because of services it sells.

Supporters denied any of the businesses that are taxed would pass the surcharges onto local residents and businesses, saying that large national companies simply absorb such local costs. The City Club of Portland, which endorsed the measure, agreed. But opponents say such businesses can and do localize cost increases, and the Revenue Division report predicted that would happen if the measure passes.

Trying to completely define all of the projects and programs that could be funded is also difficult. Sponsors clearly intended weatherization and solar panel projects for homes occupied by low-income minorities. Wealthier Portland homeowners who are predominantly white have qualified for such publicly-supported projects in the past.

"Communities of color have not seen the benefit of these programs, even though they live in parts of town that are hotter in the summer and their homes are colder in the winter," DeFalco said. Opponents says existing government-required utility programs nevertheless provide funds for such projects.

The measure could also support the purchase of land for community or even larger gardens, perhaps connected to new housing projects, according to Paige Richardson, a political consultant supporting the measure.

Many more organizations have endorsed Measure 26-201 than are opposing it. Supporters so far reported raising over \$234,000 to place the measure on the ballot and pass it. Opponents have reported raising just over \$60,000 so far and have over \$80,000 in unpaid accounts.

# Pot Convictions Could Cut City Marijuana Business Costs

*By Jim Redden*

*September 23, 2018*

City Council to consider cannabis Social Equity Program introduced by Commissioner Chloe Eudaly on Wednesday.

The City Council will consider financial incentives to smaller marijuana businesses that employee people convicted of marijuana-related crimes on Wednesday.

The 2015 Oregon Legislature reduced sentence for marijuana-related crimes after state voters approved legalized recreational marijuana at the November 2014 election.

The Social Equity Program introduced by Commissioner Chloe Eudaly would reduce license and permitting costs for businesses with 25 percent or greater ownership represented by people with a federal or state conviction for a criminal offense committed prior to July 1, 2015 in which possession, delivery or manufacture of marijuana or marijuana items was an element, whether a misdemeanor or felony.

The same breaks would apply to businesses with 20 percent or greater staff hours represented by such people.

The qualifying businesses must have had an income of no more than \$750,000 in the preceding year, and no more than two other marijuana licenses or applications.

Studies show a disproportionate number of those with marijuana-related convictions are minorities.

"The City has a strong interest in encouraging entrepreneurship, supporting small businesses, and promoting healing in relation to the harmful legacy of cannabis prohibition," reads a memo to the council about the proposal from the Office of Community & Civic Life, which administers Portland's cannabis licensing program. "To begin addressing some of these inequities, the Cannabis Program recommends amendments that reduce licensing fees, streamline the licensing process, and provide additional assistance to small businesses and individuals impacted by cannabis prohibition."

According to the memo, qualifying businesses will receive license fee reductions of 15% or 25%, depending on a number of factors. If the qualifying business is a processor or producer, it will also receive up to a \$750 or \$1,500 reduction to reimburse costs incurred for Early Assistance meetings at the Bureau of Development Services (BDS).

You can read the proposal and memo at [www.portlandoregon.gov/auditor/article/698467](http://www.portlandoregon.gov/auditor/article/698467).

## Willamette Week

# What Happened to Better Naito? City Says a Blunder Led to Early Tear-Down of the Temporary Bike Lane This Morning

*By Elise Herron*  
*September 21, 2018*

**The agency has been receiving reports about bikers continuing to use the car lane, or traveling the wrong direction in the existing unidirectional lane.**

Bike commuters prepared to breeze down the temporary two-way bike path Better Naito today were met with a surprise. It's gone.

The project, which is in its second year, is only funded to exist during summer months May through October. And this year, due to upcoming construction on the Burnside Bridge, the bike lane was slated to be torn down a week early, starting tomorrow.

Portland Bureau of Transportation made announcements of the Sept. 23 end date on its website, and with physical signs along the bike path. But somehow, due to a miscommunication within Portland Bureau of Transportation, Better Naito was packed up at 5 am this morning.

"The work generally requires a couple shifts from work crews to remove the white plastic delineators, adjust traffic signals and remove pavement markings," spokesperson Dylan Rivera says. "Due to a miscommunication on our part between teams, crews began removing the delineators at five this morning instead of tonight around 10 pm as anticipated."

Rivera says PBOT deployed flaggers to Naito as soon as it learned about the mishap, and so far has not heard of any injuries from confused motorists or bikers.

Still, he says, the agency has been receiving reports about bikers continuing to use the car lane, or traveling the wrong direction in the existing unidirectional lane.

"It's understandably very alarming," Rivera says.

In its apologetic Twitter post this morning, PBOT referenced plans to secure year-round funding for Better Naito.

The project is currently one of 18 under consideration to be funded by PBOT's Central City in Motion program. According to PBOT estimates, Better Naito would cost \$4 million to implement year round. Currently, Better Naito is operating on a City Council-approved budget of \$350,00 for a 5 year seasonal city program—which would end 2020.

Rivera says PBOT is hoping to present City Council with a proposal for its top-priority Central City projects next month, and that Better Naito is a "highly ranked project among the 18."

Still, as video evidence of cars driving in the bollard-protected bike lane prove, Better Naito may still need infrastructure improvements before becoming fully embraced and understood by drivers.

## OPB

# What You Need To Know About Portland Clean Energy Measure 26-201

*By Ericka Cruz Guevarra  
September 21, 2018*

This November, Portland voters will decide whether the city should tax certain businesses to create a clean energy fund.

The measure is referred to as the Portland Clean Energy Community Benefits Initiative — or the Portland Gross Receipts Tax, depending on who you ask.

Proponents of Measure 26-201, which will formally show up on ballots as the Portland Clean Energy Community Benefits Initiative, say the city needs money to fund clean energy projects if it's serious about meeting its clean energy goals.

To do that, its backers are turning to businesses. Proponents of the measure say they're the ones who have the financial resources — and obligation — to support the goal of decreasing carbon emissions while maximizing community benefits like job training. Proponents expect it to raise more than \$30 million annually for clean energy projects, green jobs and other projects.

Opponents say the people the measure is supposed to help will only be hurt by it. The measure imposes a 1 percent surcharge tax on certain companies doing business in Portland, a tax opponents say will impact business choices and eventually pass down to consumers at the cash register. They say the measure will contribute to the affordability crisis in Portland, and that a tax on businesses isn't the best way to deal with climate change.

### **What Is The Question Before Voters?**

Should large retailers pay a 1 percent tax on the revenue they generate in Portland to fund renewable energy projects and job training?

### **Which Retailers Will Be Affected?**

The measure aims the tax at businesses that make more than \$1 billion in gross revenues nationally and \$500,000 in Portland. The 1 percent tax will apply to the gross revenue made in Portland.

The tax will not apply to groceries, medicine or health care services.

### **Who's Behind The Measure?**

The measure's supporters are a motley group of environmental and culturally specific organizations. Its steering committee includes Verde, the Coalition of Communities of Color, the Asian Pacific American Network of Oregon, the Portland branch of the NAACP, the Audubon Society of Portland and the Oregon chapter of the Sierra Club.

The measure has even gotten the attention [of CNN political commentator Van Jones](#).

### **What Do They Want?**

Supporters say the city's adopted Climate Action Plan needs money behind it if it wants to meet its goal of powering 100 percent of the community's electricity needs with clean renewable energy by 2035.



So they're looking at businesses, who they say have an inherent financial responsibility to support the city's climate goals. Proponents of the measure say businesses are a significant contributor to carbon emissions in manufacturing, shipping and supply chain practices.

It's also no coincidence that cultural organizations are supporting the measure; proponents say climate change has a disproportionate impact on low-income communities and communities of color. Money from the fund will prioritize clean energy project and job training in those communities.

### **Who's Against The Measure?**

The Portland Business Alliance, which has more than 1,900 members that include well-known retailers and airlines, is against the measure. Eighty percent of the alliance's members are small businesses, said Andrew Hoan, president and CEO of the Portland Business Alliance.

"This is a big tent chamber of commerce," Hoan said.

The South Portland Business Association and the Taxpayers Association of Oregon are against it, too. Even the progressive-leaning advocacy group Tax Fairness Oregon has come out against the measure.

### **Why Are Opponents Against The Measure?**

In a position paper on the measure, Tax Fairness Oregon says the proposal could obstruct future attempts to reform statewide business taxes.

"If the initiative fails, regardless of the reason, opponents will claim that taxing big business is unpopular and make it even more difficult for the legislature to pass a statewide tax just like the failure of M97 made the legislature's task harder," the position paper states.

But for the most part, opponents are rallying behind the concept of keeping Portland affordable, perhaps a jab at elements of the measure that its supporters tout (20 to 25 percent of the clean energy fund will be prioritized to job training for low-income people of color, for example). They say the tax on businesses will trickle down to everyday people who live, work and shop in the city of Portland.

"To translate very unequivocally: a gross receipts [tax] is a consumer tax," Hoan said.

"It is a regressive tax that will be borne ultimately by the people who truly can least afford to pay for it."

### **Will The Tax Really Trickle Down To Consumers?**

The City Club of Portland, which voted to endorse the measure, released a report concluding there's no evidence to support this.

"While the arguments against the PCEF mentioned the potential trickle-down effect of the surcharge to consumers—thus unfairly distributing the tax—the committee found no evidence that this would, in fact, occur," the report states.

Hoan with the Portland Business Alliance said a small business may not be a direct target of the tax, but the goods and services a business may use to run a business — real estate, advertising and marketing services — could be.

"They'll have to raise the prices of their goods, and if they raise the prices of their goods they may lose customers," Hoan said. "It's economics 101."

Proponents of the measure say the financial impact will be minimal, but the social impact will be huge — especially for communities of color.

“We recognize that inequality and the climate crisis are interconnected and that we can actually create good jobs while taking climate action at the same time,” said Khanh Pham, manager of immigrant organizing at the Asian Pacific American Network of Oregon.

“There isn’t this false choice businesses want us to create between jobs and the environment.”

## **Additional Reading**

### **Locking Down Portland’s Short-Term Rentals**