

The Oregonian

Want a plastic straw or disposable fork in Portland? Starting today, you gotta ask for one

October 1, 2019

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More than 100 Portland businesses had already taken the step voluntarily, electing to provide plastics by request only or offering straws and utensils made from paper, bamboo or metal.

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Cracking down on plastics isn't exactly radical in Portland. Oregon's largest city was among the first in the nation to ban Styrofoam takeout containers, back in 1990, and it added a plastic bag ban in 2011.

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Portland police fail to manage overtime effectively, city audit finds

By Maxine Bernstein

October 1, 2019

Portland police continue to spend millions of dollars in overtime with little effort to manage or limit costs, a city audit found.

One officer worked 97 hours in one week last year.

While that's an extreme case, patrol officers worked more than 20 hours of overtime in one week 1,100 times in 2018, according to the audit made public Tuesday.

The bureau spent \$15.7 million in overtime costs in 2018, with officers working nearly 250,000 extra hours, slightly down from 2017 but higher than prior years.

Poor data collection and reporting of overtime limited supervisors' ability to manage patrol officers' overtime, the report said.

Though bureau managers blame severe staffing shortages for the majority of overtime costs, they couldn't back up that claim with data, the audit said.

"Bureau staff at all levels said there was no sense in looking for ways to limit overtime because of the existing personnel shortage. We found that reasoning to be based on faulty assumptions that overtime data were reliable and management decisions about when to use it were sound," the report said.

Faulty software updates in the bureau's daily officer assignment system had sergeants double-filling some shifts, auditors said. The computer system was "randomly dropping" officers who signed up to fill shifts on overtime, so sergeants would have another officer sign up for the vacant patrol spot.

That foul-up continued for six months before it was detected.

"Both officers would show up for duty and work the shift, but only one was really needed. ... Bureau staff was unable to determine how many shifts were affected and how many overtime hours were incorrectly recorded," the audit said.

Neither sergeants, who make day-to-day decisions on whether to offer overtime to patrol officers, nor precinct commanders adequately monitored overtime spending, auditors found.

"Whether a City bureau is staffed appropriately or not, overtime use must be well managed," City Auditor Mary Hull Caballero said. "Exhausted and overworked officers pay a price in terms of their own well-being, and the community shoulders the cost in the quality of police services they receive."

The audit recommended the bureau take more aggressive steps to approve, administer and report overtime work. It also said Portland police should limit the amount of overtime an officer can work, such as the Denver and San Francisco police departments do.

"An overtime limit could give sergeants an objective tool to make it easier to tell an officer that they have already worked too much overtime and need to let another officer pick up a shift," the report said.

Portland Police Chief Danielle Outlaw said the bureau is planning to adjust patrol shift schedules and precinct minimum staffing levels based on public safety needs to reduce overtime costs. It

also has improved tracking overtime hours with a new system adopted in February, the chief said.

The bureau also will consider negotiating a cap for officer overtime with the union, the chief said.

“While we are always looking for ways to better manage the use of overtime, the bulk of our overtime expenditure is driven by personnel shortages, particularly at our three patrol precincts,” Outlaw wrote in a response to the audit.

As of early August, the Police Bureau had 133 officer vacancies in an authorized police force of 1,001 officers, according to the bureau.

Sometimes overtime occurred because sergeants approved too much vacation leave, the review found. Under bureau guidelines, only 10 percent of officers assigned to a shift should be authorized for leave at a time. Approving too much leave at one time led to overtime in 18 percent of patrol shifts, the audit said.

North Precinct approved leave at the greatest rate, causing overtime for 41 percent of its afternoon shifts in 2018.

The audit also found that one officer stayed after a shift ended to finish up writing reports on 40 different occasions, earning overtime each time. Five other officers were paid overtime to complete their reports more than 30 times. One officer worked more than 20 hours of overtime a week for 27 weeks in 2018.

The audit also identified risks in secondary private jobs, which officers receive overtime pay to work. Those risks include unequal treatment in contracts approved (police provided security for a Southern Poverty Law Center private event but rejected a contract for the conservative Oregon Liberty Alliance); some business owners want police for visibility but direct them not to make arrests if they witness a theft or other crime; some business owners have asked police to target people of color.

“The risks associated with secondary employment may outweigh the public benefit if the Bureau is not consistent in applying criteria for selecting which contracts to approve,” the audit said. “With inconsistent documentation, risks associated with secondary employment, such as officer fatigue, racial inequity, and political favoritism, could outweigh the benefits.”

There was little tracking of secondary job overtime, according to the audit, and union contract requirements were violated. According to the audit:

- Officers are restricted to 20 hours a week of secondary employment, but 14 officers or sergeants violated that limit 39 times in 2018. One person violated the limit 10 times.
- Officers aren’t supposed to get time off instead of overtime pay for secondary employment, but they did in 71 instances in 2018.

“Time off at a future date instead of payment is problematic, because when patrol officers take time off, they can be backfilled with someone on overtime. The hour and a half of time off an officer received as compensation for working secondary employment could become 2.25 hours of compensation if an officer is needed to backfill the position,” the audit noted.

In fiscal 2017-18, the bureau billed secondary employment customers \$1.8 million and paid officers and sergeants \$1.4 million in overtime wages, with a difference of \$400,000. But overtime wages didn’t include all of the administrative police costs of secondary employment, such as approving contracts, processing payroll and billing customers, the analysis said.

The Portland Tribune

Your City Hall: Police matters dominate City Council docket

*By Jim Redden
September 30, 2019*

A work session and two hearings will focus on the Portland Police Bureau this week

WHAT IS HAPPENING? Police issues will occupy much of the City Council's time this week. First, on Tuesday, the council will hold a work session to consider national best practices for police contracts. Then on Wednesday, the council is scheduled to accept the Portland Police Bureau's 2018 annual report and adopt its community engagement plan for the current fiscal year.

WHY TALK ABOUT THE CONTRACT NOW? The city is preparing to negotiate a new contract with the Portland Police Association, the union that represents rank-and-file bureau employees. Ahead of that, the council will listen to a presentation by representatives of Campaign Zero on national best practices in police union contracts.

Campaign Zero is a 10-point police reform plan proposed by activists associated with Black Lives Matter that was launched on Aug. 21, 2015.

In announcing the work session, Mayor Ted Wheeler's Office said, "This will help ensure a meaningful negotiation process that results in a contract that serves the interest and welfare of the public and supports our officers."

WHAT ARE THE CAMPAIGN ZERO RECOMMENDATIONS? When it comes to police contracts, the plan calls for: removing barriers to misconduct investigations and civilian oversight; keeping officer disciplinary history accessible to police departments and to the public; and ensuring financial accountability for officers and police departments that kill or seriously injure civilians.

WHAT IS THE ANNUAL REPORT? A report on the activities, accomplishments and challenges for the bureau for 2018. The 29-page report covers everything from staffing levels to crime statistics to the activities of all divisions. In her introduction, Police Chief Danielle Outlaw said the primary challenge facing the bureau is the ongoing staffing shortage.

WHAT IS THE COMMUNITY ENGAGEMENT PLAN? The plan for improving the relationship between the bureau and the community, including activities required under the settlement with the U.S. Department of Justice intended to reduce the unnecessary use of force by officers, such as the appointment of the Portland Committee on Community Engaged Policing.

ARE THERE ANY CONTROVERSIES? There are always controversies concerning the bureau. Police accountability activists already have questioned how much public testimony will be allowed on the engagement plan.

"It would be extremely ironic for the PPB to talk about its great efforts to engage with the community and then silence community response to its reports," Portland Copwatch said in an email to the council and chief on Sept. 26.

WHAT CAN I DO? The work session is scheduled from 9:30-11:30 a.m. Tuesday, Oct. 1, in the Council Chambers at City Hall, 1221 S.W. Fourth Ave. Public testimony is not allowed, but you

can attend in person, watch it on community TV, or on the city's website at www.portlandoregon.gov/28258.

The hearings on the report and plan are scheduled for 2 p.m. Wednesday, Oct. 2, in the Council Chambers. Public testimony is allowed, and you also can watch them on community TV and on the website.

Links to the report and plan are included in the online council agenda at www.portlandoregon.gov/auditor/26997.

City, state commissions consider zoo railway's historic status

September 30, 2019

Group pushes for nomination to national history list as city plans to convert Washington Park section into trails.

The Washington Park and Zoo Railway's shot at a historic designation takes a couple of big steps in the next few weeks.

On Monday afternoon, Sept. 30, Portland's Historic Landmarks Commission planned to discuss possible nomination of the railway's full route through Washington Park to the National Register of Historic Places. The commission could sign off on the proposed nomination, offering city support.

On Oct. 18, the State Advisory Commission on Historic Preservation considers the railway's nomination to the national register. Commission members will discuss the nomination at 2:30 p.m. in the state's North Mall Office Building, 725 Summer St. N.E., Salem. The railway is among seven properties and sites the commission could nominate to the national register.

Also on the commission agenda for Oct. 17 and 18 are possible nominations for the 1923 Multnomah School, the 1911 Wheeldon Annex building on Southwest Salmon Street (now the Fountain Place Apartments), the 1914 Oregon Supreme Court building in Salem, the 1896 Elmer and Linnie Miller House on Northeast Thompson Street, the 1913 John A. and Hattie Keating Residence on Southwest St. Helens Court and the Britt Garden site in Southern Oregon's Jacksonville.

Reopening the full route

Members of a group trying to preserve the full two-mile zoo railway site submitted to the city and state commissions a 73-page nomination report prepared in late March by Portland researcher Melissa Darby. Former Oregon Zoo employee Dana Carstensen of Hillsboro is working to get Metro and the city of Portland to reopen the full zoo railway route after changes six years ago cut the ride from nearly 40 minutes through the entire Washington Park area, to about six minutes, winding through only zoo property.

Portland Parks and Recreation's January 2018 Washington Park master plan update outlined the city's intention to convert most of the old zoo railway route into trails. According to the plan, since September 2013, the railway corridor was closed because of "unstable conditions and cost to repair the tracks outside the Oregon Zoo." The plan includes a pedestrian and bicycle trail on part of the rail route that could improve safety in the area. Washington Park already has about 15 miles of trails that wind past Hoyt Arboretum and the Rose Test Garden.

Nominating the full railway route to the National Register of Historic Places won't stop the city and Metro from converting part of the route to trails, but it could throw extra steps in the way.

According to Darby's nomination report, a half-mile section of the railway was constructed in 1958. It was expanded to two miles in 1959. The route through Washington Park took more than 30 minutes and wound through forested areas and over wooden trestles built for the 30-inch gauge rails.

In 2013, the southern half-mile of track on zoo property was removed to make way for reconstruction of exhibits funded by a bond measure. A year later, a new alignment on the north side of the zoo site was built, which includes a new steel and wood trestle.

The Portland Mercury

Portland Police Bureau Has a Major Overtime Problem, City Audit Finds

By Blair Stenvick

October 1, 2019

Eight percent of all dollars the Portland Police Bureau (PPB) spent in the 2017-18 fiscal year went to paying officers overtime wages. That's \$15.7 million out of PPB's total annual expenses of \$188 million.

That's just one eye-popping statistic from a new city audit on PPB overtime practices, which suggests the bureau is lax in how it monitors overtime—and is risking the quality of officers' work because of it.

In 2018, one officer worked 97 hours in a seven-day work week.

“This is an extreme case,” reads the audit, “but working substantial hours of overtime is not uncommon among patrol officers in the Bureau. In 2018, patrol officers worked more than 20 hours of overtime in one week 1,100 times.”

The audit identifies some straightforward challenges that come with relying too heavily on overtime: Because officers make one-and-a-half times their normal hourly wage when working overtime, it puts a financial strain on the bureau; and some officers interviewed for the audit said they “feel pressure to work more overtime than they want to.” But officers working 20 or more hours of overtime a week on a regular basis can also result in exhaustion, which can lead to poor community-police relations.

“A short-tempered, rude, or dismissive police officer provides a handy excuse for negatively stereotyping the officer, his or her department, or the profession,” reads a 2012 article in *Police Quarterly*, which is quoted in the audit.

The audit also notes that “researchers have shown that fatigue is four times more likely to cause workplace impairment than alcohol or drugs.”

So why does PPB have such a problem with overtime? In a written response to the audit, Outlaw writes that “no discussion of police overtime is complete without recognizing the severe staffing restraints we are under.”

As of March, PPB had 75 unfilled positions. The audit doesn't dispute that a staffing shortage is one component of the overtime issue, but it says the extent to which PPB blames that shortage is "an incomplete and inaccurate story."

The audit finds that the bureau's overtime problem is also caused by lax management, technical flaws, and a secondary employment program that isn't carefully monitored.

At PPB, the decision of when to approve overtime is largely "decentralized," the audit notes, meaning individual patrol sergeants have a lot of discretion over the matter. Commanders, who oversee police precincts, are supposed to "monitor reports to evaluate whether overtime is justified or could be minimized," but that kind of monitoring doesn't always happen. This means sergeants are free to make decisions that contribute to the overtime problem without any formal consequences or oversight. Those decisions might include overstaffing a particular shift, or approving too much officer time off, forcing the precinct to use officers' overtime hours to fill the schedule gaps.

"The North Precinct approved too much leave at the greatest rate," the audit reads, "which caused overtime for 41 percent of its afternoon shifts in 2018."

PPB requires sergeants to give a reason when granting overtime, such as "demonstrations/strike" or "case follow-up." The audit found that often sergeants will indicate the reason is "personnel shortage"—but because of a glitch with PPB's software that was present in both 2017 and 2018, it was possible for many officers to be assigned to an overtime shift, even when only or two were needed to meet the shift minimum. According to PPB, that glitch has since been corrected.

The audit recommends PPB keep closer documentation of when large protests or events requiring extra officers occur, so that it will be easier to track how big a role those events play in the overtime issue.

The audit also makes some recommendations regarding PPB's "secondary employment program," in which private organizations and companies can contract with PPB to have officers provide security services at their events. The contracts are arranged through the police union, and PPB policy limits officer participation in the program to 20 hours a week.

That limit was violated 39 times in 2018.

On top of the strain the secondary employment program puts on PPB's already extensive use of overtime, it can also contribute to poor public perception of police officers. PPB requires all events the program serves have a "benefit to the public" and be apolitical; however, the audit says, that rule is not always followed.

On top of that, allowing publicly-employed police officers to be subject to the whim of private business owners allows for serious conflicts of interest. Some commanders interviewed in the audit said they "struggled at times to reconcile requests for police services with the Bureau's approach to racial equity."

"I didn't want to hire out officers to police someone else's bias," one high-ranking police employee told city auditors.

Commanders sometimes turn down these requests because they suspect their officers will be asked to "target people of color." But there is no ability to name this reason as grounds for denying a contract, forcing commanders to give another reason for turning down the request.

In her written response, Outlaw says that most of the problems identified in the audit have either already been solved, or are in the process of being worked out. But when responding to the suggestion that PPB limit the number of overtime hours an officer can work in a week—in San

Francisco, officers are limited to 20 overtime hours—Outlaw points out that such a requirement would need to be negotiated in the next round of police contract bargaining sessions.

“We will work with the Bureau of Human Resources to include it in the next round of contract negotiations,” Outlaw writes in her response.

Those negotiations are expected to begin in the next few months.

The Daily Journal of Commerce

Where historic preservation and housing density collide

By Chuck Slothower

September 26, 2019

A plan to encourage more dense housing projects in certain zones across Portland is raising the ire of Historic Landmarks Commission members, who fear it will encourage demolitions and sideline their ability to regulate building height and size in historic districts.

Commission Chairwoman Kristen Minor is at work on a letter to the City Council ahead of the council’s Wednesday meeting, when the group is scheduled to take up the zoning policies – known as Better Housing by Design – for two hours of discussion. A vote could be held in November.

During a Historic Landmarks Commission meeting on Monday, Minor said the Planning and Sustainability Commission’s agenda is creating a conflict.

“Some parties would not like this commission to have a say over a project’s bulk or height,” she said. “That’s one of the key measures of compatibility.”

Minor told her fellow commissioners that she was inclined to make their objections known.

“I for one believe we should go in guns blazing to City Council, but I appreciate your discussion on this,” she said.

The Historic Landmarks Commission members’ concerns underscore the tension between their role – “maintaining and enhancing Portland’s historic and architectural heritage,” according to the city’s website – and Portland’s greater policy push to build more housing units throughout the city. That is something Mayor Ted Wheeler and others have sought as a key solution to Portland’s housing crisis.

Better Housing by Design would give larger height bonuses for affordable housing in multi-dwelling zones. It would also provide greater heights for buildings with 50 percent or more units made affordable at 60 percent of area median income – a provision intended as an incentive for nonprofit affordable housing developers.

“This is of course related to the housing crisis, and wanting to make better use of housing opportunities when they arise,” said Bill Cunningham, a Bureau of Planning and Sustainability project manager.

The proposal would also allow the transfer of floor area ratio to historic districts, enabling greater building heights in exchange for seismic upgrades. Earlier attempts by city officials to encourage seismic retrofits have run into roadblocks.

The proposal also would establish “base” floor area ratios. In a draft letter to the City Council, the Historic Landmarks Commission protested that provision.

“Giving developers of projects extra bulk or height in historic districts creates less predictability and more opportunity for contentious hearings for projects in these districts,” the letter dated Sept. 9 states. “Increasing a new development’s height or bulk (beyond code ‘maximums,’ which are themselves not always approvable in every situation) will not always meet Historic Review approval criteria. The (commission) strongly opposes opportunities to ‘earn’ more bulk in these areas, even for deeply needed affordable housing.”

The letter also states that a provision to allow measurement from a low point below the sidewalk would encourage tuck-under garages.

Better Housing by Design would apply to multi-dwelling residential zones (R1, R2, R3 and RH in zoning jargon) outside the Central City. In practice, much of this property lies in East Portland. The proposal would also affect the Alphabet and King’s Hill historic districts in Northwest Portland.

Cunningham said there’s nothing in Better Housing by Design that would remove the Historic Landmarks Commission’s authority to govern building height and bulk in historic districts. Among the commission’s primary tasks is reviewing development proposals on properties within historic districts.

“That’s not changing at all through this proposal,” Cunningham said. “They would continue to have the discretion to change (designs) based on context.”

Nevertheless, Historic Landmarks Commission members fear the proposal would sideline their review authority. Minor pointed to another city planning project, Design Overlay Zone Amendments (DOZA), that would limit the Design Commission’s discretion in certain neighborhoods.

“It’s kind of been this implicit threat that the Landmarks Commission would also lose purview,” Minor said. “It would be a vastly different thing for us to lose that. They are in the position of wanting more height and density just about anywhere,” she said, referring to the Design Commission. “Whereas for us, there are definitely situations in historic districts where the maximums allowed under the code would result in noncompatible projects.”

Minor said the Historic Landmarks Commission is on board with the city’s overall goals to increase housing density. But, she added, the Better Housing by Design proposal should do more to discourage demolitions.

“The code has definitely swung in the direction to build our way out of the housing crisis,” she said. “That’s certainly part of the picture – but we also have to sustain what we have.”

OPB

Portland Auditors Find Lack Of Oversight Fueling Excessive Police Overtime

*By Rebecca Ellis
October 1, 2019*

An overreliance on overtime has worn out Portland police officers, leaving the force susceptible to burnout and on-the-job injuries, according to a report out Tuesday from the Portland City Auditor.

The audit found officers cumulatively worked more than 240,000 extra hours in 2018. In one extreme case, a patrol officer worked 97 hours over seven days — more than double a regular workweek.

In response to the audit, Chief Of Police Danielle Outlaw called the bureau's reliance on overtime "a significant issue" they were well aware of, rooted in a severe staffing shortage.

"While we are always looking for ways to better manage the use of overtime, the bulk of our overtime expenditure is driven by personnel shortages," Outlaw wrote in a letter addressed to City Auditor Mary Hull Caballero.

The audit called this reasoning "faulty," and said the numbers presented to City Council to back up the "personnel shortage" explanation tell "an incomplete and inaccurate story." Instead, the report points the finger at poor management. The report says commanders in charge of the precincts, who are supposed to monitor reports to gauge overtime trends, are being left in the dark as these reports aren't being produced.

"If sergeants had access to timely reports, they could have determined whether the unusual overtime was caused by operational needs or improper timekeeping," the report reads.

Auditors also laid some of the blame for the 242,000 overtime hours last year on a faulty time-keeping system that did not reflect an officer's shift assignments or who authorized the overtime.

"We found that inadequate data collection and reporting limited police supervisors' ability to effectively control overtime for patrol officers," the report states.

While the audit critiques the high levels of police overtime in 2018, it acknowledges that the numbers are actually down slightly from 2017, when police logged more than 247,000 overtime hours.

The audit suggests putting a hard limit on how much overtime officers can work, similar to police forces in Denver and San Francisco. Seattle also has an overtime cap, but at 50 hours beyond the standard 40-hour workweek auditors were skeptical, writing that it's "so high it may not be useful to prevent officer fatigue."

It's not just extra patrol shifts officers are picking up. The audit found officers may be drained by the secondary jobs the bureau permits officers to pick up on the side.

The bureau offers a secondary employment program, where private employers contract with the bureau to use officers and sergeants as security at events like concerts, sporting events and festivals. The bureau pays officers at an overtime rate and bills the outside employers for the costs.

Officers are only allowed to work 20 hours per week doing these outside jobs. But the audit said the rule is seldom enforced with 14 officers or sergeants violating the limit 39 times in 2018. However, the audit said that in this case again, the problem was worse in 2017. Officers worked 30% more hours of “secondary employment” in 2017 than last year.

In an effort to rein in overtime usage, auditors recommend staff provide supervisors with reports on overtime usage, the bureau improve data collection and begin placing limits on overtime.