

The Oregonian

Safeway customer sues store over 1% surcharge on items in Portland

*By Everton Bailey Jr.
October 21, 2019*

A Safeway customer in Portland is suing the store over having to pay an extra charge on certain non-grocery items that he said he didn't know would be charged until he saw his receipt.

The complaint, filed Monday in Multnomah County Circuit Court, is the second class action lawsuit against a business in Portland passing on a surcharge to customers in apparent response to a new 1% city tax on certain large retailers.

It accuses Safeway of unlawful trade practices and unjust enrichment for charging a 3-cent surcharge on a bottle of wine advertised for \$3.33. The first lawsuit was filed against AT&T for charging its wireless phone customer a 5-cent surcharge.

Portland officials have said AT&T shouldn't have been charging customers in connection with the Clean Energy Surcharge because as a utility company, they are exempt from the tax. The city hasn't announced any exemption for Safeway. It has said large retailers subject to the tax are free to raise prices or pass along surcharges of their own that appear on receipts. They can't imply or say the clean energy surcharge is a customers' tax, according to Tyler Wallace, Portland's tax division manager.

The plaintiffs in both lawsuits are represented by Portland attorney Michael Fuller. Albertsons, which owns Safeway, didn't immediately respond to a request for comment.

"Shame on Safeway and shame on AT&T for doing this," Fuller said Monday. "It's not only unfair to customers, who are made to feel like this is a tax on them, but it's also unfair to other businesses who are legitimately just paying the tax."

Since Jan. 1, all large retailers have to pay a 1% surcharge on revenue from retail sales in Portland. Under the terms of the voter-approved measure, those are businesses with at least \$1 billion in annual national revenue and at least \$500,000 in yearly Portland sales.

Exempt are utilities, credit unions, co-ops and the sales of health care services, most groceries, medicine and drugs.

AT&T said Oct. 11 that they were told by the city that they are exempt from the tax and would be issuing refunds to customers. The company declined to provide any more information, including when the refunds would be given or how much money was collected from customers. It appears wireless customers have been hit with a surcharge since spring.

City officials say they can't provide a list of companies required to pay the tax or which ones have paid so far, saying whether tax returns have been filed or how much in sales they reflect is protected financial information. The city estimates 500 to 1,000 companies are subject to the new tax and the city has collected about \$11 million thus far.

The business tax is meant to help raise funds for clean energy projects, energy-saving retrofits for low-income homeowners and renters, green infrastructure and the creation of living-wage green energy jobs. Plans to spend the tax are meant to give priority to helping under-served Portland populations, communities of color and low-income residents.

The Portland Tribune

Wheeler appoints new director of Office of Youth Violence Prevention

*By Jim Redden
October 21, 2019*

Nike Greene will replace Antoinette Edwards, who retired in July after 10 years in the position charged with addressing the root problems of unsafe neighborhoods.

Portland Mayor Ted Wheeler has appointed the next director of the Office of Youth Violence Prevention. Nike Greene will replace Antoinette Edwards, who retired in July after 10 years in the position.

Greene joins the mayor's office from the Portland's Center for Performing Arts, where she currently serves as the director of education and community engagement. She also is a licensed marriage and family therapist, and ministers alongside her husband, Pastor Herman Greene, at Abundant Life PDX Church in North Portland.

"Nike Greene endeavors to bring healing, inspiration and a message of hope to all she serves through her tireless community engagement," Wheeler said. "We're confident she will continue the positive and powerful work being done by the OYVP to support communities to live free from violence and to offer trauma informed care to those who need it the most."

According to the city website, the Office of Youth Violence Prevention was created in July 2006. It reflects priorities identified by the City Council to build a more family-friendly city and to increase public safety, and with an emphasis on attacking the root causes of problems in neighborhoods, rather than simply focusing on policing efforts. The office is staffed by a director and policy manager who coordinate resource services, administrate grant funding to private non-profit organizations, and facilitate and join community problem-solving.

Greene has more than 10 years of experience in management, community engagement, re-entry, youth advocacy, mentoring and youth violence prevention and interruption, the mayor's office said. She has a master's degree in marriage and family therapy from George Fox University and a bachelor's degree from Warner Pacific University. Greene also is the mother of four children and coaches girls basketball at Roosevelt High School. Her first day as director will be Tuesday, Nov. 12.

Council considers marijuana-tax grants

*By Jim Redden
October 22, 2019*

City program is intended to help people affected by the criminalization of pot before it was legalized

The Portland City Council will consider awarding \$631,321 to a variety of local organizations through the Cannabis Social Equity Grant Program on Wednesday, Oct. 23.

The program is funded by the 3% city tax on legal cannabis businesses and is administered by the Office of Community & Civic Life. It is intended to help compensate for the disproportionate impacts of marijuana criminalization on marginalized communities before Oregon voters legalized recreational use of the drug in 2014.

"The City has an interest in encouraging entrepreneurship, supporting equitable access to the local cannabis industry, and taking steps to repair the damage caused by the inequitable development of policies and the inequitable enforcement and prosecution of cannabis laws. This includes direct assistance to cannabis businesses, especially women-owned and minority-owned businesses," reads the resolution to be considered by the council.

The proposed grants include:

- \$71,321 to SE Works Inc. to provide job training, education and related services to young adults 18-24, charged in the adult justice system with drug and/or property crimes living in Neighborhood Prosperity Initiative areas, with a focus on advancing equity for youth of color.
- \$100,000 to Constructing Hope Pre-Apprenticeship Program to provide 10-week construction skills and life skills training classes and comprehensive support to move unemployed and underemployed Portlanders into careers with middle-class wages in the skilled construction trades.
- \$60,000 to Voz Workers' Rights Education Project to provide a foundational level of job skills, workplace safety, workplace communication competency and practical field experiences, and to implement a skilled wage scale and leverage higher wages for day laborers.
- \$100,000 to Portland Opportunities Industrialization Center, Inc. to provide work-force development and life skills coaching to low-income youth and young adults of color in construction-specific job skills, hands-on experience and industry certifications, preparing them to enter full apprenticeships and living-wage construction careers.
- \$150,000 to Metropolitan Public Defenders Services Inc. to perform expungement services, including preparing paperwork holding clinics with community partners, establishing a Community Advisory Board to guide the program and establishing a coalition of organizations with shared interest in reforming expungement laws.
- \$150,000 to Green Hop, LLC to provide a 10-week accelerated cannabis workforce-training program and an apprenticeship program and workforce incubator. Green Hop Academy will connect historically underserved populations with entry-level job experience in the cannabis industry and career-level experience for people in underserved populations.

This is the second year of the program. The council approved \$350,000 in similar grants last year.

Willamette Week

Portland Rejects Permit for Zenith Energy to Expand By Building Three New Pipes

*By Rachel Monahan
October 21, 2019*

This doesn't shut down the facility or limit oil trains, but it does mean the city is willing to hold the line on its regulations limiting fossil fuel infrastructure.

The city of Portland has rejected an application by Zenith Energy to build three new pipes capable of carrying fossil fuels under city streets.

Citing the city's ban on expanding fossil fuel infrastructure, officials with the Office of Community Technology rejected the permit application.

"In its request, Zenith acknowledged that 'the proposed new pipes will be physically capable of transporting fossil fuels....' the Oct. 18 letter from Office of Community Technology interim director Elizabeth Perez states. "However, in 2015 the City Council adopted binding City policy to oppose the expansion of infrastructure for transporting or storing fossil fuels in or through Portland or adjacent waterways."

The Office of Community Technology handles franchise agreements, and the use of city streets for pipeline falls under their purview.

Representatives of Zenith Energy and Mayor Ted Wheeler did not immediately respond to requests for comment.

Environmental groups have been fighting Zenith Energy's use of the site for oil trains. Nothing in this decision prevents the use of the site for those purposes, but a decision to block further expansion of the infrastructure was considered a necessary step.

A coalition of environmental groups had called on the city to block the expansion of facilities there, citing not just the city's ban on new fossil fuel infrastructure but also the danger of other chemicals that the pipes might carry.

"We strongly urge OCT to consider the binding City policies that an approval would violate and the significant risk to public health and the environment these new pipes would create," the Oct. 11 letter from Erin Saylor, staff attorney for the nonprofit group Columbia Riverkeeper, on behalf of a more than a dozen environmental groups.